

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. DEBRA A. JAMES PART IAS MOTION 59EFM

Justice

-----X

TATIANA AKHMEDOVA,

Plaintiff,

- v -

FARKHAD AKHMEDOV, COTOR INVESTMENT, S.A.,
QUBO 1 ESTABLISHMENT, QUBO 2 ESTABLISHMENT,
STRAIGHT ESTABLISHMENT, AVENGER ASSETS
CORPORATION,

Defendant.

-----X

INDEX NO. 155688/2018

MOTION DATE 11/13/2019

MOTION SEQ. NO. 003

**RESETTLED DECISION +
ORDER ON MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 003) 58, 59, 60, 61, 63, 81

were read on this motion to/for MODIFY ORDER/JUDGMENT

ORDER

Upon the foregoing documents, it is

ORDERED that the Order of this Court dated September 30, 2019,
is resettled pursuant to CPLR 5019(a) as follows:

FILED
JAN 27 2020
COUNTY CLERK'S OFFICE
NEW YORK

TATIANA AKHMEDOVA,

Plaintiff,

- v -

FARKHAD AKHMEDOV, COTOR INVESTMENT, S.A.,
QUBO 1 ESTABLISHMENT, QUBO 2 ESTABLISHMENT,
STRAIGHT ESTABLISHMENT, AVENGER ASSETS
CORPORATION,

Defendant.

TATIANA AKHMEDOVA,

Plaintiff,

- v -

FARKHAD AKHMEDOV, COTOR INVESTMENT, S.A.,
QUBO 1 ESTABLISHMENT, QUBO 2 ESTABLISHMENT,
STRAIGHT ESTABLISHMENT, AVENGER ASSETS
CORPORATION,

Defendant.

ORDER

WHEREAS, on June 15, 2018 Plaintiff Tatiana Akhmedova ("Plaintiff") commenced the above-captioned action against defendants Farkhad Akhmedov, Cotor Investment, S.A., Qubo 1 Establishment, Qubo 2 Establishment, Straight Establishment and Avenger Assets Corp. (collectively, "Defendants") for an order entering judgment pursuant to New York Civil Practice Laws and Rules ("CPLR") Article 53, on the basis of two foreign judgments against Defendants obtained in the High Court of the United Kingdom (the "U.K. Judgments"); and

WHEREAS, on September 30, 2019 the Court granted summary judgment in Plaintiffs favor and against Defendants recognizing the U.K. Judgment dated December 15, 2016 in the amount of US \$166,743,728, plus interest at the statutory rate; and

WHEREAS, on September 30, 2019 the Court granted summary judgment in Plaintiffs favor and against defendant Straight Establishment recognizing the U.K. Judgment dated March 21, 2018 in the amount of US \$487,278,000, plus interest at the statutory rate; it is hereby

ADJUDGED that Plaintiff Tatiana Akhmedova shall have judgment and recover from Defendants Farkhad Akhmedov, Cotor Investment, S.A., Qubo 1 Establishment, Qubo 2 Establishment, Straight Establishment and Avenger Assets Corp. (joint and severally), the sum of:

1) US \$166,743,728;

2) US \$37,240,955.36 (8% per annum pre-judgment interest awarded pursuant to the terms of the U.K Judgment, calculated from December 15, 2016 through September 30, 2019);

3) US \$550 (statutory costs and disbursements);

totaling US \$203,985,233.36, plus \$5,985,428.68 in interest at the statutory rate of 9% from September 30, 2019 at the per diem rate of US \$50,297.72 per day, up to and until the

date of entry of judgment, in all the sum of US
X \$ 209,970,662.04 and that Plaintiff have execution thereof;
and it is further

ADJUDGED that Plaintiff Tatiana Akhmedova shall have judgment
and recover from Defendant Straight Establishment the sum of:

1) US \$487,278,000;

plus \$ 14,297,938.06 in interest at the statutory rate of 9%
from September 30, 2019 at the per diem rate of US \$120,150.74 per
day, up to and until the date of entry of judgment, in all the

X sum of US \$ 501,575,938.06 and that Plaintiff have execution
thereof; and it is further

ORDERED AND ADJUDGED that the payments toward either of the
foregoing judgments shall reduce pro tanto the amount outstanding
on the other judgment; and it is further

ORDERED AND ADJUDGED that post-judgment interest shall run on
the above judgments in the amount of 9% per annum pursuant to N.Y.
CPLR § 5004 until the date of payment; and it is further

ORDERED AND ADJUDGED that this Court reserves jurisdiction
over the parties and action to enforce this judgment.

DECISION

This court finds that plaintiff has sufficiently
established that the two foreign money judgments in question,
entered by the Family Division of the English High Court, are
each final, conclusive and were enforceable when rendered, and

that neither of the CPLR §5403(a) mandatory grounds for non-recognition apply here. Nor have defendants met their burden of persuading the court that it should deny recognition on discretionary grounds.

Defendant does not assert that the English judicial system in general fails to protect litigants' due process rights. Instead, he challenges the British tribunal's application of an exception to his attorney client privilege. Such argument fails because CPLR 5304(a)(1) refers to "a **system** which does not provide impartial tribunals or procedures compatible with the requirements of due process of law", but not to any particular procedure of that tribunal (Harvardsky Prumyslovy Holding, A.S.- V Likvidaci v Kozeny, 166 AD3d 494, 494-495 [1st Dept. 2018][emphasis supplied]). Thus, defendant fails to raise a "non-frivolous" ground for non-recognition, and this court need not ascertain whether it has personal jurisdiction over the defendant. On such basis, this court shall deny defendants' cross motion to dismiss plaintiff's summary judgment motion in lieu of complaint.

Likewise, this court agrees with plaintiff that defendant has not come forward with any evidence of a final and conflicting Russian judgment, and therefore, his challenge pursuant to CPLR 5304(b)(5) lacks any merit.

Nor, as argued by plaintiff, is there any merit to defendant's argument that the "cause of action on which the judgment is based is repugnant to public policy of this state" under CPRL 5304(b)(4), as the cause of action underlying the English judgments is simply the equitable distribution of the assets of dissolved marital estate of the parties. This court also finds that, in compelling the testimony of defendant's attorney, the English court did not violate any public policy of New York state, as such compunction was based upon the same analysis and/or exceptions found in New York state law (see, e.g., Matter of Bekins Record Storage Co., Inc. v Morgenthau, 62 NY2d 324, 329 [1984]).

1/10/2020
DATE

DEBRA A. JAMES, J.S.C.

CHECK ONE:	<input checked="" type="checkbox"/> CASE DISPOSED	<input type="checkbox"/> DENIED	<input type="checkbox"/> NON-FINAL DISPOSITION	<input type="checkbox"/> OTHER
APPLICATION:	<input checked="" type="checkbox"/> GRANTED	<input type="checkbox"/> DENIED	<input type="checkbox"/> GRANTED IN PART	<input type="checkbox"/> OTHER
CHECK IF APPROPRIATE:	<input type="checkbox"/> SETTLE ORDER	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/> SUBMIT ORDER	<input type="checkbox"/> FIDUCIARY APPOINTMENT
			<input type="checkbox"/> REFERENCE	

Plaintiff

Tatiana Akhmedova
Somerton House
St. George's Hill
Weybridge
Surrey
KT13 0NR

Defendants

- ① Farkhad Akhmedov
17 Mirza Shafi Street, Old City
Baku, Azerbaijan
- ② Cotor Investment SA
Anzola Robles & Asociados
Credicorp Bank Plaza, 26th Floor
Nicanor de Obarrio Avenue, 50th street
Panama City, Panama
- ③ Qubo 1 Establishment
Walpart Trust
Zollstrasse 2
9490 Vaduz, Liechtenstein

Milton A. Tingling
CLERK

- ④ Qubo 2 Establishment
Walpart Trust
Zollstrasse 2
9490 Vaduz, Liechtenstein
- ⑤ Avenger Assets Corp.
Anzola Robles & Asociados
Credicorp Bank Plaza, 26th Floor
Nicanor de Obarrio Avenue, 50th Street
Panama City, Panama
- ⑥ Straight Establishment
Walpart Trust
Zollstrasse 2
9490 Vaduz, Liechtenstein

FILED

JAN 27 2020

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF NEW YORK

TATIANA AKHMEDOVA,

Plaintiff,

-against-

FARKHAD AKHMEDOV, COTOR
 INVESTMENT, S.A., QUBO 1
 ESTABLISHMENT, QUBO 2
 ESTABLISHMENT, STRAIGHT
 ESTABLISHMENT and AVENGER ASSETS
 CORPORATION

Defendants.

Index No. 155688/2018

BILL OF COSTS

I HEREBY CERTIFY THAT I HAVE
 ADJUSTED THIS BILL OF COSTS AT
 \$ 550.00 pursuant to judgment dated
 1/16/2020.

JAN 27 2020

[Signature]
 CLERK

Costs		Disbursements	
Costs as of Right		Index No. Fee CPLR 8018(a)	\$210
Cost before Note of Issue, CPLR 8201(1)	\$200	Referees' Fee, CPLR 8301(a)(1), 8003(a)	
Costs after Note of Issue, CPLR 8201(2)		Commissioners' Compensation, CPLR 8301(a)(2)	
Trial of Issue, CPLR 8201(3)		Clerk's Fee, filing Notice of Pend or attachment, CPLR 8021(a)(1)	
Real Property Actions CPLR 8302(a)(b)		Entering and Docketing Judgment, CPLR 8301(a)(7) 8016(a)(2)	
Mortgage Foreclosure CPLR 8302(d)		Paid for searches CPLR 8301(a)(10)	
		Affidavit & Acknowledgment CPLR 8009	
Court Allowed Costs		Serving notice of petition & petition CPLR 8011(h)(1) & 8301(d)	
Motion Costs CPLR 8202		Request for judicial intervention	\$95
Mortgage Foreclosure, CPLR 8303(a)(1)		Note of Issue CPLR 8020(a)	
Difficult or Extraordinary Case, CPLR 8303(a)(2)		Paid referee's report CPLR 8301(a)(12)	
Partition of real property, CPLR 8303(a)(3)		Certified copies of papers CPLR 8301(a)(4)	
Fiduciary will/trust construction CPLR 8303(a)(4)		Satisfaction piece CPLR 5020(a)	
Disposition of Infant Property CPLR 8303(a)(5)		Transcripts and filing CPLR 8021	
Motion to Enforce Judgment CPLR 8303(b)		Certified copy of judgment CPLR 8021	
Costs and Sanctions CPLR 8303-a, Rule 130.1		Postage CPLR 8301(a)(12)	
		Jury Fee CPLR 8020[c]	
Appeal Costs		Stenographers' Fees CPLR 8002, 8301	

	Appeal to Appellate Term, CPLR 8203(a)		Sheriff's fees on execution CPLR 8011, 8012	
	Appeal to Appellate Division CPLR 8203(b)		Sheriff's fees, attachment, arrest, etc, CPLR 8011	
	Appeal to Court of Appeals CPLR 8204		Paid Printing cases CPLR 8301(a)(6)	
			Clerks Fees Court of Appeals CPLR 8301(a)(12)	
	Total Costs	\$ 200	Paid copies of papers CPLR 8016(a)(4)	
	Total Disbursements	\$ 350	Motion Expenses CPLR 8301(b)	\$45
	Total Costs and Disbursements	\$ 550	Fees for Publication CPLR 8301(a)(3)	
			Serving Subpoena CPLR 8011(h), 8301(d)	
			Paid for search CPLR 8301(a)(11)	
			Referee's Report	
			Attendance of witness CPLR 8001(a)(b)(c), 8301(a)(1)	
			Other (service of process overseas)	

The undersigned, an attorney admitted to practice in the courts of this state, affirms that he is an attorney, duly admitted to practice before the courts of the state of New York that she has reviewed the foregoing Bill of Costs, and that each of the disbursements listed therein has or will necessarily be made or incurred in this action, are reasonable in amount, and in accordance with the statutory provisions listed herein. The foregoing is true under penalties of perjury.

Dated: New York, New York
January 16, 2020

HOLLAND & KNIGHT LLP

By:



James H. Power
31 W. 52nd Street
New York, New York 10019
Tel.: (212) 513-3200
Fax: (212) 385-9010
Email: james.power@hkllaw.com

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

TATIANA AKHMEDOVA,

Plaintiff,

-against-

FARKHAD AKHMEDOVA, COTOR INVESTMENT, S.A., QUBO 1 ESTABLISHMENT, QUBO 2 ESTABLISHMENT, STRAIGHT ESTABLISHMENT and AVENGER ASSETS CORPORATION,

Defendants.

JUDGMENT

HOLLAND & KNIGHT LLP

Attorneys for Plaintiff

31 West 52nd Street
New York, N.Y. 10019
(212) 513-3200

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated: Signature
Print Signer's Name

Service of a copy of the within is hereby admitted.

Dated:
Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

NOTICE OF ENTRY that the within is a (certified) true copy of a entered in the office of the clerk of the within-named Court on 20

NOTICE OF SETTLEMENT that an Order of which the within is a true copy will be presented for settlement to the Hon. at on 20, at M.

Dated:

FILED AND DOCKETED

JAN 27 2020

Attorneys for

HOLLAND & KNIGHT LLP

To: AT 11:14 A.M. N.Y., CO. CLK'S OFFICE

31 West 52nd Street
New York, N.Y. 10019

Attorney(s) for