

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
COMMERCIAL COURT
Before The Honourable Mr Justice Globe



BETWEEN:

(1) KONSTANTIN KAGALOVSKY
(2) WILCOX VENTURES LIMITED

Claimants/Applicants

- and -

CREDIT INVESTBANQUE Plc

Defendant/Respondent

ORDER

PENAL NOTICE

If you Credit Investbanque Plc disobey this order you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized.

Any other person who knows of this order and does anything which helps or permits the Respondent to breach the terms of this order may also be held to be in contempt of court and may be imprisoned, fined or have their assets seized.

THIS ORDER

1. This is a Freezing Injunction made against **Credit Investbanque Plc** ("the Respondent") on 31st May 2013 by Mr Justice Globe, sitting as Vacation Interim Applications Judge on the application of (1) Konstantin Kagalovsky and (2) Wilcox Ventures Limited ("the Applicants"). The Judge read the Affidavits listed in Schedule A and accepted the undertakings set out in Schedule B at the end of this Order.

2. This order was made at a hearing without notice to the Respondents. The Respondents have the right to apply to the court to vary or discharge the order—see paragraph 10 below.
3. There will be a further hearing in respect of this order on 7th June 2013 (“the return date”).

FREEZING INJUNCTION

4. Until the return date or further order of the court, the Respondents must not—
 - (1) Transfer to any third party, nominee, proxy or agent any shares, property or interest whether legal or beneficial in the Ukrainian company Teleradiosvit;
 - (2) Mortgage, pledge, lend or otherwise deal in the shares of Teleradiosvit or any of its own share capital so as to lose direct and continued control over those shares.

PROVISION OF INFORMATION

5. Within 3 days of the making of this Order, the Respondents shall provide to the Applicants by a responsible officer of the company, which subject to confirmation by a responsible officer of the company, may be given by a shareholder, the following information and disclosure:
 - (1) Confirmation that they still hold the shares recorded as held by them at Companies House on 30th May 2013, whether as principal, agent or nominee, stating in what capacity they hold those shares;
6. If the provision of any of this information is likely to incriminate the Respondent, he may be entitled to refuse to provide it, but is recommended to take legal advice before refusing to provide the information. Wrongful refusal to provide the information is contempt of court and may render the Respondent liable to be imprisoned, fined or have his assets seized.
7. Within 7 working days after being served with this order, the Respondent must swear and serve on the Applicant’s solicitors an affidavit setting out the above information.

EXCEPTIONS TO THIS ORDER

8. This order does not prohibit the Respondent from dealing with or disposing of any of his assets in the ordinary and proper course of business, [but before doing so the Respondent must tell the Applicant’s legal representatives.

COSTS

9. The costs of this application are reserved to the judge hearing the application on the return date.

VARIATION OR DISCHARGE OF THIS ORDER

10. Anyone served with or notified of this order may apply to the court at any time to vary or discharge this order (or so much of it as affects that person), but they must first inform the Applicant's solicitors. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Applicant's solicitors in advance.

INTERPRETATION OF THIS ORDER

11. A Respondent who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
12. A Respondent which is not an individual which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

PARTIES OTHER THAN THE APPLICANT AND RESPONDENT

13. Effect of this order

It is a contempt of court for any person notified of this order knowingly to assist in or permit a breach of this order. Any person doing so may be imprisoned, fined or have their assets seized.

14. Persons outside England and Wales

1. Except as provided in paragraph (2) below, the terms of this order do not affect or concern anyone outside the jurisdiction of this court.
2. The terms of this order will affect the following persons in a country or state outside the jurisdiction of this court—
 - a) the Respondent or his officer or agent appointed by power of attorney;
 - b) any person who—
 - i. is subject to the jurisdiction of this court;
 - ii. has been given written notice of this order at his residence or place of business within the jurisdiction of this court; and

III. is able to prevent acts or omissions outside the jurisdiction of this court which constitute or assist in a breach of the terms of this order; and

c) any other person, only to the extent that this order is declared enforceable by or is enforced by a court in that country or state.

15. Assets located outside England and Wales

Nothing in this order shall, in respect of assets located outside England and Wales, prevent any third party from complying with—

1. what it reasonably believes to be its obligations, contractual or otherwise, under the laws and obligations of the country or state in which those assets are situated or under the proper law of any contract between itself and the Respondent; and
2. any orders of the courts of that country or state, provided that reasonable notice of any application for such an order is given to the Applicant's solicitors.

COMMUNICATIONS WITH THE COURT

All communications to the court about this order should be sent to the Admiralty and Commercial Court Listing Office, 7 Rolls Building, Fetter Lane, London, EC4A 1NL, quoting the case number. The telephone number is 020 7947 6826.

The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday.