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

INTERNATIONAL MINERAL RESOURCES B.V.,

Plaintiff,

v.

RINAT AKHMETSHIN, PATRICK P. SALISBURY, SALISBURY & RYAN LLP, EUROCHEM VOLGA-KALIY LLC,

Defendants.

Index No. _____

Date Purchased: November 12, 2015

SUMMONS

TO THE ABOVE NAMED DEFENDANTS:

Rinat Akhmetshin
1529 Vermont Avenue NW
Washington, D.C. 20005

Patrick P. Salisbury
1325 Avenue of the Americas
New York, New York 10019

Salisbury & Ryan LLP
1325 Avenue of the Americas
New York, New York 10019

EuroChem Volga-Kaliy LLC
7 Lenin Street
Kotelnikovo 404350, Russia

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Plaintiff designates New York County as the place of trial. The basis of venue is Defendant SALISBURY & RYAN LLP's principal office address, which is 1325 Avenue of the Americas, New York, New York 10019. *See* CPLR § 503(d)

Dated: New York, New York
November 12, 2015

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By: _____

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

INTERNATIONAL MINERAL RESOURCES B.V.,	:	Index No. _____
Plaintiff,	:	
v.	:	**COMPLAINT**
RINAT AKHMETSHIN, PATRICK P. SALISBURY, SALISBURY & RYAN LLP, EUROCHEM VOLGA-KALIY LLC,	:	
Defendants.	:	

Plaintiff International Mineral Resources B.V. ("IMR") for its Complaint against Rinat Akhmetshin ("Akhmetshin"), Patrick P. Salisbury ("Salisbury"), Salisbury & Ryan LLP ("S&R"), and EuroChem Volga-Kaliy LLC ("ECVK") alleges:

INTRODUCTION

1. This lawsuit concerns Defendants' unlawful scheme to hack highly confidential and/or commercially sensitive communications and other private information from IMR's computer systems.

2. The scheme — which, upon information and belief, was conceived of and has been largely executed in the United States — has been carried out at the direction of a New York lawyer (Salisbury) and his New York City law firm (S&R). Salisbury and S&R are U.S. counsel to Russian potassium-mining company ECVK in a $1 billion litigation against IMR that is currently pending in the Netherlands (the "Dutch Action").

3. In connection with the Dutch Action, Salisbury, S&R, and ECVK hired Akhmetshin, a former Soviet military counterintelligence officer. Upon being retained, Mr. Akhmetshin hacked into

IMR's computer systems and stole IMR's sensitive and confidential materials. Defendants then sought to inflict maximum damage on IMR, including by using the fruits of this hacking to assist ECVK in the Dutch litigation.

4. In addition, Defendants disseminated the stolen materials and other negative information to journalists and other third parties as part of a smear campaign against IMR designed to harm IMR's business reputation.

5. ECVK then made applications in the Dutch Action that relied on negative press articles authored by individuals to whom Defendants have disseminated IMR's stolen electronic information.

6. That Defendants would resort to such underhanded tactics comes as no surprise. The primary ultimate beneficiary and owner of ECVK is Andrey Melnichenko, who has personally, and through companies he owns, been associated with a number of allegedly improper and illegal activities throughout the world, as described further below.

7. Defendants' unlawful actions in hacking IMR's computer systems and disseminating its confidential information have caused IMR significant damage by, among other things, (1) causing IMR to incur substantial expenses in investigating and responding to the hacking of and theft from its computer systems, (2) causing IMR to incur substantial additional expenses in the Dutch Action (as described in more detail below), and (3) causing serious injury to IMR's business reputation.

8. Defendants' conduct constitutes common law trespass to chattels and civil conspiracy. As a result, Defendants' misconduct entitles IMR to, among other relief, (a) injunctive relief precluding Defendants from further retaining, using or disseminating IMR's stolen electronic information in any way, (b) compensatory, consequential, statutory and/or

punitive damages resulting from Defendants' malicious hacking of IMR's computer systems and subsequent use and dissemination of IMR's stolen electronic information, and (c) the fees and costs associated with bringing this action.

PARTIES

9. Plaintiff IMR is a private limited liability company organized under the laws of the Netherlands. IMR regularly invests in the mining and metal industries.

10. Upon information and belief, Defendant Akhmetshin is an individual residing in Washington, D.C.

11. Upon information and belief, Defendant ECVK is a private limited liability company organized under the laws of Russia that engages in the mining of potassium. ECVK is a wholly-owned subsidiary of EuroChem MCC, an open joint-stock company organized under the laws of Russia (together with ECVK, "EuroChem").

12. Upon information and belief, Defendant S&R is a limited liability partnership organized under the laws of New York with its principal office in New York, New York.

13. Upon information and belief, Defendant Salisbury is an individual residing in the State of New York. Salisbury is one of the founding partners of S&R. S&R and Salisbury were retained by ECVK in connection with foreign proceedings, including the Dutch Action.

RELEVANT NON-PARTIES

14. Shaft Sinkers (Proprietary) Limited ("Shaft Sinkers") is a shaft-sinking company in which IMR held an indirect ownership interest.

15. Eurasian Natural Resources Corporation PLC ("ENRC") was a publicly listed diversified natural resources company. Some shareholders of the former ENRC, and its successor entity, Eurasian Resources Group, hold a beneficial ownership in IMR. These

shareholders include three Eastern European industrialists named Patokh Chodiev, Alexander Machkevitch, and Alijan Ibragimov. The business holdings of these three industrialists, including ENRC, were the subject of Akhmetshin's negative media campaign aimed at harming IMR.

16. EuroChem MCC, ECVK's 100% shareholder, claims to be Russia's largest producer of mineral fertilizers. The primary ultimate beneficiary and owner of EuroChem MCC is Andrey Melnichenko. Melnichenko has an estimated net worth of approximately $8 billion, making him one of the wealthiest men in the world and one of the top 15 wealthiest people in Russia, according to Forbes.

JURISDICTION AND VENUE

17. This court has jurisdiction pursuant to CPLR §§ 301 and 302. Venue is proper pursuant to CPLR § 503(d) because Defendant S&R is a partnership with its principal office in New York County.

BACKGROUND

I. Akhmetshin's Background in Counterintelligence and Negative Public Relations Campaigns

18. Akhmetshin is a former Soviet military counterintelligence officer who moved to Washington, D.C. to become a lobbyist.

19. While working in Washington, D.C., Akhmetshin developed a special expertise in running negative public relations campaigns.

20. In connection with these negative public relations campaigns, Akhmetshin conducted media and legislative outreach, encouraged journalists to write negative articles in connection with his client matters, and developed close relationships with reporters in New York, Washington, D.C., and elsewhere.

21. Akhmetshin has been linked to numerous journalists, including a former editor of *Harper's*, a publisher of *Main Justice* and writer for the *Wall Street Journal*, and an investigative reporter who contributes to *The Nation* and *The Huffington Post*.

22. Akhmetshin has gained notoriety for his work, and his negative public relations campaigns were even discussed in Steve LeVine's 2007 book *The Oil and the Glory*.

23. The attorneys at S&R, including Salisbury, were among the people who were familiar with Akhmetshin's work.

24. S&R previously represented an individual named Peter Zalmayev in *Egiazaryan v. Zalmayev*, No. 11-2670 (S.D.N.Y.). In that case, the plaintiff alleged that Akhmetshin worked with Mr. Zalmayev to orchestrate a "black (*i.e.*, negative) public relations campaign" that was "designed to discredit" the plaintiff in order to benefit the plaintiff's "litigation foes" (among others).

25. The plaintiff in that case specifically alleged that Akhmetshin strategically planted negative articles about the plaintiff in various publications, and encouraged non-profit organizations to write letters to Congress about the plaintiff that they later had to retract when they realized that they had been "misled."

II. Andrey Melnichenko, EuroChem, and Patrick Salisbury

26. The fact that ECVK would hire someone like Akhmetshin is not surprising in light of widespread reports concerning improper and illegal activities regularly undertaken by EuroChem, its owner, Andrey Melnichenko, and/or those associated with them.

27. As noted above, Melnichenko is a Russian billionaire who has been linked to improper acts throughout the world.[1]

28. Those close to Melnichenko have been at the center of high profile scandals that have been reported in the press. For example, Melnichenko served on the Board of Directors of Greencorp SA with Daniel Clauw and Kendrick Wallace, former officers of chemical producer Yara International. Yara International became the subject of Norway's largest corporate corruption case and, earlier this year, both Clauw and Wallace were reportedly found guilty of paying bribes to officials in Libya and/or India and sentenced to prison.

29. Like Melnichenko and his associates, Melnichenko's companies are the frequent subject of investigations and scandals.

30. For example, MDM Bank, founded by Melnichenko, was reportedly approached by U.S. authorities after employees of Bank of New York were accused of aiding Russian oligarchs launder billions of dollars through a Moscow-based bank that MDM controlled.

31. Melnichenko is also the co-founder of coal producer Siberian Coal Energy Company (SUEK), which was the subject of a series of scandals and allegations. In 2002, SUEK was reportedly the subject of a criminal investigation by The Russian Ministry of Internal Affairs for tax evasion allegedly totaling over 1 billion rubles in connection with the purchase of shares in three surface coal mines from its subsidiary, Krasnoyarsk Coal Company (KCC). Officers of SUEK and one of its subsidiaries are reportedly under criminal investigation for unlicensed coal mining in the Chita region of Russia.

[1] Melnichenko is most well-known for owning a lavish 394-foot, $300 million motor yacht named "A," which reportedly includes six guest suites featuring furniture made with crystal and crocodile skin, bomb-proof glass windows, three swimming pools (one of them glass-bottomed), three motor boats valued at $1 million each, and an escape pod. Melnichenko's recent work on building the world's largest sailing yacht, a 480-foot ship that reportedly cost approximately $450 million, has also attracted attention. His new sailing yacht is reported to have eight floors, three 300-foot masts, an underwater observation room, and a touch-and-go helicopter pad.

32. EuroChem MCC, despite being one of the most profitable mineral fertilizer producers in the world, has also been the subject of a number of allegations, and its business practices have been repeatedly called into question.

33. For example, EuroChem MCC has been accused of environmental violations and was the target of protests on at least two occasions. In 2010, an alleged fertilizer spill at its Tuapse shipping terminal on the coast of the Black Sea is said to have caused illnesses among residents and killed marine life. Similarly, in 2012, Ville Niinistö, Finland's Minister for Environmental Affairs, reportedly accused EuroChem MCC of contaminating the Baltic Sea with phosphoric waste from its fertilizer plant in the Leningrad Region.

34. EuroChem MCC has also been accused of questionable dealings with its subsidiaries and business partners. For instance, minority shareholders of Nevinnomyssky Azot, the largest producer of nitrogen fertilizers in Russia and a subsidiary of EuroChem MCC, reportedly accused the parent company of orchestrating an illegal takeover in 2008, under the guise of a set of mandatory buyouts from the minority shareholders. Similarly, in February 2015, EuroChem MCC allegedly purchased shares in Astrakhan Oil & Gas Company OJSC from the Astrakhan Regional Administration at a price well below market value.

35. Melnichenko and EuroChem MCC's business interests outside Russia have also been called into question. Kazakh citizens reportedly sent a public letter to President Nursultan Nazarbaev expressing concern over Melnichenko's plans to develop Kazakh phosphorus deposits while receiving preferential prices for gas without paying taxes to the Kazakh government.

36. Eurochem MCC's long-time business partner, Togliatti Azot (ToAz), has reportedly been accused of evading tax payments to the Russian government by engaging in offshore transfer-pricing schemes. Melnichenko's connection to ToAz may go beyond their

business relations, however. Amicorp Group is a company that is located at the same address as Melnichenko's private family office in Monaco and has been linked to numerous Melnichenko business interests, including Melnichenko-controlled entities in the United Kingdom and Switzerland. Upon information and belief, some time ago, Amicorp effectively acquired control over ToAz by taking control of four offshore companies who are shareholders of ToAz (Bairiki, Inc.; Kamara Ltd; Instantania Holdings Ltd.; and Trafalgar Developments Ltd.). ToAz, like Eurochem, produces urea.

37. Salisbury and his law firm, S&R, have a long-standing relationship with Melnichenko and his companies.

38. Over the years, Salisbury has performed all manner of legal work for Melnichenko and the entities under Melnichenko's control, including representing Melnichenko-controlled entities in disputes over an allegedly defective paint job of "A" (Melnichenko's yacht) and an allegedly undersized sculpture purchased by Melnichenko.

39. Thus, it should come as no surprise that Melnichenko turned to Salisbury and his law firm to represent ECVK in its legal dispute with IMR. It should also come as no surprise that this group engaged in the wrongful hacking of IMR's computer systems to gain an unfair advantage in those legal proceedings and cause IMR harm.

III. ECVK Hires S&R in Connection with Potential Foreign Legal Disputes

40. In 2007, ECVK engaged Shaft Sinkers to design and construct a mine shaft for one of its mining projects near the Russian town of Kotelnikovo (the "Kotelnikovo Mining Project").

41. In 2012, the business relationship between Shaft Sinkers and ECVK broke down, and in March 2012, ECVK retained Salisbury and his New York law firm, S&R, to investigate potential legal claims that it sought to assert in connection with the Kotelnikovo Mining Project.

42. When S&R was retained, ECVK and S&R did not have specific information about Shaft Sinkers's organizational structure or its relationship to other corporate entities. S&R was retained, among other things, to investigate these issues and determine whether ECVK could initiate legal actions against any corporate entities in addition to Shaft Sinkers.

43. At all relevant times, S&R and Salisbury acted as ECVK's agents and acted at ECVK's direction. In fact, S&R and Salisbury reported directly to EuroChem's Chairman, Melnichenko, EuroChem's CEO, Dmitry Strezhnev, and EuroChem's General Counsel, Valery Sidnev, who was responsible for retaining and instructing outside litigation counsel for EuroChem and its subsidiaries, including ECVK.

44. Upon information and belief, S&R and Salisbury directed and coordinated their work for ECVK from S&R's offices in New York.

45. ECVK gave S&R and Salisbury full authority to hire people and conduct background research in connection with the potential legal proceedings.

IV. ECVK, S&R, and Salisbury Approach Akhmetshin

46. In early 2012, S&R and Salisbury reached out to Akhmetshin to discuss his potential engagement in connection with the ECVK matter.

47. When S&R and Salisbury reached out to Akhmetshin, they were familiar with his counterintelligence background and his experience in running negative public relations campaigns. As discussed above, S&R previously worked with Akhmetshin on a case where Akhmetshin was alleged to have orchestrated a "black public relations campaign" that was "designed to discredit"

the plaintiff in order to benefit the plaintiff's "litigation foes." S&R and Salisbury also reached out to Akhmetshin specifically because they understood that Akhmetshin could gain access to private sources of information concerning IMR.

48. In response to S&R's interest in his work, Akhmetshin proposed developing a "strategic communication" campaign for ECVK. Akhmetshin has stated that his strategic communications campaigns simply involve "encouraging journalists to look into [his] client['s] matters" and "get[ting] the [client's] story out" in media and legislative forums. In reality, however, Akhmetshin's practice is to forward derogatory information to his network of media contacts in the hopes that negative stories will be written about the campaign's target.

V. Akhmetshin Hacks into IMR's Computers and Steals Confidential Information at the Direction of Salisbury, S&R, and ECVK

49. IMR and its executives, employees, and administrative staff lawfully possessed files and other electronic information that were stored on computers, computer systems, and computer servers.

50. Upon information and belief, before Akhmetshin even signed a formal engagement agreement with Salisbury, S&R, and ECVK, Akhmetshin began organizing the hacking of IMR's computer systems and searching for specific information at Salisbury, S&R, and ECVK's direction.

51. Upon information and belief, Salisbury and S&R directed and coordinated the scheme on ECVK's behalf from S&R's offices in New York. Throughout the relevant time period, Akhmetshin had multiple meetings in furtherance of the scheme with Salisbury and S&R at S&R's offices in New York.

52. In a July 13, 2012 email, Akhmetshin informed Salisbury that "the project is already up and running and it is churning up the info." Upon information and belief, "the project" referred to the hacking project.

53. Upon information and belief, in this time period, Salisbury, S&R, and ECVK intentionally directed Akhmetshin to work with his collaborators to repeatedly access, use, and physically interfere with IMR's computers and computer servers to collect and copy confidential files and other electronic information without IMR's knowledge or authorization. Upon information and belief, Akhmetshin did just that.

54. Akhmetshin and his collaborators collected files from multiple individuals at IMR, including executives and administrative staff who were likely to have access to important documents.

55. The files that Akhmetshin and his collaborators stole included confidential and commercially sensitive information, such as passport information, emails, and personal contact lists for executives within IMR; IMR bank account information; loan agreements; business strategy documents; board meeting minutes; board and governance documents; drafts of market-sensitive documents; and financial forecasts and projections.

56. Upon information and belief, after collecting the files, Akhmetshin indexed them for use by Salisbury, S&R, and ECVK.

57. On July 23, 2012, Akhmetshin e-mailed Salisbury to tell him that "the indexing is done" and to ask Salisbury to send him "a list of terms/names for a scan" of the information.

VI. Salisbury, S&R, and ECVK Formally Retain Akhmetshin

58. On July 26, 2012, Salisbury and Akhmetshin finalized an engagement letter covering Akhmetshin's "research" work. Upon information and belief, both Salisbury and Akhmetshin signed the engagement letter while in S&R's offices in New York.

59. The engagement letter provided that "Salisbury & Ryan LLP, as attorney agent for its client and not in its individual capacity (the 'Client'), has engaged you to provide the services described below."

60. Under the heading "Services," the engagement letter stated, "you will provide the Client with assistance in the Client's investigation of claims it may have against companies relating to a mining project being built by the Client in Russia which has encountered delays. You will assist in such endeavors by researching and providing information concerning the relevant parties and other requested information."

61. Under the heading "Compensation," the engagement letter stated, "[w]e shall transfer to you on behalf of the Client an initial payment of $45,000 and you will bill as discussed as the work progresses. The Client will reimburse you for all pre-approved travel and related expenses incurred by you on the Client's behalf. The Client shall be solely responsible for payment of your fees and expenses."

62. Finally, the engagement letter stated that it "shall be governed by and construed in accordance with New York law."

63. On the following day, July 27, 2012, Salisbury and S&R transferred $45,000 to Akhmetshin on behalf of ECVK, to compensate Akhmetshin for his work on the hacking and smear campaign.

VII. Akhmetshin Continues the Hacking and Smear Campaign at the Direction of ECVK, S&R, and Salisbury

64. After Akhmetshin was formally retained, he continued to intentionally access, use, and physically interfere with IMR's computers and computer servers to collect and copy confidential IMR files and other electronic information at the direction of ECVK, S&R, and Salisbury.

65. On August 30, 2012, Akhmetshin informed Salisbury that "the work is finally completed."

66. Upon information and belief, Akhmetshin then arranged to pick up the fruits of the hacking, which were saved to a storage device that Akhmetshin referred to as "the thing." For example, in an email dated September 1, 2012, Akhmetshin informed Salisbury that he "plan[ned] to get that thing in London tomorrow, can take it anywhere, pls advise where I should go."

67. Upon information and belief, Akhmetshin then turned over the fruits of the hacking to Salisbury, S&R, and ECVK.

68. A few days later, Salisbury put Akhmetshin directly in touch with a EuroChem executive so that Akhmetshin and ECVK could coordinate on the smear campaign. In his e-mail to the EuroChem executive, Salisbury stated, "Rinat is advising on the international PR campaign we have been discussing. . . . He has thoughts as to how we should proceed and can help your PR and IR people."

69. Upon information and belief, Akhmetshin thereafter worked with his collaborators to access, use, and physically interfere with IMR's computers and computer servers to collect and copy additional confidential IMR files and other electronic information requested by Salisbury, S&R, and ECVK, which Akhmetshin then delivered to Salisbury, S&R, and ECVK.

70. On November 19, 2012, Akhmetshin emailed Salisbury, informing him that he "just spoke with the guy — he said they pulled everything there was available. Need to go collect it some time after the holidays." A week later, Akhmetshin notified Salisbury that he would be heading to London to pick up a storage device with the fruits of the hacking, again

referred to as "the thing," and could deliver the materials to Salisbury approximately two weeks later: "[I] plan to collect the thing in [L]ondon [W]ed[nesday] this week and [will] be traveling to msk after that . . . . can drop the thing with you afternoon [D]ec. 10."

VIII. ECVK, S&R, and Salisbury Initiate the Dutch Action and Other Foreign Proceedings

71. In late 2012, ECVK filed two arbitration proceedings against Shaft Sinkers (the "Arbitration Proceedings"). In the Arbitration Proceedings, ECVK alleged, among other things, that Shaft Sinkers committed misconduct in connection with the Kotelnikovo Mining Project.

72. In addition, S&R and Salisbury concluded that ECVK should assert claims against IMR in the Netherlands. Upon information and belief, S&R and Salisbury came to this conclusion based, at least in part, on the hacked information that Akhmetshin provided.

73. In March 2013, ECVK commenced the Dutch Action alleging, among other things, that IMR should be held liable for any judgment entered against Shaft Sinkers in the Arbitration Proceedings.

74. In June 2013, ECVK filed an application in the Dutch Action seeking a pre-judgment attachment of approximately €886,000,000 — or USD $1.2 billion — of IMR's assets pending a final judgment in the case (the "Freezing Application"). The Dutch court granted the application in July 2013.

IX. Akhmetshin Distributes IMR's Stolen, Confidential Material to Third Parties and Conducts a Smear Campaign against IMR at the Direction of Salisbury, S&R, and ECVK

75. In late 2012 through May 2013, consistent with Akhmetshin's strategic communication proposal, Akhmetshin disseminated negative information about IMR and associated companies such as Shaft Sinkers and ENRC to his contacts in the media, and urged his contacts to publish negative articles.

76. Throughout this period, Salisbury and S&R intentionally directed Akhmetshin's activities in order to further ECVK's strategy in the Dutch Action and Arbitration Proceedings and harm IMR's business reputation.

77. Upon information and belief, Akhmetshin carried out the publicity work, at least in part, in coordination with employees and officers at EuroChem.

78. At the direction of Salisbury, S&R, and ECVK, Akhmetshin also disseminated to certain of his media contacts the confidential, commercially sensitive information that was stolen from IMR.

79. Ultimately, numerous publications that Akhmetshin reached out to ran negative press articles about IMR and other associated companies.

80. In addition, negative press articles written and published by individuals and entities with whom Akhmetshin has ties also served as part of the basis for actions taken by ECVK against IMR in the Dutch Action.

81. For example, ECVK's Freezing Application contains disparaging allegations about IMR, certain entities associated with IMR, and their ultimate beneficial shareholders — certain of which are based on negative press articles about IMR written by individuals and entities with whom Akhmetshin has ties.

82. On July 1, 2013, Salisbury and S&R transferred $100,000 to Akhmetshin on behalf of ECVK to compensate Akhmetshin for his work on the hacking and smear campaign.

X. Akhmetshin Continues to Distribute IMR's Stolen, Confidential Material to Third Parties

83. In the following months, Akhmetshin continued to distribute IMR's stolen, confidential information.

84. For example, on January 30, 2014, Akhmetshin met with a client at the Café Royal Coffee Shop on Regent Street in central London and gave him a copy of the stolen IMR materials.

85. Specifically, at approximately 11:25 a.m., Akhmetshin met his client at the coffee shop and handed him an external hard drive, explaining that the drive contained numerous folders of documents that included memoranda, emails, and financial information.

86. Akhmetshin described his process for obtaining the documents, stating that he had a team that hacked materials from IMR senior executives and from individuals in key administrative positions whose computers were likely to contain important internal documents.

87. Akhmetshin said that his team had collected approximately 50 gigabytes worth of material. The businessman commented on the volume of material, and Akhmetshin responded, "there is a lot of the stuff, so — but that's why you are paying money."

88. Akhmetshin stated that he had met with lawyers for Melnichenko, the owner of EuroChem, in New York.

89. Akhmetshin identified one of these lawyers as Salisbury, and said that Salisbury was representing EuroChem in the Arbitration Proceedings and Dutch Action.

90. Akhmetshin added that he was hired because there were certain things that the law firm could not do. Upon information and belief, Akhmetshin's reference to "certain things that the law firm could not do" was a reference to the unlawful hacking of IMR's computer systems.

XI. IMR Wins the Dutch Action

91. On June 25, 2014, the court in the Dutch Action rejected ECVK's theories of liability, found that ECVK's factual assertions were unsubstantiated, and entered a judgment in favor of IMR.

92. ECVK filed a formal notice of appeal on September 18, 2014, and that appeal is still pending. The Freezing Application is still in place pending appeal.

XII. IMR Suffered Significant Harm as a Result of Defendants' Hacking and Dissemination of Confidential Information

93. As a direct result of the hacking of IMR's computer systems, IMR has been forced to expend significant amounts of money to investigate and otherwise respond to Defendants' unlawful conduct.

94. For example, IMR was forced to incur substantial expenses to replace certain servers, whose integrity and security were impaired due to the hacking that was organized by Akhmetshin.

95. IMR incurred other substantial expenses in connection with its response to the hacking, including investigative and remedial costs.

96. In addition, IMR has suffered significant harm in connection with the Dutch Action.

97. Upon information and belief, but for the hacked information provided by Akhmetshin, ECVK would not have initiated the meritless Dutch litigation against IMR.

98. The confidential information stolen from IMR's computer systems included documents that are relevant to the substance of the Dutch Action. IMR has therefore suffered, and continues to suffer, harm arising from its litigation adversary's access to and, upon

information and belief, review of information relevant to the foreign legal proceedings themselves.

99. In addition, IMR has incurred substantial additional expenses defending against applications in the Dutch Action that are premised, in part, on negative articles published by media outlets and individuals to whom Akhmetshin has, upon information and belief, disseminated some or all of the hacked documents. As explained above, ECVK's Freezing Application contains numerous allegations based on negative press articles about IMR and certain associated entities, including ENRC, published by such entities and individuals.

100. IMR has also suffered significant harm to its business reputation as a result of the negative articles appearing in the press that, upon information and belief, are based in whole or in part on information that Defendants hacked from its computer systems.

CLAIMS FOR RELIEF

COUNT ONE
(Trespass to Chattels)

101. IMR realleges and incorporates herein by reference each and every foregoing paragraph of this Complaint as if set forth in full.

102. As described above, Defendants have intentionally, unlawfully, knowingly and willfully combined, conspired, confederated and agreed together and with others to maliciously harm IMR through the unauthorized hacking of IMR's computer systems and subsequent use of the hacked material to damage IMR's business reputation and cause it pecuniary and non-pecuniary harm.

103. Defendants thus intentionally and maliciously interfered with IMR's lawful possession of its computer system and electronic information and inflicted substantial damage on

IMR, including the cost of replacing a portion of the computer system, the cost of investigating and responding to the hacking, and the costs associated with the harm to IMR's business reputation that resulted from the hacking and dissemination of IMR's sensitive, confidential information.

104. Defendants maliciously sought to inflict the maximum amount of harm possible through their intentional interference with IMR's lawful possession of its computer system and electronic information, and through the dissemination of IMR's confidential information to third parties.

105. IMR is entitled to recover the damages it sustained as a result of Defendants' malevolent conduct in hacking IMR's computer systems, stealing IMR's confidential information, and then disseminating that information to third parties.

COUNT TWO
(Civil Conspiracy)

106. IMR realleges and incorporates herein by reference each and every foregoing paragraph of this Complaint as if set forth in full.

107. As set forth above, Defendants have committed torts against IMR, including acts that constitute common law trespass to chattels.

108. Defendants agreed to participate in a common scheme against IMR. Defendants intentionally participated in the furtherance of a plan for the purpose of obtaining property from IMR and using that property to harm IMR. In furtherance of this plan or purpose, Defendants committed overt and unlawful acts alleged herein.

109. As a direct and proximate result of Defendants' conspiracy, the overt acts committed in furtherance of that conspiracy, and the torts committed against IMR, IMR has been damaged in its business and property.

110. Defendants have engaged in the malicious, willful, and fraudulent commission of wrongful acts and, because of the reprehensible and outrageous nature of these acts, IMR is entitled to, and should be awarded, punitive damages against each of the Defendants.

111. IMR is further entitled to, and should be awarded, an injunction that enjoins Defendants, their assignees, and anyone else acting in concert with them from (i) engaging in any further unauthorized accessing of IMR's computer systems and (ii) using or distributing IMR's stolen confidential information in any way.

PRAYER FOR RELIEFF

WHEREFORE, IMR respectfully requests the following relief:

A. An order requiring Defendants to relinquish all of the stolen materials in their possession, custody, or control and return the same to IMR and to immediately refrain from using them for any purpose;

B. An order enjoining Defendants, their assignees, and anyone else acting in concert with them from (i) engaging in any further unauthorized accessing of IMR's computer systems, and (ii) using or distributing IMR's stolen confidential information in any way; and

C. An award against Defendants for:

   a. Compensatory damages in an amount to be determined at trial for losses incurred by IMR;

   b. Punitive damages in an amount to be determined at trial for losses incurred by IMR;

   c. Consequential damages in an amount to be determined at trial for losses incurred by IMR;

   d. Interest;

   e. Reasonable attorneys' fees and costs of bringing this suit; and

   f. Such other relief as is just, fair and equitable.

JURY DEMAND

IMR demands a trial by jury on all issues so triable in this action.

Dated: 11/12/2015
New York, New York

Respectfully submitted,

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