

WHO WE ARE

- Russian trial lawyers who provide the same quality of service as international law firms but at a local price
- We do not spread our staff thin. Our narrow focus on complex commercial disputes guarantees a premium quality service
- Maximum partner involvement in every single project
- Flexible pricing policy and payment options

WHAT WE DO

- International commercial arbitration
- Russian and foreign court proceedings
- Insolvency and restructuring
- Settlement
- Expert opinions on Russian law for foreign arbitrations and state courts
- Corporate and regulatory investigations

WE HAVE WORKED IN

26 REGIONS IN RUSSIA | 6 CIS COUNTRIES | 27 EUROPEAN COUNTRIES | 12 ASIAN AND MIDDLE EASTERN COUNTRIES | 7 COUNTRIES IN THE AMERICAS | 5 AFRICAN COUNTRIES



One of the five best Russian law firms handling complex dispute resolution cases
(The Legal 500, 2021 • Chambers Europe, 2021 • GAR 100, 2021 • Pravo.ru–300, 2020)

KK&P 'is a boutique dispute resolution firm – and one of the leading (if not the leading) firm of this kind in Russia. Its partners and associates are first-class dispute lawyers'.

(The Legal 500 EMEA, 2021)

'They have a strong preparation in court hearings. They represent the interest of our company as if they are part of it'.

(Chambers Europe, 2021)

KK&P provides a 'deep, thoughtful, scrupulous approach' and a 'matter of fact, proactive attitude'.

(GAR 100, 2020)

'Very often, lawyers speak their own legal language rather than the language of business – KK&P Trial Lawyers is a pleasant exception.' 'The team is excellent to work with – it remains innovative and responsive to the tightest of deadlines'.

(The Legal 500 EMEA, 2020)



In
2020

the total value of the cases we won was
US\$196,868,431

EXAMPLES OF THE FIRM'S SUCCESSFUL PROJECTS

International arbitration

Defending **Metallimpress** (a general contractor) in the ICAC against a claim worth over US\$65m filed by Zhoukovsky (a customer) in connection with complaints regarding the quality of work on the construction of a shopping centre. During the arbitration, 11 hearings were held, 14 expert reports were submitted, and 7 experts were examined. The parties subsequently settled, reducing the amount recovered from our client by 89% of the claim.

Representing a claimant in a dispute involving two oilfield services companies – **NewTech Services** vs Halliburton – in an arbitration under ICAC Rules. The client claimed compensation for restoring the hermetic seal of an ultradeep oil well after defective cementing works by the respondent. The firm won over 90% of the claim and attained a revolutionary breakthrough for the sector by overcoming contractual provisions strictly limiting the contractor's liability. To date, no comparable outcomes have ever been achieved in Russia.

Maxim Kulkov served as a Tribunal Chair in an SCC arbitration between **Caspian Energy Projects** and Siemens concerning the recovery of US\$12m under a services agreement in connection with gas turbine generators supplied for the development of an oil field in the Caspian Sea.

Foreign court proceedings

Preparing an expert report and giving evidence before the High Court of England and Wales in *PJSC Tatneft v Bogolyubov & Ors* on over a hundred issues of Russian law, including the possibility of bringing a tort claim against a company's controllers in response to the company failing to perform contractual obligations and thereby ignoring the 'competition of claims' principle and insolvency rules on subsidiary liability, as well as issues of pure economic loss and interference with contractual rights. After a 12-week trial, the High Court agreed with the testimony of Maxim Kulkov. As a result, the firm's efforts helped the defendants to defeat a US\$300m claim.

Preparing an expert report and giving evidence before the High Court of England and Wales on a number of Russian law issues, including recovering damages in connection with the alleged rigging of an auction in the Yukos bankruptcy case (*Yukos Finance B.V. & Ors v Stephen Lynch & Ors*). Maxim Kulkov's expert evidence helped to defeat a US\$40m claim by the former management of YUKOS Oil Company against the defendants. Having reviewed over 400 pages of expert reports and cross-examined experts over four days, the Court agreed with the testimony of Maxim Kulkov.

Russian court proceedings

Successfully defending **T Plus**, the major Russian company operating in the field of electricity and heat generation, in connection with Volga Paper Company's claim for damages of US\$11.5m arising out of a sale and purchase contract for a thermal power plant.

Defending **Agrosnabsakhar** and **Trio** in a remarkable dispute over a claim by Russia's largest agricultural holding company, Rusagro, for US\$19m-worth of damages for a breach of obligations under an alleged sugar supply contract supposedly concluded by electronic means of communication. Thanks to the firm's efforts, the parties entered into a settlement agreement that reduced the size of the original claim against the client by 60% and gave the client the opportunity to fully complete the process of its incorporation into French company SucDen.

Representing a **former shareholder of one of the leading research and production enterprises of Chuvashia** in a corporate dispute before the Chuvash Republic Commercial Court based on the client's claim for recovery of about US\$10m of the actual value of his share in the registered capital of the company.

Representing **Ukraine** in the case of Tatneft's application for recognition and enforcement of an investment arbitral award worth approximately US\$150m. This was the first case to be heard in Russia on the recognition and enforcement of awards against a foreign state.

Defending **Nestle Russia** in a dispute over a claim by NLMK Kaluga, the largest producer of rolled steel for the construction industry in central Russia, in a case involving reclamation of real estate located in the Kaluga Region owned by the client and invalidation of sales agreement.

Representing a **co-owner of a supermarket chain** in the process of applying for interim measures (seizure of real estate) in support of an LCIA arbitration initiated in England and a court dispute in Cyprus in connection with the violation of a shareholders' agreement regarding management of large shopping centres in Moscow and the Moscow Region. The parties settled on terms that were favourable to our client.

Representing **Orion** – a defendant in a US\$13m corporate dispute relating to the invalidation of an issue of shares in a Russian IT company and the challenging of an SPA. The claimant alleged that she was a beneficiary of the company and that the shares were disposed of without her consent. The parties settled on terms that were favourable to our client.

Appealing 13 administrative fines in relation to an **internet-based food delivery service** and its CEO for the alleged illegal employment of foreign citizens as couriers.

Representing **oil traders** in the insolvency of Samaratransneft-Terminal, a large oil refinery with total debts under the list of creditors' claims amounting to US\$662m. The firm, *inter alia*, secured the inclusion of the claims of Canadian company Sonact Group Ltd amounting to US\$12m on the basis of nothing more than a unilateral guarantee under Swiss law in a PDF file, which the client received by email (with no hard copy). The firm secured a settlement agreement with the major creditors controlling the bankruptcy case.

CLIENTS AND LEGAL DIRECTORIES ON THE FIRM'S PARTNERS



Maxim Kulkov
Managing Partner

m.kulkov@kkplaw.ru

'Maxim Kulkov is a formidable trial lawyer who has very persuasive advocacy skills'.

The Legal 500 EMEA, 2021

'Maxim Kulkov is one of the strongest Russian litigators acknowledged for his marked skill in complex Russian commercial disputes. 'He is very persuasive in court'.

Chambers Europe, 2021



Oleg Kolotilov
Partner

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'Oleg Kolotilov understands the ever-changing landscape of Russian law and can clarify what seems complex'.

The Legal 500 EMEA, 2021

Oleg Kolotilov 'has a deep knowledge of the legislation and can motivate the client not to give up'.

Chambers Europe, 2021



Nikolay Pokryshkin
Partner

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'Nikolay confirmed expectations, more importantly, he was able to surpass them. Even before we had questions about further steps and possible arguments of our opponents, Nikolay had already prepared answers to them'.

The Legal 500 EMEA, 2021

'Nikolay Pokryshkin showed himself to be a lawyer with perfect knowledge of the subject. I would particularly note his good understanding of the international practice in insolvency cases and operational decision-making'.

The Legal 500 EMEA, 2020

in
2020

6 arbitration cases in the
ICAC, SCC, LCIA and RAC

52 litigation cases
in Russian state courts

14 expert reports on Russian law for
■ courts in England, Switzerland and Singapore
■ arbitrations in the ICAC, LCIA and SCC