



OVER
20 YEARS
OF SUCCESSFUL
PRACTICE

DISPUTE RESOLUTION



Sayat Zholshy & Partners

- *“Particularly recognized for its strength in litigation and arbitration”*



- *“Excellent” and “highly professional” and “very good value for money”*
- *“Sayat Zholshy & Partners is a key name for corporate and banking disputes”*



- *Vitaliy Vodolazkin, a leader of the Firm’s Dispute Resolution practice, is a renowned Kazakhstan litigator who regularly represents major international companies in large-scale lawsuits*



- *“Vitaliy Vodolazkin has been recognised as an arbitration and litigation leader”*

DISPUTE RESOLUTION

- *The Best Litigation Team by the Annual Forum of Corporate Lawyers four years in a row*

The litigation team of Sayat Zholshy & Partners has many years of unique experience in conducting all aspects of litigation covering courts of all jurisdictions and leading arbitration institutions throughout Kazakhstan.

We perceive each lawsuit as a work of art. Every second court case supported by our lawyers was unique for Kazakhstan. On a case-by-case basis, we offer comprehensive solutions tailored to the Client's needs and specifics, suggest dispute resolution strategy and try to anticipate counteragents' behaviour.

Throughout the history of Sayat Zholshy & Partners, international legal guides, such as Chambers and Partners and asialaw Profiles, have continuously recommended the Firm as a leader on the Kazakhstan market of litigation support services.

Over the last few years, SZP Senior Partner Vitaliy Vodolazkin has been repeatedly included by internationally renowned guides Chambers and Partners, The Legal 500 and asialaw Profiles among the leading Kazakhstan lawyers and recommended as a distinguished Kazakhstan expert in dispute resolution, including arbitration.

In 2018, Vitaliy was listed by the Legal 500 in their **Hall of Fame** which includes only a few selected lawyers who are at the peak of their success and whose outstanding professional achievements have been recognised in their home countries.

While the Kazakhstan Forum of Corporate Lawyers awarded *The Best Litigation Team* nomination, it was always Sayat Zholshy & Partners who won it.

Many partners of Sayat Zholshy & Partners act as permanent arbitrators in the Kazakhstan International Arbitration Court.

We give particular emphasis to so-called investment and investment-related disputes which, since 2016, have been referred to the Nur-Sultan (former Astana) City Court and Supreme Court of the Republic of Kazakhstan. As a matter of fact, currently this category covers all disputes between foreign investors and Kazakhstan government authorities, including disputes with tax and customs authorities over additional tax and other obligatory payments to the budget assessments.

Particular emphasis is laid on the enforcement of judgments and arbitral awards. In this important phase of civil proceedings we closely collaborate with private bailiffs in a joint effort to enforce judgments in the most efficient and comprehensive way in order to restore violated rights and legitimate interests of our Clients.

Types of disputes in which Sayat Zholshy & Partners specialises:

- Disputes in accounts receivable
- Lender/borrower disputes, including under pledge and security agreements
- Real estate and construction disputes
- Investment and investment-related disputes referred to the Nur-Sultan City Court and Supreme Court of the Republic of Kazakhstan
- Antitrust disputes
- Tax disputes
- Customs disputes
- Environmental disputes
- Disputes involving government authorities
- Corporate disputes (representing minority/majority shareholders or a joint stock company itself, challenging decisions of management bodies and transactions consummated by a company, demanding and obtaining information about company operations, etc.)
- Disputes over natural resources
- Intellectual property disputes
- Rehabilitation and bankruptcy disputes (representing both creditors and debtors)
- Invalidation of transactions, contracts, agreements, guarantees, etc.
- Challenging bailiff actions
- Challenging arbitral awards

OUR SERVICES

- Representing Clients in connection with the reversal or enforcement of Kazakhstan arbitration awards
- Representing Clients in connection with the recognition and enforcement of foreign arbitration awards in the Republic of Kazakhstan

- Issuing, at foreign clients' requests, legal opinions on arbitration issues from the perspective of Kazakhstan law
- Issuing legal opinions on the matters relating to the recognition and enforcement of foreign arbitration awards in the Republic of Kazakhstan
- Furthering enforcement measures (attachment of property, forfeiture of property, coordination of enforcement measures, etc.)
- Representing Clients in Kazakhstan courts of all jurisdictions and arbitration courts in connection with enforcement proceedings
- Drafting and revising procedural instruments (claims, complaints, applications, revocations, objections, agreements and other procedural instruments)
- Providing legal assistance with the implementation of adequate enforcement procedures ensuring subsequent proper enforcement of a judgment
- Gathering evidence
- Generating and developing an action plan for litigation support
- Representing Clients in extrajudicial settlement negotiations (if applicable)
- Preparing documents for extrajudicial resolution of disputes (if applicable)
- Analysing disputable matters and issuing legal opinions on any issues raised by Clients

EXPERIENCE

- Representing the largest Kazakhstan air carrier in connection with an aircraft incident in the Nursultan Nazarbayev International Airport (Nur-Sultan, Kazakhstan)
- Representing the largest Kazakhstan insurance company in front of Kazakhstan courts in connection with a dispute over an insurance benefit under the contractor's civil liability insurance contract
- Representing a major oil and gas drilling and service company in a dispute with their contractor over a subcontract for construction of offshore oil facilities in the Caspian Sea region
- Successfully appealing with superior tax authorities a tax audit notice with regard to the assessment of taxes and other obligatory payments due from a major Kazakhstan company (a member of the largest CIS ecommerce retail network) for a total amount over 9 mln US dollars

- Representing a major real estate owner in connection with a dispute over the termination of an agreement for a long-term lease of an over 20,000 sq. m office facility in a business district of Almaty and a partnership agreement
- Defending the legitimate rights and interests of a US transnational technology company in Kazakhstan courts of all jurisdictions and law enforcement authorities in connection with an embezzlement and recovery of damages from a Client's employee
- Defending the legitimate rights and interests of a transnational service company in a dispute with their customer under an EPC contract for construction of boilers on the customer's offshore platforms in the Caspian Sea over the refusal to pay the Contractor's fee on a pretext that the contract price increased for reasons beyond the contractor's control
- Representing the largest Kyrgyzstan payment institution in connection with a corporate dispute arising out of a sale and purchase agreement, and representing the Client in front of Kyrgyzstan courts, law enforcement authorities and the International Commercial Arbitration Court of the Chamber of Commerce and Industry of the Russian Federation
- Representing a leading maritime craft service company in a dispute with their partner engaged in the management of sea craft operating in the Caspian Sea oil fields over their refusal to pay the Client's fee
- Representing the world's leading confectionery and chewing gum manufacturer in a dispute with their Kazakhstan attorney who failed to provide proper legal services and issued an invoice for an unreasonable amount challenged by the Client
- Representing a foreign aircraft owner in a dispute with Kazakhstan customs authorities over the appropriation of the aircraft in Kazakhstan
- Representing the largest Kazakhstan insurance company in connection with a number of disputes with Kazakhstan regional customs authorities and challenging the claims of the customs authorities in relation to the customs agent's civil liability insurance contracts earlier signed by the Client
- Implementing a project for the settlement of accounts receivable (about 350 debtors) by an agro-industrial holding for a total amount of 15 mln US dollars, including reconciliation of accounts receivable, case analysis and elaboration of individual approach to each account receivable and each debtor seeking tailored solutions. As a result, the Client reached agreements with a number of debtors on voluntary repayment of debts, or postponement of repayments, or assignment of debts. With respect to other debtors we issued legal opinions on how to write off bad debts and arranged for relevant documentation. Most accounts receivable were recovered

through Kazakhstan courts

- Recovering a troubled 7 mln USD loan in favour of a major Kazakhstan bank. The project implied legal analysis of the existing relations and drafting of procedure documentation. The troubled loan granted by the Kazakhstan bank to a major agricultural holding was recovered by judicial means. The first instance judgment was upheld by higher jurisdiction courts
 - Successfully defending a major oil producer operating in Mangistau Oblast, Kazakhstan, in a lawsuit connected with illegal assessment of taxes and other obligatory payments to the budget for over 65 mln US dollars. The first instance judgment for satisfaction of the plaintiff's claims was upheld by higher jurisdiction courts
 - Winning the case on judicial annulment of antitrust authority's orders for antimonopoly corrective actions and remittance of monopoly income to the budget (over 23 mln US dollars). The first instance judgment for satisfaction of the plaintiff's claims was upheld by higher jurisdiction courts
 - Successfully representing a major mobile operator in Kazakhstan courts in connection with their appeal against antitrust authority's orders
 - Successfully representing a shareholder of a major Kazakhstan food holding seeking the reinstatement of their direct interest in the holding by challenging unlawful actions of the holding's management. The first instance judgment was upheld by higher jurisdiction courts
 - Successfully representing a major Kazakhstan holding in connection with the invalidation of an over 17 mln US dollar letter of guarantee issued in favour of a major Kazakhstan bank
 - Successfully representing a major US international telecommunications company in connection with bankruptcy of a major Kazakhstan manufacturer
 - Defending the legitimate interests of a minority shareholder in their dispute with a majority shareholder and joint stock company. The dispute involved a major confectionery manufacturer
 - Rendering legal support in connection with the judicial settlement of a dispute between a major investment company and a leading Kazakhstan bank (the disputed amount exceeded 14 mln US dollars). This dispute entailed dozens of lawsuits some of which involved guarantors and pledgors
 - Representing a leading international food producer in connection with a number of lawsuits over the use of trademarks in Kazakhstan
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7 TEAM



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