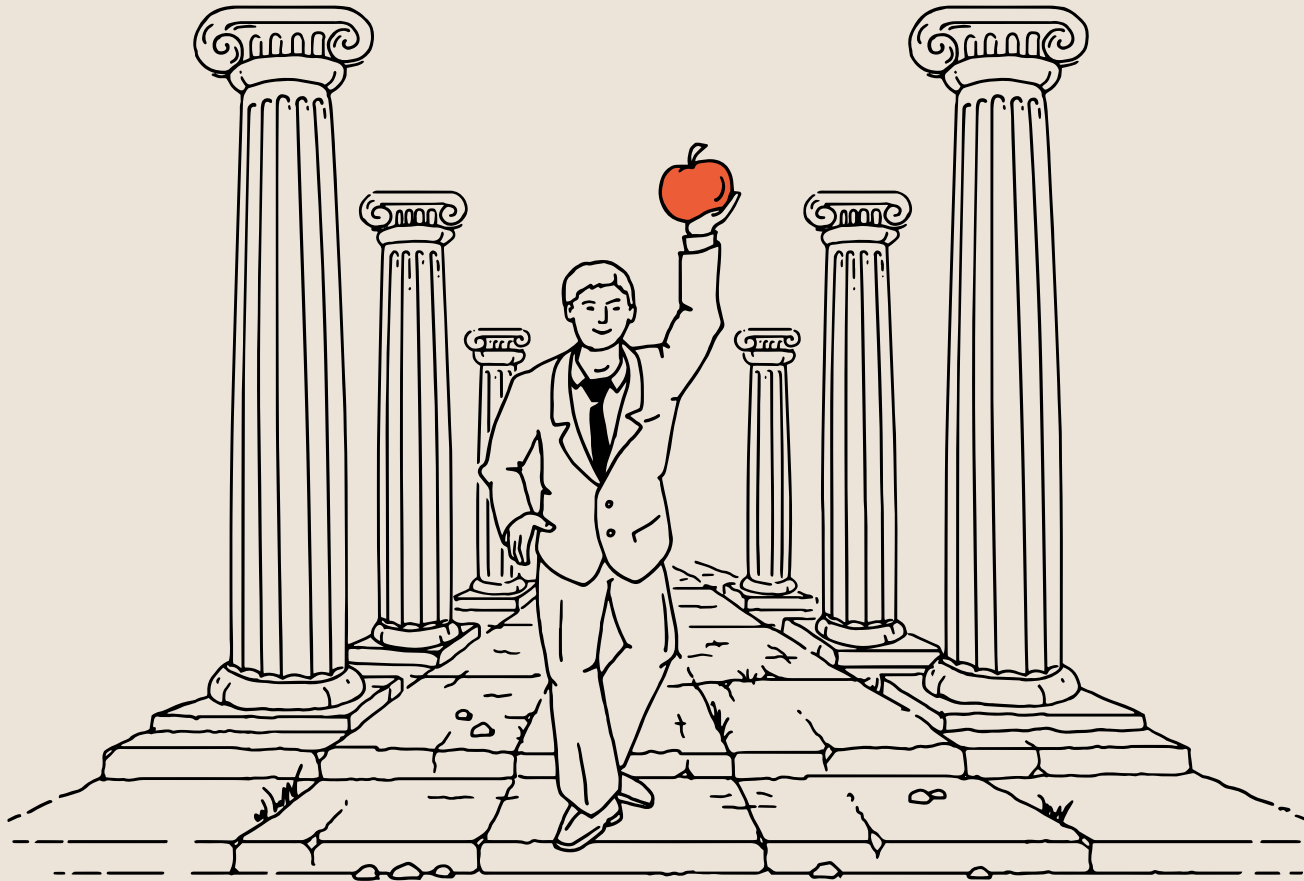


ALRUD



(NON-) MYTHS about the liability
of management and beneficiaries

Corporate liability of management

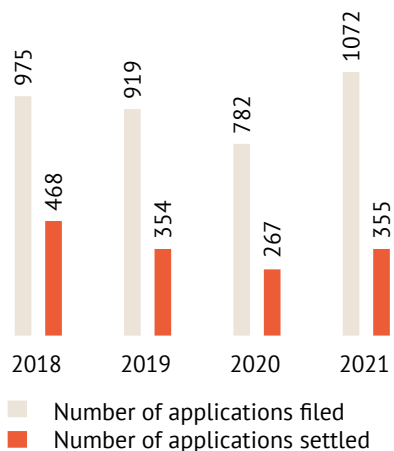
(NON-) MYTH 1: THE APPLE OF DISCORD, OR CORPORATE LIABILITY OF MANAGEMENT FOR LOSSES CAUSED TO A COMPANY

In ancient Greek myths, Eris, the goddess of strife, dropped a golden apple with the inscription "To the most beautiful" on the banquet table at the wedding of Peleus and Thetis. According to legend, this golden apple caused a quarrel between three goddesses – Hera, Athena and Aphrodite – since money and a lust for power often become causes of conflict.



A company's management must act in the interests of the legal entity they are managing in good faith and reasonably, as a «caring owner» or «bona fide merchant»¹. The controlling person of a company who has committed unfair and/or unreasonable actions must compensate for any losses caused to the company by such behaviour.

A few statistics



Who can be held liable?

- Executive body or management organisation
- Members of collegial bodies: board of directors or the management of a corporation
- Members, direct or indirect
- The actual controlling persons who have the realistic power to determine the company's actions and provide instructions to management (shadow directors or hidden beneficiaries)

What can management be held liable for?

In accordance with Article 53.1 of the Civil Code of the Russian Federation, grounds for liability include losses incurred by a company as a result of unfair and/or unreasonable actions. However, courts rarely distinguish between the unfairness and unreasonableness of the actions of a company's controlling persons.

Unfairness:

- Conflict of interest (other than advance disclosure)
- Providing misleading information/concealing information
- Concluding a transaction without the required approval
- Failure to transfer documentation and committing actions that run counter to a company's interests.

Unreasonableness:

- Adopting a decision without taking into account known information
- Failure to receive the necessary information prior to adopting a decision
- Concluding a transaction without the normally required procedures, although receiving the necessary approvals does not absolve a person of liability².

Typical examples

1. Transactions with a company's property:

- Knowingly unprofitable transaction³
- Failure to collect receivables⁴
- Debt release/donations⁵
- Creating a «twin company» to generate income⁶.

2. Labour relations:

- In-house bonuses⁷
- Bonuses in the absence of grounds for such (prizes or «golden parachutes»)⁸
- Expenses for personal needs⁹
- Paying employees is not in the company's interests¹⁰.

3. Public law violations of corporate, labour, tax or other legislation¹¹.

Who can file a claim?

A company's liability based on the model of derivative action: the plaintiff is the company itself. In addition to its sole executive body, a member can also file such a claim on behalf of the company. However, members of the board of directors do not have the right to file a such claim¹². The defendant is responsible for proving any unfairness/unreasonable actions that constitute grounds for liability.

Until the end of 2023, shareholders owning at least 5% of a company's ordinary shares are entitled to derivative action (Law No. 55-FZ dated 14 March 2022).

Scope

The amount of losses incurred by a legal entity that is proven with a reasonable degree of reliability.

Liability in bankruptcy cases

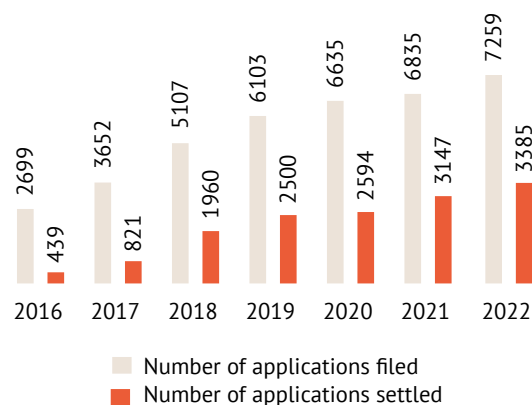
(NON-) MYTH 2: BETWEEN SCYLLA AND CHARYBDIS, OR SUBSIDIARY LIABILITY FOR THE INABILITY TO FULLY REPAY CREDITORS' CLAIMS

In ancient Greek mythology, Scylla and Charybdis were two monsters that settled in a narrow strait between Sicily and Calabria and killed sailors who dared to go through it. Scylla, a six-headed monster, would grab people from ships, while Charybdis would create a whirlpool nearby that would swallow entire ships, just like the claims of creditors and bankruptcy receivers for subjecting someone to subsidiary liability.



Subsidiary liability in bankruptcy cases is a means for recovering damages from controlling persons with simplified rules of proof¹³. Since 2016, **the number of applications has increased by 150%, with around 50% of applications being settled.**

A few statistics



Who can be held liable?

The debtor's controlling person (DCP) is a person who had the right to give binding instructions or otherwise determine actions at least three years before the debtor became insolvent. The law prescribes the presumption of control for a director or a direct or indirect member. Proof of control over the debtor was only de facto mandatory in bankruptcy cases until 2017.

A beneficiary is any person who has benefited from the debtor's activities. The concept of the beneficiary was introduced in 2017, but is applied retroactively (i.e., to actions committed before 2017), thus the absence of DCP status cannot constitute grounds for exemption from subsidiary liability¹⁴.

What can management be held liable for?

Actions resulting in the inability to pay creditors are regarded as actions that (a) caused the debtor's bankruptcy, i.e., actions without which bankruptcy would not have objectively occurred, or (b) actions that significantly worsened the debtor's financial status when bankruptcy was inevitable or had already occurred.

Who can apply?

A bankruptcy receiver, bankruptcy creditors, employees of the debtor (or their representatives) and the Federal Tax Service (applicable to all grounds for liability in bankruptcy) have the right to file applications for subsidiary liability.

Typical examples

1. Negotiating, concluding or approving of transactions on knowingly unfavourable terms or with a person who is knowingly unable to fulfil an obligation («fly-by-night company», etc.)
2. Providing instructions for obviously unprofitable operations
3. Appointment to management of persons whose operational results are not consistent with the interests of the organisation they manage
4. Creation and maintenance of a debtor management system that aims to systematically benefit a third party to the detriment of the debtor and its creditors, etc.¹⁵.

It must be proven that the alleged actions caused bankruptcy or significantly worsened the debtor's financial status once bankruptcy was inevitable or had already occurred.

Fault in bankruptcy (rebuttable presumption) is presumed if¹⁶:

1. Significant damage was caused as a result of the execution/approval of a transaction¹⁷
2. The debtor's documents were not transferred to the bankruptcy receiver, which significantly complicated the bankruptcy proceedings¹⁸
3. Documents that must be safeguarded are missing or distorted
4. Public-law obligations make up 50% of the total amount of the bankruptcy register due to violations¹⁹
5. False information was entered into the USRLE/ UFRILE (Federal Resource) as of the date bankruptcy was initiated.

How can liability risks be mitigated?

1. Prove that bankruptcy was caused by objective external factors (unfavourable market conditions, financial crisis, significant changes in business conditions, accidents, natural disasters, etc.)²⁰
2. Prove that risks were taken into account when adopting a substantiated business decision (good faith and reasonableness in making management decisions)²¹
3. Prove that the alleged actions aimed to prevent greater losses
4. A debtor's nominee directors are exempt from liability if the information provided by nominee directors helped to establish the actual controlling person, or if the debtor's or controlling person's property has been established²²
5. The subsidiary liability mechanism cannot be used to resolve corporate disputes²³.

Scope

Equal to the aggregate amount of all the creditor's outstanding claims unless proven otherwise²⁴. Subsidiary liability is the record holder in terms of the amounts recovered.

<NON-> MYTH 3: THE WINGED SANDALS OF HERMES, OR SUBSIDIARY LIABILITY FOR A DEBTOR'S FAILURE TO FILE FOR BANKRUPTCY

According to ancient Greek myths, wearing Hermes' sandals allowed people to fly at incredible speeds.

This is the speed at which general directors need to court with bankruptcy petitions based on case law



Who can be held liable?

The person who was responsible for filing the debtor's application/convening a meeting to decide whether to file the debtor's bankruptcy application with a court (CEO, shareholder or liquidator).

The obligation to file for bankruptcy occurs when a good faith and reasonable director should have objectively determined that there were signs of the debtor's insolvency in similar circumstances as part of standard management practice, taking into account the scope of the debtor's activities²⁴.

What can management be held liable for?

The failure to perform the duty to submit a debtor's application to an arbitrazh court (convene a meeting to decide on submitting the debtor's application to an arbitrazh court or take such a decision) in cases where there are formal signs of bankruptcy (Article 9 of the Bankruptcy Law).

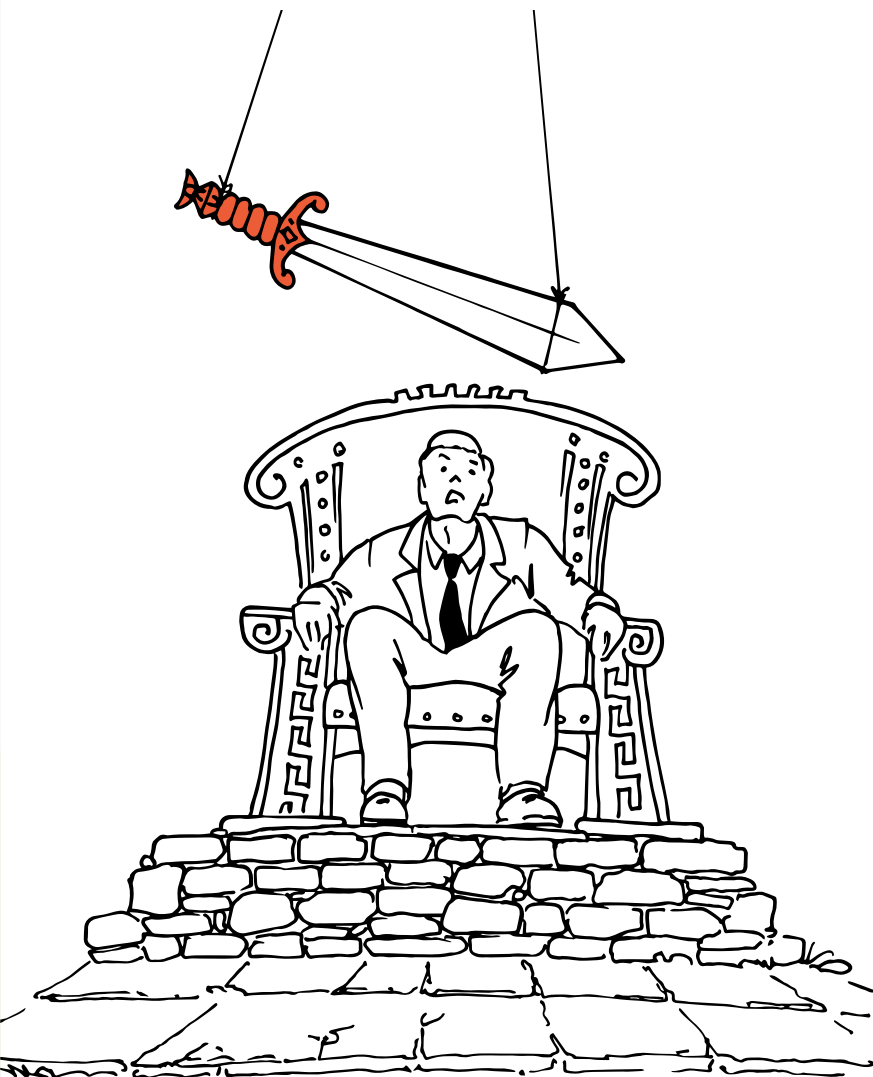
Grounds for exemption from liability:

1. The presence of a reasonable anti-crisis plan (not necessarily with that name). Such grounds may also include actions that are formalised in a different manner (e.g., correspondence with counterparties, public authorities, records of meetings, etc.)²⁵. However, the existence of a single document greatly simplifies the proof, since it immediately allows for proceeding with the review of the validity of the plan.
2. Absence of creditors' claims arising after a director fails to perform his/her duty²⁶.
3. A director provides public notification to an unlimited number of persons about the failure to perform his/her duty to file for a company's bankruptcy in court²⁷.

Scope

Equal to the amount of the debtor's obligations as of the expiration date of the one-month period for filing a bankruptcy application until the day on which bankruptcy is initiated.

(NON-) MYTH 4: SWORD OF DAMOCLES, OR LIABILITY FOR VIOLATING INSOLVENCY (BANKRUPTCY) LEGISLATION



According to Greek tradition, Dionysius the Elder, the ruler of Syracuse, suggested that his courtier Damocles, who regarded Dionysius as the happiest of mortals, sit on his throne for a day. Based on the tyrant's orders, Damocles was dressed in luxurious clothes, anointed with fragrant perfumes and took the ruler's seat; everyone made a fuss over him and fulfilled his every wish. During the middle of a feast, Damocles suddenly noticed that an unsheathed sword was hanging over his head on a horsehair, and came to realise the illusory nature of prosperity. In doing so Dionysius, who was extremely paranoid towards the end of his life, showed Damocles that a ruler is always on the verge of death. In the same way, the management of a large business currently runs the risk of being held liable for their decisions every day.

The rules of Article 53.1 of the Civil Code (management's corporate liability for losses caused to the company) may be applied, but the claim is filed as part of a bankruptcy case, and the claimants are the bankruptcy receiver, bankruptcy creditors and other parties to the bankruptcy case who are authorised to file the relevant application.

The key difference in losses from subsidiary liability is the lack of a cause and effect between the incurrance of the losses and the occurrence of bankruptcy.

Liability for violations of bankruptcy legislation

Losses are caused as a result of the violation of the provisions of the Bankruptcy Law by the person controlling the debtor.

Who can be held liable?

Persons controlling the debtor, similar to subsidiary liability for the inability to fully repay creditors' claims.

What can management be held liable for?

- If a debtor files an application with an arbitrazh court even though the debtor is capable of settling the creditors' claims in full
- The debtor did not take measures to challenge the applicant's unreasonable claims or the claims made by the creditors in a bankruptcy case.

Scope

Is determined individually based on specific actions (similar to Article 53.1 of the Civil Code of the Russian Federation)

Other types of civil liability

(NON-) MYTH 5: LABOURS OF SISYPHUS, OR SUBSIDIARY LIABILITY OUTSIDE OF BANKRUPTCY

In ancient Greek mythology, Sisyphus built and ruled Corinth, but after he died, the gods sentenced him to roll a heavy boulder up a mountain in Tartarus, which would roll back down over and over again after almost reaching the top.

The Labours of Sisyphus symbolise hard work that does not produce results, which could be compared with a company's management still facing the risk of liability even after a bankruptcy case is terminated.

If a debtor's bankruptcy case was dismissed due to insufficient funds for the procedures, the creditor may still file to subject the controlling person to subsidiary liability **outside the bankruptcy case**²⁸.

Who can be held liable?

The persons controlling the debtor, similar to subsidiary liability for the inability to fully repay creditors' claims.

What can management be held liable for?

Similar to all types of liability in a bankruptcy case.

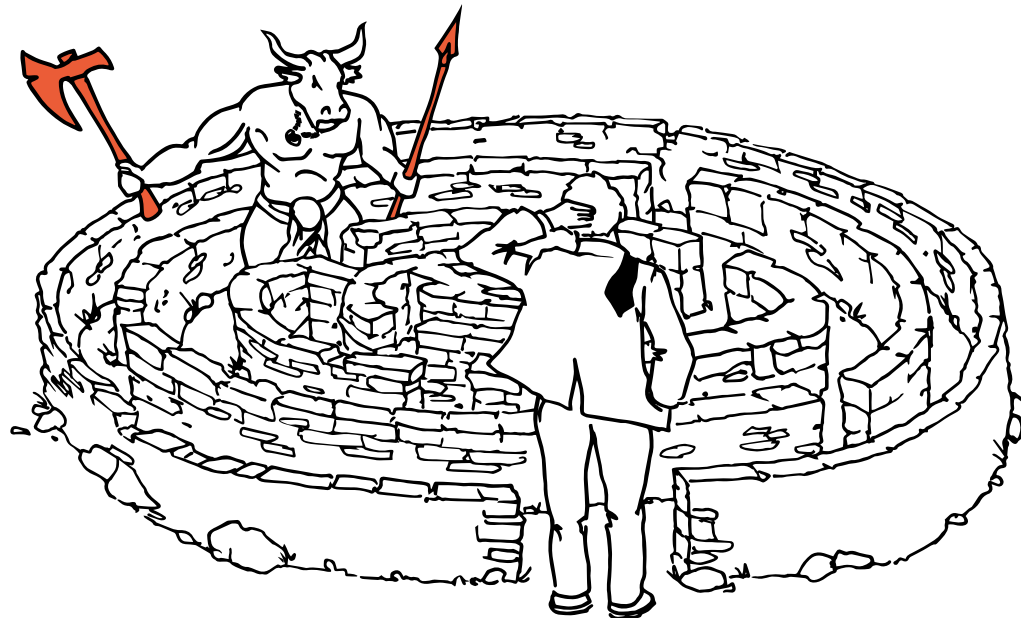


Who can file a claim?

Creditors can file a claim according to class action rules per Chapter 28.2 (consideration of cases on the protection of the rights and legitimate interests of a group of persons) of the Arbitrazh Procedure Code of the Russian Federation, taking into account the rules of bankruptcy legislation²⁹.

Scope

Equal to the amount of claims filed by affiliated creditors



<NON-> MYTH 6: LABYRINTH OF THE MINOTAUR, OR LIABILITY IN CASES INVOLVING A COMPANY'S BAD FAITH LIQUIDATION

In ancient Greek mythology, the cannibal monster Minotaur lived in a labyrinth on the island of Crete, and seven young men and seven girls were supposed to be sent there for him to eat each year. Much like Theseus, shareholders (participants) and management have to overcome difficulties that arise on the path to a company's liquidation.

A company's creditors have the right to recover losses from a liquidator or participant caused by their unfair or unreasonable actions in accordance with the rules of Article 53.1 of the Civil Code of the Russian Federation (corporate liability of management).

Who can be held liable?

First and foremost, the liquidator, participant in the company or the CEO. However, since there is no closed list of persons subject to prosecution, the corresponding risk applies to all then company's controlling persons.

What can management be held liable for?

Any actions taken in liquidation that cause losses to creditors. As a general rule, these actions include carrying out liquidation without paying off the existing creditors' claims, failing to notify creditors of liquidation or violating the liquidation procedure.

For example, a company's founders and management may be held liable for approving a company's knowingly unreliable liquidation balance sheet in terms of damages to the company's creditors for losses in the amount of the outstanding claims³⁰.

Who can file a claim?

Creditors of the company, former employees and authorised bodies (Federal Tax Service of Russia, Social Insurance Fund, etc.).

What other risks does unfair liquidation entail?

It should also be noted that liquidation carried out without settling creditors' claims entails the risk of such liquidation being challenged with the company's subsequent reinstatement in the Unified State Register of Legal Entities (USRLE). If the assets of the company/founders are insufficient to sustain the creditors' claims, the bankruptcy of the company may be initiated, which entails additional risks described in Section 2.

Scope

Damages proven with a reasonable degree of certainty

Criminal liability

(NON-) MYTH X: THE FALL OF ICARUS, OR THE CRIMINAL AND LEGAL RISKS OF MANAGEMENT

According to ancient Greek mythology, in order to escape the island of Crete, Daedalus decided to make wings for himself and his son to fly across the sea. Before they flew off, he warned his son not to fly too high since the feathers that Daedalus used to make the wings were held together with wax, and the sun's heat could melt it. However, Icarus disobeyed his father and flew right up to the sun. Sometimes entrepreneurs take major risks in their activities that could be negatively viewed by the government.



Unfair persons often use criminal cases as an instrument of pressure on competitors, and civil law disputes are often accompanied by criminal cases.

Who can be held liable?

There is no concept of liability of legal entities in Russian law, so the key subjects of criminal liability are the members of the company's management and its beneficiaries.

The institution of complicity in committing a crime makes it possible to prosecute individuals who are not formally related to a company's management. For example, the actions of any person who investigators

believe assisted in committing a crime by giving advice, instructions, providing information etc., may be qualified as being an accomplice in committing a crime.

Can workers be held liable?

Presumably, it is not an offence for a person to cause harm while executing a binding order or instructions. The person who gave the illegal order or instructions (shareholder, founder, etc.) is criminally liable. However, a person who has committed an intentional crime while executing a knowingly unlawful order or instructions may be held liable on general grounds.

criminally liable, it is essential to prove that significant harm was caused.

The following actions may be qualified as abuse of authority: (i) concluding a transaction (agreement on compensation) without corporate approval; (ii) exempting employees from the need to perform their job duties in order to perform repair work for personal purposes, (iii) concluding lease agreements on non-market terms; (iv) lending company property for use by third parties etc.

4. Failure to pay wages, pensions, scholarships, allowances and other payments (Article 145.1 of the Criminal Code of the Russian Federation): The partial failure to pay wages (less than half of the amount payable) within three months, as well as the total failure to pay wages within two months, may be considered a crime if it is committed out of a self-serving or other interest.

There may be a particularly high risk of being held liable in cases where activities have been suspended in the Russian Federation (essentially due to sanctions from the parent company's country of origin). To be held liable, it must be proven that there was a real financial opportunity to pay wages or that such an opportunity did not exist due to misconduct.

5. Tax evasion (Article 199 of the Criminal Code of the Russian Federation): The evasion of taxes, fees and/or insurance premiums on a large (or especially large) scale is a criminally punishable offence. A large amount is regarded as taxes, fees or insurance premiums exceeding RUB 15,000,000 for a period of three consecutive fiscal years, while an especially large amount is considered an amount exceeding RUB 45,000,000³¹.

6. Deliberate and fictitious bankruptcy (Articles 196-197 of the Criminal Code of the Russian Federation): Criminal prosecution for such crimes is rare in practice. Official statistics from the Judicial Department at the Supreme Court of the Russian Federation indicate that 9,055 companies were declared bankrupt in 2022, while only 33 people were prosecuted for deliberate and fictitious bankruptcy.

What can management be held liable for? Typical “entrepreneurial” offences:

1. Fraud (Articles 159-159.6 of the Criminal Code of the Russian Federation): Theft or acquisition of the right to someone else's property by deception or abuse of trust. The elements of this crime may include various facts of economic activity related to the acquisition of someone else's property (the right thereto), if the party that lost the property (the right thereto) claims deceit or breach of trust (if there is appropriate evidence of this).

The following actions may be qualified as fraud: (i) failure to perform contractual obligations, (ii) delivery of goods of inadequate quality, (iii) default on a loan, (iv) acquisition of property that is significantly below its market value, (v) filing an unreasonable property claim in court etc.

The intentional failure to perform contractual obligations may be proven by:

- The lack of real opportunities to perform the obligation (personnel, capacity, money etc.)
- Concealment of information about a company's financial condition (debts, pledge of property)

- Use of funds received for personal purposes
- Use of fictitious charters, letters of guarantee etc.

2. Misappropriation and embezzlement (Article 160 of the Criminal Code of the Russian Federation): Theft of property entrusted to a criminal.

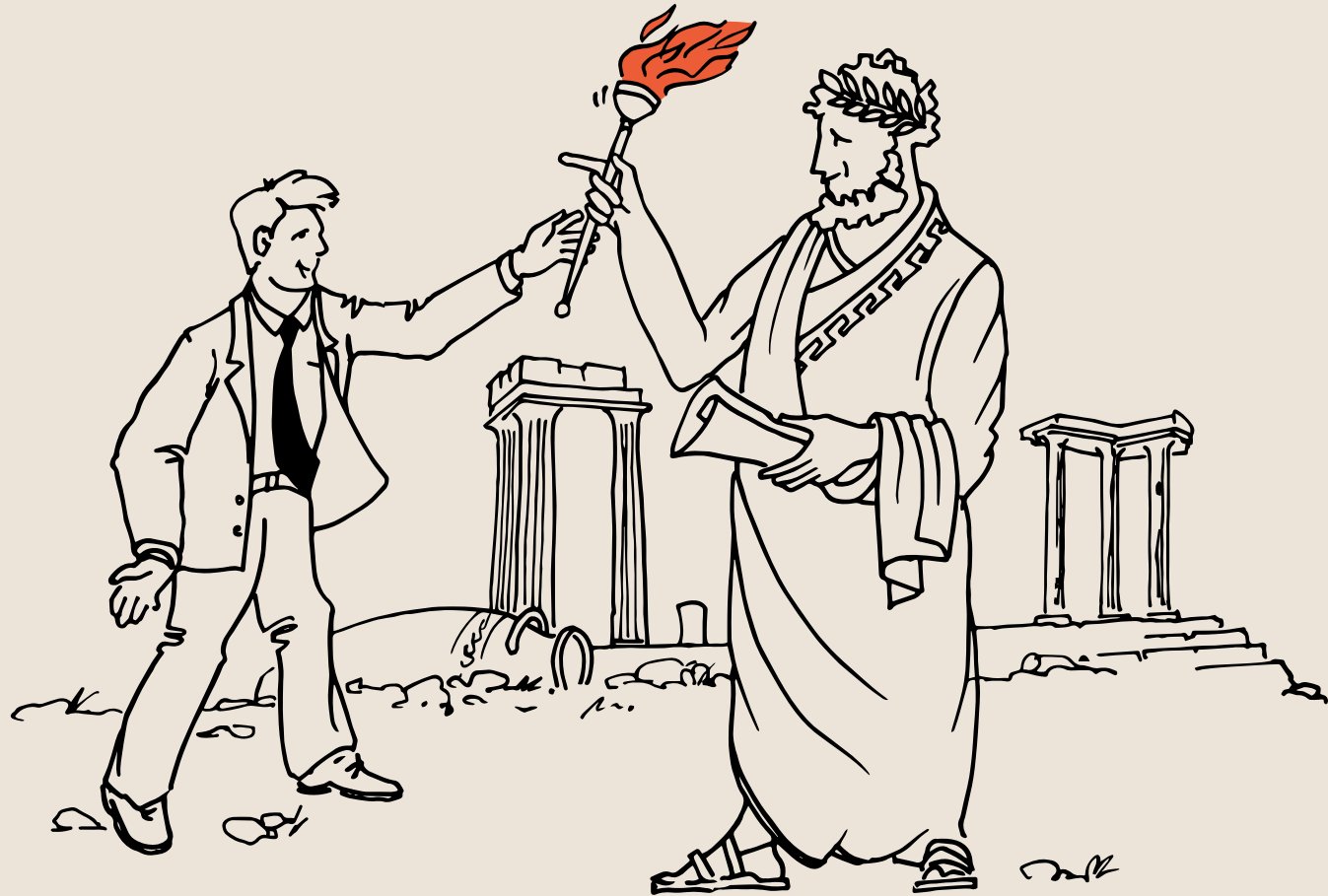
These actions may be qualified as misappropriation or embezzlement: (i) incomplete transfer by an agent of funds received from the sale of goods; (ii) disposal of property significantly below its market value, (iii) issuance of non-repayable loans, (iv) acquisition of securities that have no real market value, (v) payment of personal expenses (expenses of third parties) at the expense of a legal entity, etc.

3. Abuse of authority (Article 201 of the Criminal Code of the Russian Federation): Committing actions which are not officially necessary even though they are directly related to exercising a person's rights and duties and which objectively contradict the legitimate interests of an organisation, as well as the goals and objectives for which the person was empowered. In order to be held

General recommendations

<NON-> MYTH 9: PROMETHEAN FIRE, OR WAYS TO REDUCE MANAGEMENT RISKS

In ancient Greek mythology, Prometheus stole fire from Hephaestus, took it from Olympus and handed it over to the people. He also taught the people everything he already knew: counting, writing and crafts. Prometheus could be described as one of the first consultants in history.



1. Back-up all company documents: Keep all documents, make copies and transfer them to people with a detailed statement and a signature confirming receipt.

2. Control the debt burden: Regularly conduct audits, file for bankruptcy if there are any indications of insolvency and prepare a detailed anti-crisis plan in the event the company's financial situation deteriorates.

3. Act solely in the company's interests even if they run counter to the interests of a member/beneficiary.

4. Obtain approval from the relevant approval committee/independent experts/justification of decisions, and also avoid any kind of conflict of interest.

In the event of material, major or related-party transactions, obtain an economic substantiation of the

transaction from independent experts and verify the counterparty.

5. Avoid generating any tax arrears and create a financial cushion to pay wages to employees in the event the company's financial condition suddenly deteriorates.

6. Develop and adopt an internal policy on anti-corruption issues. Optimise the company's compliance procedures and management decision-making procedures. If internal rules are violated, conduct internal investigations and take response measures.

7. Insure management's liability in the event of unintentional mistakes and conclude an agreement limiting/excluding liability.

8. Conduct preliminary due diligence of business partners (e.g., using specialised companies or private detectives – the Federal Law of the Russian Federation «On Private Detective and Security Activities»).

9. Provide professional support for all communications with law enforcement (regulatory or supervisory) authorities.

Materials used in this publication

1. Ruling of the Arbitrazh Court of the Moscow District dated 12/10/2021 in Case No. A40-127136/2017; Resolution of the 9th Arbitrazh Court of Appeal dated 25/01/2023 in Case No. A41-51697/2018
2. Clause 7 of Resolution No. 62
3. Ruling No. 309-ES22-13865 of the Supreme Court of the Russian Federation dated 18/08/2022
4. Ruling No. 310-ES22-22244 of the Supreme Court of the Russian Federation dated 28/11/2022
5. Resolution No. A40-219509/2021 of the Arbitrazh Court of the Moscow District dated 03/08/2022
6. Resolution No. A55-6679/2013 of the Arbitrazh Court of the Volga District dated 03/06/2014
7. Ruling No. 305-ES22-11727 of the Supreme Court of the Russian Federation dated 16/12/2022 in Case No. A40-121578/2021, Resolution of the Arbitrazh Court of the East-Siberian District dated 07/11/2016 in Case No. A74-6155/2014
8. Resolution of the Federal Arbitrazh Court of the Volga-Vyatsky District dated 13/03/2013 in Case No. A28-5120/2012
9. Ruling No. 305-ES20-19385 of the Supreme Court of the Russian Federation dated 03/12/2020 in Case No. A40-165601/2019
10. Resolution of the Arbitrazh Court of the Far-East Federal District dated 08/04/2016 in Case No. A73-13007/2015
11. Resolution of the Arbitrazh Court of the Moscow District dated 28/10/2016 in Case No. A41-93368/2015
12. Resolution of the Arbitrazh Court of the Moscow District dated 28/06/2018 in Case No. A40-21771/2018
13. Ruling No. 305-ES19-10079 of the Supreme Court of the Russian Federation dated 30/09/2019 in Case No. A41-87043/2015
14. Ruling No. 305-ES18-20160 (7-15) of the Supreme Court of the Russian Federation dated 22/04/2022 in Case No. A40-251578/2016
15. Paragraph 2, clause 16 of Resolution No. 53 of the Plenum of the Supreme Court of the Russian Federation
16. Article 61.11(2) of the Bankruptcy Law
17. Judicial practice stipulates that the materiality of such a transaction is a prerequisite for applying presumption: the rights of creditors that were violated by a transaction that was insignificant in terms of the scale of the debtor's activity are restored by invalidating the transaction
18. The applicant must provide the court with an explanation as to how the lack of documentation (lack of complete information or the presence of distorted information in the documentation) affected the actual bankruptcy proceedings (paragraph 4, clause 24 of Resolution No. 53 of the Plenum of the Supreme Court of the Russian Federation)
19. This presumption applies to the sole executive body of a legal entity, as well as other persons who are responsible for the preparation and storage of documents (paragraph 3, clause 24 of Resolution No. 53 of the Plenum of the Supreme Court of the Russian Federation)
20. Clause 19 of Resolution No. 53 of the Plenum of the Supreme Court of the Russian Federation
21. "Baltika Bank Case", Ruling No. 305-ES18-13210(2) of the Supreme Court of the Russian Federation dated 07/10/2021 in Case No. A40-252160/2015
22. «The Case of Greenfieldbank», Ruling No. 305-ES19-14439 (3-8) of the Supreme Court of the Russian Federation dated 10/11/2021 in Case No. A40-208852/2015
23. Ruling No. 305-ES21-25552 of the Supreme Court of the Russian Federation dated 07/04/2022 in Case No. A40-41691/2019
24. Clause 9 of Resolution No. 53 of the Plenum of the Supreme Court of the Russian Federation
25. Clause 17 of Review No. 3 of Judicial Practice by the Supreme Court of the Russian Federation (2021)
26. Ruling No. 305-ES22-11886 of the Supreme Court of the Russian Federation dated 29/12/2022 in Case No. A40-58806/2012
27. Paragraph 2, clause 15 of Resolution No. 53 of the Plenum of the Supreme Court of the Russian Federation
28. Ruling No. 307-ES21-29 of the Supreme Court of the Russian Federation dated 10/06/2021 in Case No. A56-69618/2019
29. Article 61.19(4,5)(2)(2) of the Bankruptcy Law, paragraph 1, clause 51 of Resolution No. 53 of the Plenum of the Supreme Court of the Russian Federation
30. Resolution of the Arbitrazh Court of the Moscow District dated 11/08/2022 in Case No. A40-194338/2021, Resolution of the 9th Arbitrazh Court of Appeal dated 01/10/2021 in Case No. A40-39250/2020
31. Persons who commit tax evasion for the first time may be exempted from criminal liability in the event of «compensation for losses to the budget» by paying arrears, penalties and fines in accordance with tax legislation

About the company

Founded in 1991 by Senior Partners Maxim Alekseev and Vassily Rudomino, ALRUD is widely recognized as one of the leading and most reputable Russian law firms. We provide a full range of legal services. Our clients include leading foreign and Russian companies. In addition to the Russian market, our clients are located in Europe, Asia, North and South America.

Recent matters on Disputes on the Recovery of Damages from Controlling Persons

- Represented the interests of a former member of the board of directors of a major Russian bank in a case involving the member's subsidiary liability for more than RUB 200bn. The dispute was one of the largest subsidiary liability disputes in Russia.
- Advised and represented the interests of a minority shareholder of a major coal enterprise in Russia in a complex corporate dispute with a majority shareholder that arose due to the withdrawal of the company's assets in several jurisdictions. A comprehensive strategy to protect the minority shareholder in several jurisdictions enabled the parties to reach a settlement on terms that were acceptable to the client.
- Advised beneficiaries and top managers of a major private investment fund on more than 10 parallel disputes involving subsidiary liability. A well-thought-out strategy and the successful representation of the client's interests in court made it possible to conclude a settlement agreement that was beneficial for the clients.
- Represented the interests of a major car manufacturer in Russia in dozens of interrelated disputes involving subsidiary liability in the bankruptcy cases of its distributors.
- Represented the interests of the Russian subsidiary of a large German holding company in the hotel business in disputes related to the recovery of damages from the former CEO for unfair and unreasonable business activities, as well as for the failure to transfer the company's financial and accounting records.
- Represented a UK investment company in a dispute involving a claim from a major non-state pension fund to recover some RUB 12.6bn in damages caused by the failure to send a mandatory buyout offer for shares in a major Russian bank in the run-up to its reorganisation (one of the largest corporate disputes in Russia).
- Successfully represented a member of the board of directors in a dispute involving subsidiary liability in the bankruptcy case of a member of the Ural-Gazprom programme. The case was widely publicised in the press due to the complexity of the dispute and the large amount of claims.

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Awards





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