



IN THE HIGH COURT OF JUSTICE

Claim No.: BL-2022-000594

BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

BUSINESS LIST (Ch D)

BEFORE: THE HONOURABLE MRS JUSTICE BACON

BL-2022-000594

DATED: 7 DECEMBER 2022

BETWEEN:

EVGENY KORCHEVTSEV

Claimant

and

(1) MARTIN SEVERA

(2) FATFACADES LIMITED

(3) F.A.T. STRUCTURES LIMITED

Defendants

JUDGMENT ORDER

PENAL NOTICE

**IF YOU, MARTIN SEVERA, 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 IN CONTEMPT OF COURT AND MAY BE
IMPRISONED, FINED, OR HAVE THEIR ASSETS SEIZED.**

UPON the Worldwide Freezing Order of Mrs Justice Bacon dated 25 March 2022 (“the WFO”), continued by Mr Justice Fancourt on 8 April 2022 (“the Fancourt Order”) and by Mr Justice Leech on 13 September 2022 (“the Leech Order”)

AND UPON the Order of Mrs Justice Bacon dated 4 November 2022 ordering the First Defendant to provide asset disclosure, transfer certain shares and pay costs in unless terms (“the Bacon Order”)

AND UPON the Court reading the witness statement of Jonothan Gould dated 18 November 2022

AND UPON the Court being satisfied that the First Defendant transferred the shares in Vila Severa d.o.o. away from Fassaden Architektur Technik Group Limited in breach of the WFO and failed to comply with the Bacon Order, including by failing to transfer the shares in Vila Severa d.o.o. back to Fassaden Architektur Technik Group Limited as directed in paragraph 1(d) of the Bacon Order

AND UPON the Order of Mrs Justice Bacon dated 18 November 2022 entering judgment against the First Defendant in respect of the Claimant's claim for breaches of director duties by the First Defendant in an amount, and granting such relief as the Court considers appropriate, to be determined at a disposal hearing, and continuing the WFO until the disposal hearing

AND UPON the Court reading the Sixth Witness Statement of Jonothan Gould dated 1 December 2022

IT IS DECLARED THAT:

1. The Porsche Macan Turbo 2015 with VIN WP1ZZZ95ZFLB47338 and the Porsche Boxster GTS 4.0 2020 with VIN WP0ZZZ98ZLS230156 were acquired and were and are held by the First Defendant on trust for the Second Defendant.
2. The Second Defendant has an equitable lien over the Porsche Macan and Porsche Boxster, save that, for the avoidance of doubt, the equitable lien is not enforceable against a bona fide third party purchaser for value without notice (as understood under English law).

AND IT IS ORDERED THAT:

3. The First Defendant shall by 4pm on 21 December 2022 procure the transfer of legal ownership of the Porsche Vehicles to the Second Defendant and provide the keys to the Porsche Vehicles to PCB Byrne LLP as the Claimant's representatives
4. The First Defendant is ordered to pay the Second Defendant £769,313.68 by way of equitable compensation by 4pm on 21 December 2022.

5. The First Defendant is ordered to pay the Third Defendant £324,146.89 by way of equitable compensation by 4pm on 21 December 2022.
6. The sum of £20,000 lodged with the Court by the Claimant pursuant to paragraph 10 of the Fancourt Order is to be returned to the Claimant forthwith.
7. The First Defendant shall pay the Claimant's costs of the Claim as against the First Defendant on the standard basis in an amount to be assessed if not agreed.
8. The First Defendant shall pay the Claimant the sum of £100,000 on account of costs by 4pm on 21 December 2022.

FREEZING INJUNCTION AND PROPRIETARY INJUNCTION

9. The Freezing Injunction made against First Defendant by the WFO and continued in the Fancourt Order and Leech Order is continued until the date 12 months from the date of this Order or until further order of the Court.
10. Until the date 12 months from the date of this Order or further order of the Court, the First Defendant must not –
 - a. Remove from England and Wales any of his assets which are in England and Wales up to the value of £1,223,988.56; or
 - b. In any way dispose of, deal with, or diminish the value of his assets whether they are in or outside England and Wales up to the same value.
11. Paragraph 10 applies to all the First Defendant's assets whether or not they are in his own name and whether they are solely or jointly owned and whether the First Defendant is interested in them legally, beneficially or otherwise. For the purpose of this order the First Defendant's assets include any asset which he has the power, directly or indirectly, to dispose of or deal with as if it were his own. The First Defendant is to be regarded as having such power if a third party holds or controls the asset in accordance with his direct or indirect instructions.
12. This prohibition includes the following assets in particular–
 - a. Any money standing to the credit of any bank account including the amount of any cheque drawn on such account which has not been cleared, including:

- i. The First Defendant's bank account at Barclays Bank with sort code 20-10-53 and account number 13339726;
 - ii. The First Defendant's personal bank account with TransferWise; and
 - iii. The First Defendant's bank accounts with Ceska Sporitelna, with account numbers
 - 1. 3173204013/0800;
 - 2. 5548798399/0800; and
 - 3. 0905015063/0800;
 - b. Crypto assets held by the First Defendant in wallets on the following exchanges:
 - i. BlockFi Trading LLC t/a Blockfi incorporated in New Jersey, USA;
 - ii. Binance Markets Limited t/a Binance incorporated in England;
 - iii. Mek Global Limited t/a KuCoin incorporated in the Seychelles; and
 - iv. Coinbase Europe Limited t/a Coinbase incorporated in Ireland;
 - c. Any funds and/or assets held directly or indirectly by the First Defendant in any account with IG Index Ltd t/a IG, incorporated in England;
 - d. Porsche Macan Turbo 2015;
 - e. Porsche Boxter GTS4.0 2020
13. Without prejudice to paragraphs 9 to 12 (above) and until the date 12 months from the date of this Order or further order of the Court, the First Defendant must not remove from England and Wales any of the following assets or their traceable proceeds (together “the **Proprietary Assets**”) or in any way dispose of, deal with, or diminish the value of the Proprietary Assets whether they are in or outside England and Wales:
- a. Any money standing to the credit of any of the following bank accounts including the amount of any cheque drawn on such account which has not been cleared, including:

- i. The First Defendant's bank account at Barclays Bank with sort code 20-10-53 and account number 13339726 up to a limit of £154,312;
 - ii. The account(s) with TransferWise or Wise in the First Defendant's name or which he controls and into which the sum of £68,715.69 was transferred from the Barclays and Tide accounts up to the limit of that sum; and
 - iii. The First Defendant's bank account with Ceska Sporitelna, with account number 0905015063/0800 up to a limit of £220,000;
- b. Crypto assets held by the First Defendant in wallets on the following exchanges:
 - i. Mek Global Limited t/a KuCoin incorporated in the Seychelles; and
 - ii. Coinbase Europe Limited t/a Coinbase incorporated in Ireland;
- c. Porsche Macan Turbo 2015;
- d. Porsche Boxter GTS4.0 2020

14.

- a. Save in respect of the Proprietary Assets, if the total value free of charges or other securities ("unencumbered value") of the First Defendant's assets in England and Wales exceeds £1,223,988.56, the First Defendant may remove any of those assets from England and Wales or may dispose of or deal with them so long as the total unencumbered value of the First Defendant's assets still in England and Wales remains above £1,223,988.56.
- b. If the total unencumbered value of the First Defendant's assets in England and Wales does not exceed £1,223,988.56, the First Defendant must not remove any of those assets from England and Wales and must not dispose of or deal with any of them. Save in respect of the Proprietary Assets, if the First Defendant has other assets outside England and Wales, he may dispose of or deal with those assets outside England and Wales so long as the total unencumbered value of all his assets whether in or outside England and Wales remains above £1,223,988.56.

15. The First Defendant shall have liberty to apply in respect of reinstatement of the exceptions in paragraph 7 of the Leech Order.
16. The Claimant shall have liberty to apply to extend the injunctions in paragraphs 9-13 above and 17 below.

INJUNCTION RESTRAINING FIRST DEFENDANT FROM TAKING STEPS AS A DIRECTOR

17. Until the date 12 months from the date of this Order or further order of the Court, the First Defendant must not take any steps as director of either FATfacades Limited (Co No 07919190) or F.A.T Structures Limited (Co No. 11188274) or Fassaden Architektur Technik Group Limited (Co No. 12329507) or Vila Severa d.o.o. (Croatia) unless such step is explicitly authorised by a board resolution of FATfacades Limited or F.A.T Structures Limited or Fassaden Architektur Technik Group Limited as the case may be, or as agreed in writing with the Claimant's solicitors, such agreement in writing not to be unreasonably withheld or delayed; and, in particular:
 - a. The First Defendant must not contact any client or potential client of FATfacades Limited and/or F.A.T. Structures Limited by email, telephone or any other means without the prior written consent of the Claimant's legal representatives, such consent not to be unreasonably withheld or delayed.
 - b. The First Defendant is entitled to contact the company accountant of FATfacades Limited and/or F.A.T. Structures Limited provided that such communication is in writing and is copied to the Claimant at the same time.

VARIATION OR DISCHARGE OF THIS ORDER

18. Anyone served with or notified of this order may apply to the court at any time to vary or discharge paragraphs 20-24 of this Order (or so much of it as affects that person), but they must first inform the Claimant'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 Claimant's solicitors in advance.

INTERPRETATION OF THIS ORDER

19. 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.

PARTIES OTHER THAN THE CLAIMANT AND FIRST DEFENDANT

20. 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.

21. 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 First Defendant 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.

22. 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 reasonable 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 First Defendant; 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 Claimant's solicitors.

23. Set off by banks

This injunction does not prevent any bank from exercising any right of set off it may have in respect of any facility which it gave to the First Defendant before it was notified of this order.

24. Withdrawals by the First Defendant

No bank need enquire as to the application or proposed application of any money withdrawn by the First Defendant if the withdrawal appears to be permitted by this order.

SERVICE

25. This order shall be served by the Claimant on the First Defendant:

- a. By first class post to his nominated address for service in these proceedings being 146 Channel House, London SE16 6RN; and
- b. By email to his known email addresses being martin_severa@yahoo.co.uk and ceo.severa@gmail.com

COMMUNICATIONS WITH THE COURT

All communications to the court about this order should be sent to –

The Senior Associate, Fifth Floor, The Rolls Building, 7 Rolls Building, Fetter Lane, London, EC4A 1NL, quoting the case number. The telephone number is 020 7947 6733. The office is open between 10 a.m. and 4:30 p.m. Monday to Friday.

SCHEDULE A: UNDERTAKINGS GIVEN TO THE COURT BY THE CLAIMANT

- (1) If the court later finds that this order has caused loss to the First Defendant, and decides that the First Defendant should be compensated for that loss, the Claimant will comply with any order the court may make.
- (2) Anyone notified of this order will be given a copy of it by the Claimant's legal representatives.
- (3) The Claimant will pay the reasonable costs of anyone other than the First Defendant which have been incurred as a result of this order including the costs of finding out whether that person holds any of the First Defendant's assets and if the court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the Claimant will comply with any order the court may make.
- (4) If this order ceases to have effect in relation to some or all of the First Defendant's assets (for example, if the First Defendant provides security) the Claimant will immediately take all reasonable steps to inform in writing anyone to whom he has given notice of this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect in relation to some or all of the First Defendant's assets as the case may be.
- (5) The Claimant will not without the permission of the court use any information obtained as a result of this order for the purpose of any civil or criminal proceedings, either in England and Wales or in any other jurisdiction, other than this claim.
- (6) The Claimant will not without the permission of the court seek to enforce this order in any country outside England and Wales or seek an order of a similar nature including orders conferring a charge or other security against the First Defendant or the First Defendant's assets.

NAME AND ADDRESS OF CLAIMANT'S LEGAL REPRESENTATIVES

The Claimant's legal representatives are –

PCB Byrne LLP, 5th Floor, 1 Plough Place, EC4A 1DE

Reference: NB/JG/K10172.1

Telephone: +44(0)20 7842 1616

Email: jgould@pcb-byrne.com / nboulton@pcb-byrne.com