

Russian ruling dismissed

Bank can't pursue in San Diego a \$31M judgment from foreign court

By Lyle Moran

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A San Diego County Superior Court judge has dismissed a lawsuit seeking to enforce a nearly \$31 million money judgment in Russia against a defendant now living in the U.S.

Judge Eddie C. Sturgeon on Monday granted summary judgment to defendant Oleg Yakovlev, determining that Alfa-Bank of Russia failed to demonstrate a Russian court had personal jurisdiction over Yakovlev.

The defendant allegedly fled Russia in April 2009. He eventually secured asylum in the U.S. and settled in San Diego County.

But a month after he left Russia, a suit was filed against him by the bank in a Russian court. The case involved an alleged default on an agreement in which Yakovlev guaranteed certain loan obligations of a corporate borrower.

Yakovlev did not appear before the Russian court, and in September 2009 the court entered the nearly \$31 million judgment against him.

The bank filed suit in the U.S. in 2014, seeking enforcement of the judgment under the Uniform Foreign-Country Money Judgments Recognition Act. *OAO Alfa-Bank v. Yakovlev* 37-2014-00033649 (San Diego Superior Ct., filed Oct. 3, 2014).

Sturgeon ruled that the plaintiff met its preliminary burden of demonstrating that the money judgment was enforceable under Russian law.

But he also wrote in his ruling granting summary judgment to the defendant that the bank failed to establish sufficient ser-

vice of the Russian lawsuit as required by California law.

Anton Vialtsin, managing partner of Lawstache Law Firm in San Diego, represented Yakovlev along with James M. Johnson of Knight Johnson in Georgia.

"Yakovlev was able to show the court ... that there was no evidence that the Russian court ever attempted to serve him with process, and that telegrams that were sent to his former home (and returned undelivered) did not contain sufficient information to afford Yakovlev adequate notice and due process as required by California law," Vialtsin wrote in an email.

Attorneys from Chadbourne & Parke LLP represented the plaintiff. Susan St. Denis, one of the attorneys who represented the bank, did not respond to a request for comment Tuesday afternoon.

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