OUR ADVANTAGES

• Our cross-border team provides fully-integrated legal service to both Russian and foreign clients in high-profile international arbitrations from mounting an international defence strategy at all major arbitration centres and in ad hoc arbitration through enforcing awards in various jurisdictions. Our associates also act as arbitrators themselves.

• One undeniable benefit we offer our clients is a London-based Russian-speaking arbitration partner and team.

• While leveraging an impressive bench of litigators working in 31 international offices, the firm also works in close cooperation with more than 100 preferred law firms across Russia and in over 60 other countries.

• Our team embraces experienced barristers and advocates. We are one of only a few teams on the market whose partners appear personally before arbitration tribunals, with no need to engage an external barrister for additional fees.

• Alternative Arbitration Financing Methods. We cooperate with a variety of institutions, thereby helping our clients minimise their financial risks with alternative arbitration financing methods by attracting case investors and securing legal cost insurance coverage.

• Roman Khodykin, Elena Trusova, Yury Babichev and Rimma Malinskaya are recommended for International Arbitration and Cross-Border Disputes in Russia by Chambers Global, Chambers Europe, The Legal 500 and Best Lawyers.

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RECENT PROJECTS

**RusHydro**

Representing RusHydro in an international arbitration brought against the Kyrgyz Government over reimbursement of RusHydro’s costs of USD 37m incurred in connection with the project for construction of the Upper-Naryn hydroelectric power plant cascade in Kyrgyzstan.

**Cyprus holding company**

Acted for our client in a dispute between the former general director of a Russian subsidiary, this company and its Cyprus shareholder. The dispute arose out of an out-of-court settlement agreement governed by English law and executed as a deed only by the former general director and the Cypriot company. The Russian company did not sign the settlement agreement. Even so, the general director filed a claim against the Russian company and the Cypriot company to recover compensation from them under the settlement agreement. This dispute was heard by a sole arbitrator under the Rules of the Arbitration Institute of the Stockholm Chamber of Commerce. The arbitrator accepted BCLP’s arguments, recognised the agreement as invalid and dismissed all the former general director’s claims. The arbitrator also ordered the claimant to reimburse 70% of the Cyprus company’s arbitration costs.

**VTB Bank**

Represented the client in an LCIA arbitration against a Cyprus company, under a loan agreement governed by English law. The total value of the claim was about USD 135 m. The project was exceptionally complex and we successfully pushed back against the opponents, who had adopted a very active stance. This was a unique case: the other side brought together a tremendous amount of diverse information from other overseas cases (in which we had not participated) in an attempt to prove that the bank suffered from systemic problems.

**A Russian bank**

Represented a Russian bank in a dispute with a Cyprus company and a group of co-defendants. The dispute arose out of several purchase agreements for securities between the Russian bank (as the buyer) and the Cyprus company (as the seller), which were signed retrospectively by an unauthorised person. The seller entered a claim for the bank to pay the purchase price for the securities. The seller’s claims, totalling USD 200 m, were heard in several parallel international arbitrations. The bank was deprived of the opportunity to question the Cyprus directors and the selling company’s lawyers, as they had testified in writing. A joint team of BCLP and Cyprus lawyers managed to have the Cyprus court impose injunctions to search, together with IT experts, the premises, servers, computers and mobile devices of the defendants in Cyprus.

**BVI-registered corporate creditor**

Represented a corporate creditor in a dispute over recovery of debt from a New-York company and its sole shareholder. The dispute arises from an English law governed loan agreement between the BVI company, as the lender, and the New-York company, as the borrower. Under the LCIA award, the claimant obtained recovery of the principal debt and increased interest from the defendant. Upon recognition of the award in the USA and following interrogation of the company shareholder as part of disclosure of evidence, the shareholder and the company chose to sign a settlement agreement with the lender. Then the debtor defaulted on the settlement agreement and the creditor is currently enforcing recovery of the debt from the debtors under the settlement agreement.

**The biggest Russian on-line retailer**

We have acted for a shareholder in a major Russian e-commerce company in an LCIA arbitration over the shareholders’ dispute and continue to act in a number of enforcement proceedings spanning four different jurisdictions. The claim concerned unfair prejudice caused to a minority shareholder. Corporate disputes such as this seldom find their way to international arbitration. The Tribunal granted our client’s claim and ordered the defendants to buy up its shares at the price that preceded the unlawful actions.

**A major Russian bank**

Recovering a debt owed by two Russian borrowers from their Turkish sureties and a Maltese guarantor. The sum in dispute is more than USD 200 m. The debtors’ obligations under loan agreements are mortgage-backed and secured by suretyship agreements signed by a Turkish company and a Turkish citizen and by an English-law governed guarantee from a Maltese holding company.

**Sochi Olympic Games**

We represented athletes in a sports arbitration (the Ad Hoc Division of the Court of Arbitration for Sport) during the Winter Olympics.

**Venture capital fund**

Acted for a venture capital fund in an LCIA arbitration against a claim brought by an IT start-up majority shareholder. Our client challenged occurrence of the deadlock and legitimacy of the Russian roulette being launched. It also filed a counterclaim seeking enforcement of the call option at the par value of the shares on the grounds that the company did not reach a certain level of sales. We managed to have the other minority shareholders included in the launched arbitration. We also successfully defeated their unexpected petition to be prohibited our client from exercising the call option. Ultimately, the dispute was settled out of court on terms beneficial to our client.