

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

JWL Group, Inc. and Joseph Kay, as Personal  
Representatives of the late Arcady Badri  
Patarkatsishvili, Little Rest Twelve, Inc., and  
Fisher Island Investments, Inc.,

Index No. \_\_\_\_/10

*Plaintiffs,*

*- against -*

Inna Gudavadze a/k/a Ina Goudavadze, Boris  
Berezovsky a/k/a Platon Elenin, Yuly Dubov,  
Anatoly Motkin, Sophie Boubnova, Victor  
Perelman, and John Does 1-50,

*Defendants.*

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**Summons and Complaint**

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*Defendants.*

Index No. \_\_\_\_/10

**Summons**

*To the above named Defendants:*

YOU ARE HEREBY SUMMONED to appear in this Supreme Court of the State of New York, County of New York at 60 Centre Street in New York City within twenty (20) days of service of the Summons, exclusive of the day of service, or within thirty (30) days after the service is complete if this Summons is not personally delivered to you within the State of New York, and to answer this Summons and the allegations set forth in the annexed Complaint with the Clerk, and serve a true copy thereof upon the Attorney for Plaintiff. If you fail to appear and answer the within Summons and Complaint, a judgment will be entered against you by default for the relief demanded in the Complaint together with interest, costs and disbursements of this action.

DATED: January 22, 2010

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1. SUPREME COURT OF THE STATE OF NEW YORK  
2. COUNTY OF NEW YORK

3. JWL Group, Inc. and Joseph Kay, as Personal  
4. Representatives of the late Arcady Badri  
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7. *Plaintiffs,*

8. - *against* -

9. Inna Gudavadze a/k/a Ina Goudavadze, Boris  
10. Berezovsky a/k/a Platon Elenin, Yuly Dubov,  
11. Anatoly Motkin, Sophie Boubnova, Victor  
12. Perelman, and John Does 1-50,

13. *Defendants.*

Index No. \_\_\_\_/10

COMPLAINT

Jury Trial Demanded

Plaintiffs designate  
New York County  
venue of trial

14. PLAINTIFFS, by their counsel, complaining of the above captioned  
15. defendants, upon personal knowledge as to themselves and/or upon information and  
16. belief as to all other matters, respectfully allege as follows.

17. **NATURE OF THIS ACTION**

18. 1. This action seeks to recover damages for wrongful death of Arcady Badri  
19. Patarkatsishvili (“Badri”<sup>1</sup> or “Decedent”). As fully set forth below, significant evidence  
20. shows that the Decedent’s death was caused by intentional unlawful acts of Defendant  
21. Inna Gudavadze, Badri’s widow (“Gudavadze”), in conspiracy with Defendant Boris

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22. <sup>1</sup> Because of difficulty of pronunciation and spelling of Decedent’s last name, Decedent  
23. during his lifetime had been most commonly referred to as and known by his middle  
24. name “Badri”.

1. Berezovsky (“Berezovsky”), a notorious Russian “oligarch” wanted by Interpol on  
2.  
3. international arrest warrants. Upon information and belief, Defendants Yuly Dubov (also  
4.  
5. on the Interpol “wanted” list) and Anatoly Motkin aided and abetted Gudavadze and  
6.  
7. Berezovsky in causing the wrongful death of the Decedent, with complicity of  
8.  
9. Defendants Sophie Boubnova and Victor Perelman, who, upon information and belief,  
10.  
11. knew of the forthcoming crime, and had the opportunity to report it but failed to do so.

12.  
13. 2. This action seeks to recover general and special damages suffered by all Plaintiffs  
14.  
15. because of tortious, malicious and wanton conduct of Defendants in conspiracy with one  
16.  
17. another and certain third parties.

18.  
19. 3. As herein alleged, the Defendants, upon information and belief, have devised and  
20.  
21. carried out a nefarious plan of intentionally or grossly negligently causing the death of  
22.  
23. Decedent, a billionaire investor and philanthropist, in order to usurp control over his  
24.  
25. vast assets. Defendants’ intentional actions in causing the Decedent’s death and other  
26.  
27. tortious and malicious acts, as set forth hereafter, have caused the Plaintiffs, New York  
28.  
29. residents, to suffer grave injury resulting in both general and specific damages.

30.  
31. 4. Certain events and individual actors described in this Complaint have been the  
32.  
33. subject of intense media interest and have been widely reported in US and international  
34.  
35. press - - with a greater or lesser degree of accuracy. The Plaintiffs seek to set the record  
36.  
37. straight and bring specific causes of action for the Court’s and Jury’s determination of  
38.  
39. facts and Defendants’ culpability and liability stemming therefrom.

1. **JURISDICTION and VENUE**  
2.

3. 5. The Court has jurisdiction because all plaintiffs are New York residents and  
4. testamentary documents, upon which JWL Group, Inc. and Joseph Kay have been  
5. recognized as personal representatives of the Decedent, were executed in New York City,  
6. New York.  
7. New York.

8. 6. The Court further has jurisdiction because Defendants' tortious acts alleged  
9. herein had significant consequences in the State of New York.  
10.

11. 7. Defendants Victor Perelman and Sophie Boubnova are residents of New York  
12. County and New York State.  
13.

14. 8. Defendants Gudavadze, Berezovsky, Dubov, and Motkin, reside outside of the  
15. United States, however, upon information and belief, do business in New York directly  
16. and indirectly through their agents. The Defendants, upon information and belief, own,  
17. use and/or possess property in New York State. Moreover, Defendant Gudavadze has  
18. voluntarily submitted herself to jurisdiction of New York courts by filing an action in the  
19. US District Court for the Southern District of New York against New York residents,  
20. including Joseph Kay. (*Gudavadze v. Kay, et al.*, Case No. 08-CV-03363).  
21.  
22.  
23.  
24.  
25.  
26.  
27.  
28.  
29.  
30.  
31.  
32.

33. **THE DECEDENT**  
34.

35. 9. Decedent Badri was a wealthy investor, a citizen and resident of the country of  
36.  
37.  
38.  
39.  
40.  
41.  
42.

1. Georgia.<sup>2</sup> Badri died on February 12, 2008, at the home of his then estranged wife Inna  
2.  
3. Gudavadze. At the time of his untimely death at age 52, Badri's fortune was estimated  
4.  
5. at over a billion US dollars. His holdings included numerous business enterprises and a  
6.  
7. significant real estate portfolio in Eastern and Western Europe. In addition, the  
8.  
9. Decedent had a stake in business projects in the U.S.

10.  
11. 10. Decedent was internationally renowned media owner and philanthropist. He  
12.  
13. controlled Imedi Media, one of the largest and most respected TV and radio networks  
14.  
15. in Eastern Europe. Decedent chaired the World Jewish Television network, which  
16.  
17. broadcasted to five continents. Decedent donated a significant portion of his wealth to  
18.  
19. worthy causes worldwide, including schools, hospitals, AIDS and cancer research,  
20.  
21. hospices for children suffering from leukemia, and foster homes. He donated over a  
22.  
23. million dollars to funds for the victims of the 9/11 tragedy and helped finance a 175-ton  
24.  
25. sculpture by Zurab Tsereteli titled "To the Struggle Against World Terrorism"-- gifted  
26.  
27. to the United States for the fifth anniversary of the 9/11 terrorist attacks. Decedent was  
28.  
29. the Chairman of Georgian Olympic Committee and served on boards of numerous  
30.  
31. charitable organizations worldwide, including Shimon Perez International Peace Centre.

32.  
33. 11. The Decedent was survived by a number of distributees, including the Defendant  
34.  
35. Inna Gudavadze and including the Decedent's two adult daughters, Iya Patarkatsishvili  
36.  
37. and Liana Zhmotova, issue of the Decedent's marriage to Gudavadze; Decedent's second

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38.  
39.  
40. <sup>2</sup> Here and elsewhere in this Complaint, "Georgia" refers to Eastern European country of  
41. Georgia, former Soviet republic.  
42.

1. wife Olga Safonova and their son David Patarkatsishvili; Decedent's sisters Mzia  
2.  
3. Totladze and Nana Patarkatsishvili; Decedent's mother Natella Patarkatsishvili;  
4.  
5. Decedent's brother Yakob Patarkatsishvili; cousins Joseph Kay, Irma Yakubov, Nina  
6.  
7. Zajic and their parents, Tsiala and Michael Kakiashvili.  
8.

9. 12. Badri was a wise and generous man, and provided services and contribution to the  
10.  
11. distributees and others in the form of voluntary assistance, guidance and counseling, and  
12.  
13. financial support.  
14.

15. 13. Up until several months prior to his death, Badri was a business partner of  
16.  
17. Defendant Berezovsky.  
18.

19. 14. Upon information and belief, at the time of Badri's death, the Decedent and his  
20.  
21. personally held entities owed significant debt to various creditors, estimated at over  
22.  
23. hundreds of millions of U.S. Dollars.  
24.

25. 15. Upon information and belief, Decedent died without executing a formal will.  
26.

27. Decedent however, on or about November 14, 2007, executed a Letter of Wishes, a  
28.  
29. European-style testamentary document, directing, *inter alia*, that upon his death JWL  
30.  
31. Group Inc. hold and manage his assets vested into various foreign trusts. The Letter of  
32.  
33. Wishes was executed in New York. Defendant Gudavadze disputed the validity of the  
34.  
35. Letter of Wishes in probate court in Tbilisi Georgia, place of Decedent's citizenship and  
36.  
37. domicile, alleging, *inter alia*, that Decedent's signature was "forged." On or about  
38.  
39. February 20, 2009, after a long and tumultuous trial, the Tbilisi probate court ruled that  
40.  
41.  
42.

1. the Letter of Wishes is valid and authentic in all respects and appointed Joseph Kay the  
2. executor of the Decedent's will and JWL Group, Inc. the executor of Decedent's estate.  
3. (*Kay v. Gudavadze, et. al.*, Case No. 2/2900-08 (Kalandadze J.) (decided on February 20,  
4. 2009, aff'd on July 1, 2009).) Decision of the Georgian court, more fully addressed  
5. below, is annexed herewith as **Exhibit 1**.<sup>3</sup>

11. **PARTIES**

13. **PLAINTIFFS**

15. 16. **JWL Group, Inc. ("JWL")** is a Delaware Corporation with authority to do  
16. business in New York and having its principal place of business in New York County.<sup>4</sup>

19. 17. As stated heretofore, on February 20, 2009, the probate court in Tbilisi Georgia,  
20. the jurisdiction of the Decedent's citizenship and domicile, and situs of a major portion  
21. of his estate, ruled that the Decedent's testamentary documents, executed in New York  
22. on or about November 14, 2007, named JWL the executor of the Decedent's estate.  
23. (*Kay v. Gudavadze, supra.*) The term "executor of the estate" in Georgia is a functional  
24. equivalent of personal representative of decedent and the assignee for the benefit of  
25. creditors and distributees.

33. 18. **Joseph Kay ("Kay")** is a citizen of the United States and currently resides in  
34. New York. At all relevant times, Kay was a cousin, business partner, attorney-in-fact and

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38. <sup>3</sup> All exhibits annexed to this Complaint are incorporated by reference and made part of  
39. the Complaint.

41. <sup>4</sup> JWL is incorporated under the name "JWL Entertainment Group, Inc."



1. trustee for the Decedent. Kay was also Badri’s trusted advisor on business and personal  
2.  
3. matters. Kay and Badri had been very close and referred to and treated one another as  
4.  
5. brothers.

6.  
7. 19. The *Kay v Gudavadze* (*supra*) Tbilisi probate court appointed Kay the executor of  
8.  
9. the will of the Decedent.<sup>5</sup>

10.  
11. 20. Gudavadze and Berezovsky disliked Kay and the fact that Badri did business with  
12.  
13. Kay, trusted Kay and often deferred to his opinion. During the Decedent’s lifetime,  
14.  
15. Gudavadze and Berezovsky did their utmost to interfere with the business and personal  
16.  
17. relationship between Kay and Badri, albeit unsuccessfully.

18.  
19. 21. **Little Rest Twelve, Inc. (“LRT”)**, is a New York Corporation, having its  
20.  
21. principal place of business at 17 Little West 12<sup>th</sup> Street, New York, NY 10014. LRT  
22.  
23. operates Ajna Bar (formerly Buddha Bar NYC), an internationally acclaimed dining and  
24.  
25. entertainment establishment, regularly featured in major international media, including  
26.  
27. New York Times, New York Post, USA Today, Bloomberg News, Newsday; and many  
28.  
29. others.

30.  
31. 22. In 2007, LRT and Badri, through one of his business entities, AP ImedInvest<sup>6</sup>,  
32.  
33.

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34.  
35. <sup>5</sup> Georgian law distinguishes the functions of the executor of the estate from the executor  
36. of the will and ruled that while Kay shall be recognized as the executor of the will of the  
37. Decedent, JWL is the executor of the estate. (See decision in *Kay v. Gudavadze*, Exhibit  
38. 1, *supra*.)

39. <sup>6</sup> “AP” are Decedent’s initials for “Arcady Patarkatsishvili.” AP ImedInvest was Decedent’s  
40. personally held entity, through which Badri made various investments.  
41.  
42.

1. entered into an agreement by which the Decedent promised to invest \$22 million to  
2.  
3. finance LRT's expansion in founding similar establishments in Miami and Chicago.  
4.

5. 23. Defendants Gudavadze and Berezovsky did not approve of this agreement and  
6.  
7. exhorted great effort in trying to convince Badri to breach it during Badri's lifetime,  
8.  
9. albeit unsuccessfully.  
10.

11. 24. **Fisher Island Investments Inc. ("Fisher Island")** is a Florida corporation  
12.  
13. engaged in the real estate development business on a well known Fisher Island off the  
14.  
15. coast of Miami. Fisher Island is an exclusive residential and resort community.  
16.

17. 25. In 2007, Fisher Island and Badri, through his business entity, AP ImedInvest,  
18.  
19. entered into an agreement by which Badri promised to supply financing of approximately  
20.  
21. \$300 million in Fisher Island in order to finance additional construction of two  
22.  
23. oceanfront buildings of 47,000 square feet of living space each on the so-called Miami  
24.  
25. Government Cut.<sup>7</sup>  
26.

27. 26. Defendants Gudavadze and Berezovsky did not approve of this agreement and  
28.  
29. exhorted great effort in trying to convince Badri to breach it during Decedent's lifetime,  
30.  
31. albeit unsuccessfully.  
32.  
33.  
34.  
35.

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36.  
37. <sup>7</sup> Government Cut is a man made shipping channel between Miami Beach and Fisher  
38. Island, which allows greater access to the Port of Miami in Miami, Florida. Before the cut  
39. was established, a single peninsula of dry land stretched from what is now Miami Beach  
40. to what is now Fisher Island, and boats destined for the port at the mouth of the Miami  
41. River had to pass around Cape Florida, to the south of Key Biscayne.  
42.

1. DEFENDANTS

2.  
3. 27. Defendant Boris Berezovsky, a/k/a Platon Elenin (“Berezovsky”) is a Russian  
4.  
5. national currently residing in London UK. Berezovsky is wanted by the Interpol on  
6.  
7. international arrest warrants issued by the Russian Federation and Brazil for fraud,  
8.  
9. embezzlement, money laundering, participation in organized crime and transnational  
10.  
11. financial crimes. (Exhibit 2.)

12.  
13. 28. Berezovsky is doing business in the State of New York, *inter alia*, through his so-  
14.  
15. called “International Foundation for Civil Liberties, Inc.”, a New York corporation  
16.  
17. founded by Berezovsky in December 2000 (“IFCL”). Upon information and belief, IFCL  
18.  
19. does not have a tax-exempt status but it is openly soliciting contributions in New York.  
20.  
21. IFCL’s website lists IFCL’s address as 1230 Avenue of the Americas, 7<sup>th</sup> Floor, New York,  
22.  
23. NY 10020. Website of NY Secretary of State’s Office lists IFCL’s address for service of  
24.  
25. process as “c/o Val Mandel, Esq., 40 Rector Street, Ste. 1502, New York, New York  
26.  
27. 10006.” Berezovsky is Chairman and Executive Director of the IFCL. IFCL’s president  
28.  
29. is non-party Alexander Goldfarb, close friend and business associate of Berezovsky, his  
30.  
31. agent and alter ego in New York. Upon information and belief, through Goldfarb,  
32.  
33. Berezovsky also runs a New York based consultancy and lobbying company AG  
34.  
35. Consulting Group, Inc.

36.  
37. 29. A notorious Russian “oligarch”, Berezovsky has been widely reported to be the  
38.  
39. man behind many high profile murders, including brutal killings of US reporter for  
40.  
41.  
42.

1. Forbes Magazine Paul Khlebnikov<sup>8</sup>; prominent Russian journalists Vladislav Listyev and  
2.  
3. Anna Politkovskaya; Deputy Head of Russian Central Bank Andrey Kozlov; and a  
4.  
5. former Russian intelligence officer Alexander Litvinenko (poisoned with a nuclear  
6.  
7. substance Polonium-210 in London).  
8.

9. 30. Upon information and belief, since at least 2003, Berezovsky has been under  
10.  
11. investigations for money laundering by Swiss federal prosecutors, Dutch FIOD-ECD (the  
12.  
13. Netherlands money laundering and financial frauds watchdog) and French Central Office  
14.  
15. for Combating Grand Financial Offences (OCRGDF)).  
16.

17. 31. Berezovsky is known to boast about his “close contacts” with high-level KGB  
18.  
19. operatives and ability to avail himself of their facilities to “neutralize” a competitor or  
20.  
21. opponent.<sup>9</sup>  
22.

23. 32. Upon information and belief, Berezovsky presently is barred from entering the  
24.  
25. United States, but visits the U.S. regularly to conduct business in the US, including in  
26.  
27. this State, using multiple passports issued to different names, including “Platon Elenin”.  
28.

29. 33. As heretofore and hereafter alleged, Berezovsky committed tortious acts within  
30.  
31. and without the State causing injury to persons and property within the state, and  
32.

---

34. <sup>8</sup> Paul Khlebnikov, who was killed execution style in Moscow is the author of the  
35. best-selling book “The Godfather of Kremlin”, a thoroughly researched treatise about  
36. Berezovsky. It was widely reported that his murder was motivated by his publishing of  
37. this book.  
38.

39. <sup>9</sup> In January 2006, the guests attending Berezovsky's lavish 60<sup>th</sup> birthday party at Blenheim  
40. Palace, included such KGB high level operatives as Alexander Litvinenko and Andrei  
41. Lugovoi.  
42.

1. should reasonably expect his acts to have consequences in New York. Berezovsky derives  
2.  
3. substantial revenue from interstate or international commerce. At all relevant times,  
4.  
5. Berezovsky, jointly with Gudavadze, owned, used or possessed real property situated  
6.  
7. within the State, including a condominium apartment in Trump International on Central  
8.  
9. Park West.

10.  
11. 34. Upon information and belief, Berezovsky, in conspiracy with Gudavadze,  
12.  
13. choreographed and carried out the murder of the Decedent, his former partner. As  
14.  
15. hereinafter alleged, Berezovsky had ample opportunity, means, and compelling motive  
16.  
17. to murder the Decedent. Plaintiffs allege that Berezovsky intentionally caused the death  
18.  
19. of the Decedent, hence Berezovsky's criminal background is directly relevant to this  
20.  
21. action and probative of one or more of the elements of the alleged wrongdoing, as well  
22.  
23. as Berezovsky's motive and intentional participation in the wrongs herein alleged.  
24.  
25. Accordingly, the Plaintiffs set forth Berezovsky's background (which has been  
26.  
27. abundantly reported in the media), in greater detail than a more usual cursory  
28.  
29. description of a party.

30.  
31. *Berezovsky's "Curriculum Vitae" of Crime*  
32.

33. 35. Berezovsky is often featured in international press as a nefarious billionaire  
34.  
35. tycoon and the epitome of Russian "robber capitalism" of the 90s, at the peak of Russian  
36.  
37. Organized Crime's ("ROC") wresting control of Russian economy. Berezovsky, a  
38.  
39. one-time Russian used car dealer, assembled a huge illicit fortune after the collapse of  
40.  
41.  
42.

1. Communism. In “The Godfather of Kremlin”, Khlebnikov noted: "This individual had  
2.  
3. risen out of nowhere to become the richest businessman in Russia..."

4.  
5. 36. Berezovsky was at the height of his nefarious powers in the latter years of the  
6.  
7. regime of Russian President Boris Yeltsyn. Being an insider in both the Yeltsyn family  
8.  
9. and the tops of the ROC, Berezovsky made his fortune by capturing and looting Russian  
10.  
11. state assets during Russia's rush towards privatization in the 90s - - using fraudulent  
12.  
13. contracts, no-bid government “auctions”, blackmailing industry officials and murder - -  
14.  
15. amassing billions of dollars in proceeds of his crimes.

16.  
17. 37. In April 7, 1999, the Office of Russia's Attorney General issued an arrest warrant  
18.  
19. for Berezovsky, on charges of money-laundering and embezzling millions of dollars from  
20.  
21. Russian National Airline Aeroflot by diverting Aeroflot’s funds to his Geneva based  
22.  
23. company “Andava S.A.” (The warrant is still outstanding.) Swiss authorities also  
24.  
25. commenced investigation into Berezovsky’s money laundering activities. On September  
26.  
27. 15, 1999, The New York Times reported:

28.  
29. “the [Swiss] authorities have moved aggressively against two Swiss  
30. companies that worked for the Russian airline Aeroflot... .... This summer  
31. Swiss prosecutors raided the offices and froze the bank accounts of Andava  
32. S.A. and Forus Services S.A., two Lausanne companies ... Investors in both  
33. companies included Mr. Berezovsky.”  
34.

35. 38. In 2000, Berezovsky, fearing imminent arrest and prosecution in his native  
36.  
37. Russia, fled to UK. There, using his illicit fortune, Berezovsky has bought significant  
38.  
39. political influence. As has been abundantly reported, with the assistance of some  
40.  
41.  
42.

1. members of the UK Parliament and thanks to ample honorariums paid to Britain's most  
2.  
3. expensive lobbyists and lawyers, Berezovsky managed to cloak his common crimes with  
4.  
5. the patina of "political persecution" - - securing asylum status in the UK. Then,  
6.  
7. capitalizing on political tensions between Russia and UK, he successfully fenced off  
8.  
9. multiple extradition requests of the Russian government, and subsequently of the  
10.  
11. Brazilian government. Berezovsky's lead image-maker is Lord Timothy Bell, best known  
12.  
13. for his championing the causes of the former Panamanian ruler Manuel Noriega  
14.  
15. (convicted for drug trafficking in Florida), Chilean dictator, war criminal Augusto  
16.  
17. Pinochet, and the Belarusian fraudulently elected strong man, Aleksandr Lukashenka,  
18.  
19. Berezovsky's long-time friend and associate. British *Independent* wrote:

20.  
21. "Public relations guru Lord Bell is the man who deposed leaders and exiled  
22. billionaires call when they need an image makeover. Operating on a global  
23. scale, Lord Bell is quite prepared to give counsel to dictators, deposed  
24. leaders and exiled billionaires, especially when they find themselves pariahs  
25. in need of a media makeover. President Lukashenka of Belarus, who  
26. presides over what Condoleezza Rice, US secretary of State, described as  
27. "the last remaining true dictatorship in the heart of Europe", is a recently  
28. acquired client of his Chime Communications empire. He has also  
29. represented Boris Yeltsyn, the former Russian president, and Boris  
30. Berezovsky, the oil and media magnate who is exiled in London and has  
31. threatened to overthrow Vladimir Putin. Berezovsky has successfully  
32. avoided all attempts at extradition to Russia, where he was convicted in  
33. absentia last year and sentenced to six years for embezzlement. (*The*  
34. *Independent* August 18, 2008.)"  
35.

36. 39. At the end of 2000, Berezovsky incorporated IFCL in New York, partly in an  
37.  
38. attempt, albeit unsuccessful, to improve his image in the U.S., and partly, upon  
39.  
40. information and belief, to further facilitate his money laundering activity.  
41.  
42.

1. 40. On October 23, 2001, the *Telegraph* (London) reported: “[B]erezovsky has been  
2.  
3. put on the country's wanted list accused of corruption and money laundering.”  
4.

5. 41. On February 1, 2002, *The New York Times* reported that Berezovsky was wanted  
6.  
7. by Russian authorities for “financing of terrorist activity” in Chechnia and accused of  
8.  
9. involvement in the kidnaping and assassination of Major-General Gennady Shpigun,  
10.  
11. Russian envoy to Chechnya.  
12.

13. 42. On October 24, 2002, *The New York Times* reported that Russian Federal  
14.  
15. prosecutors charged Berezovsky with defrauding Russia's largest automobile company,  
16.  
17. AvtoVAZ, of \$15 million.  
18.

19. 43. On March 26, 2003, London police reported that Berezovsky was arrested by  
20.  
21. Scotland Yard, “charged on the extradition warrant issued by Bow Street Magistrates  
22.  
23. Court following a request for assistance from Russian authorities investigating allegations  
24.  
25. of a fraud.” Berezovsky had been released on bail. As noted, Berezovsky managed to  
26.  
27. secure asylum in the UK and was not extradited.  
28.

29. 44. On November 16, 2003, Hansjoerg Widmer of the Swiss Federal Prosecutor’s  
30.  
31. Office, said that Switzerland had opened a formal investigation against Berezovsky for  
32.  
33. money laundering and membership in a criminal organization.  
34.

35. 45. In 2004, Interpol issued an international arrest warrant for Berezovsky on charges  
36.  
37. of fraud, money laundering, organized crime and transnational crimes. The Interpol  
38.  
39. warrant is still outstanding.  
40.  
41.  
42.



1. 46. On February 21, 2006, at the meeting with the UN High Commissioner for  
2.  
3. Human Rights Louise Arbour, Prime Minister Kadyrov informed the UN Commissioner  
4.  
5. about Berezovsky's financing Chechen terrorists:  
6.

7. "Berezovsky repeatedly met with warlords and offered a financing scheme  
8. to them. Berezovsky said to the militant leaders, 'I can't give you money  
9. directly, and therefore I suggest that you kidnap Russian civilians and  
10. servicemen in Chechnia, then I will pay you millions of dollars in ransoms  
11. for them,"  
12.

13. The Central-Asia Caucasus Institute reported that "the militants received millions  
14.  
15. of dollars under this scheme, with which they bought weapons and ammunition."  
16.

17. 47. In October 2006, when Berezovsky's influence-shopping spree became too  
18.  
19. obvious, a member of UK Parliament from the Tory party, Greg Barker, faced a probe  
20.  
21. into his financial dealings with Berezovsky. UK former immigration minister Charles  
22.  
23. Wardle, one of many critics of Berezovsky's UK asylum, demanded investigation into  
24.  
25. financial ties between Barker and Berezovsky, who was at that time facing extradition  
26.  
27. from Britain. Lord Bell, who was also in charge of Tory party's public relations campaign  
28.  
29. said that Berezovsky "could not recall meeting Barker" (as reported by London's *Daily*  
30.  
31. *Mail* and other media.) Barker himself admitted meeting with Berezovsky on multiple  
32.  
33. occasions in Moscow and London, but denied improper financial dealings with  
34.  
35. Berezovsky.  
36.

37. 48. On February 20, 2007, *Bloomberg News* reported that Acting Prime Minister of  
38.  
39. Chechnia Ramzan Kadyrov publicly stated that Berezovsky was responsible for the  
40.  
41.  
42.

1. deaths of Litvinenko and reporter Anna Politkovskaya.  
2.

3. 49. On June 23, 2007, *Reuters* reported, that Russian prosecutors reiterated that  
4.  
5. Berezovsky is behind the murder of Alexander Litvinenko.  
6.

7. 50. In July 2007, Brazilian judge Fausto Martin de Sanctis ordered the arrest of  
8.  
9. Berezovsky following Brazilian prosecutors' investigation of Sao Paulo football club  
10. Corinthians, which was used as a money laundering vehicle for Berezovsky's company  
11. Media Sports Investments (MSI), that formed a "partnership" with Corinthians in  
12. November 2004, and was funded with the profits from organized crime in Russia. The  
13. *Guardian* (London) reported: "Brazilian officials vowed to seek the extradition of Mr.  
14. Berezovsky from the UK to face charges of money laundering."  
15.  
16.

17. 51. On August 7, 2007, a Moscow court issued a new arrest warrant for Berezovsky,  
18.  
19. on charges of embezzling millions of dollars from SBS-Agro Bank, one of the largest  
20. Russian-international banks. *USA Today* reported that this is "likely to increase tensions  
21. between Moscow and London over Britain's refusal to extradite him."  
22.  
23.

24. 52. On August 28, 2007, London's *The Independent* reported that Russian prosecutors  
25. have announced a breakthrough in the hunt for the killers of Anna Politkovskaya,  
26. making Berezovsky a prime suspect as a mastermind of the murder.  
27.  
28.

29. 53. On August 29, 2007, *Kommersant*, Moscow's premier business daily, reported  
30. that Dutch law enforcement authorities initiated a criminal case against Berezovsky for  
31. money laundering, and traveled to Moscow to meet with the Russian prosecutors to  
32.  
33.  
34.

35. 53. On August 29, 2007, *Kommersant*, Moscow's premier business daily, reported  
36. that Dutch law enforcement authorities initiated a criminal case against Berezovsky for  
37. money laundering, and traveled to Moscow to meet with the Russian prosecutors to  
38.  
39.  
40.  
41.  
42.

1. share information in that regard. *Kommersant* also reported that Berezovsky's trial on  
2.  
3. charges of his embezzlement and money laundering and his role in hostage-taking  
4.  
5. incident on Chechen border, will be heard in court in October.

6.  
7. 54. In November 2007, a Moscow court sentenced Berezovsky in absentia to six years  
8.  
9. in prison for embezzling millions of dollars from Aeroflot. Following the appeal filed by  
10.  
11. Berezovsky's defense attorneys, the sentence was affirmed.

12.  
13. 55. In June 2009, Berezovsky again was tried in absentia in Moscow on charges of  
14.  
15. multi-million dollar embezzlement from AvtoVAZ, Russian biggest automaker, and  
16.  
17. sentenced to 13 years in prison.

18.  
19. 56. In October 2009, it was reported that the Prosecutor General of the Ukraine  
20.  
21. commenced investigation into Berezovsky's involvement in the child molestation and  
22.  
23. statutory rape scandal in the world-famous children summer camp Artek in Crimea,  
24.  
25. Ukrainian peninsula. Reports regarding Berezovsky's pedophilic propensity and child  
26.  
27. molestation incidents had been appearing before.

28.  
29. 57. As the investigations into Berezovsky's world-wide criminal activities continued,  
30.  
31. in October 2009, Berezovsky faced new indictment by the Russian Federal prosecutors,  
32.  
33. for being the principal administrator and organizer of the corrupt criminal enterprise "for  
34.  
35. perpetrating economic crimes in and outside Russia", as noted by Vladimir Markin of the  
36.  
37. Prosecutor General's Office. Berezovsky

38.  
39. "established a network of commercial companies personally or with the  
40. help of his associates. The companies disguised as regular financial and  
41.  
42.

1. economic entities committed transnational crimes, *i.e.* embezzlement and  
2. money laundering. They [the companies] were set up in Russia and some  
3. other countries, including Luxembourg, Cyprus, Switzerland, the British  
4. Virgin Islands, Gibraltar and the Island of Man,”

5.  
6. Plaintiffs have significant credible evidence regarding Berezovsky’s network of  
7.  
8. offshore shell entities used in furtherance of his money laundering and other unlawful  
9.  
10. activities.

11.  
12. 58. On the date of this Complaint, January 22, 2010, the Basmani Federal Court of  
13.  
14. Moscow ordered an injunction with respect to Berezovsky’s condominium apartment in  
15.  
16. New York, in connection with Berezovsky’s fraud in obtaining his UK asylum status.

17.  
18. 59. Thus far, Berezovsky has skillfully manipulated the system, evading multiple  
19.  
20. extradition requests and parlaying his much criticized UK asylum and protection of  
21.  
22. certain UK politicians into an impenetrable “immunity” shield and, literally, a “license  
23.  
24. to kill.”

25.  
26. 60. Yuly Dubov (“Dubov”) is a Russian national currently residing in UK. Dubov  
27.  
28. is a friend and business associate of Berezovsky. Dubov is on the Interpol “Wanted” list.  
29.  
30. On or about March 26, 2003, Dubov was arrested by Scotland Yard, together with  
31.  
32. Berezovsky on fraud and embezzlement charges forwarded by Russia.

33.  
34. 61. Together with Berezovsky, Dubov was sentenced in Moscow court for massive  
35.  
36. embezzlement and fraud to nine year prison term

37.  
38. 62. Like Berezovsky, Dubov obtained an asylum status in the UK, thus avoiding  
39.  
40. extradition, upon information and belief, thanks to Berezovsky’s political connections

1. and exorbitant fees to lobbyists and lawyers.  
2.

3. 63. Upon information and belief, Dubov, together with Berezovsky is doing business  
4. in New York, *inter alia*, through IFCL.  
5.

6. 64. As heretofore and hereafter alleged, Dubov committed tortious acts within and  
7. without the State of New York causing injury to persons and property within the state,  
8. and should reasonably expect the act to have consequences in the State. Dubov derives  
9. substantial revenue from interstate or international commerce.  
10.  
11.

12. 65. Upon information and belief, Dubov owns, uses, or possesses real property  
13. situated within the State.  
14.

15. 66. Plaintiffs allege that Dubov aided and abetted Gudavadze and Berezovsky in  
16. choreographing and executing the slaying of the Decedent, and in other misconduct  
17. alleged herein.  
18.

19. 67. Anatoly Motkin (“Motkin”), upon information and belief, is a citizen of Israel  
20. and Belarus. Motkin is Berezovsky’s servant and agent and carries out his errands in  
21. various jurisdictions, including in the State of New York.  
22.  
23.

24. 68. Motkin together with Berezovsky is doing business in New York through  
25. Berezovsky’s IFCL and through Motkin’s various Internet ventures.  
26.  
27.

28. 69. As heretofore and hereafter alleged, Motkin committed tortious acts within and  
29. without the State causing injury to persons and property within the state, and should  
30. reasonably expect the acts to have consequences in the State. Motkin derives substantial  
31.  
32.

33. 69. As heretofore and hereafter alleged, Motkin committed tortious acts within and  
34. without the State causing injury to persons and property within the state, and should  
35. reasonably expect the acts to have consequences in the State. Motkin derives substantial  
36.  
37.  
38.  
39.  
40.  
41.  
42.

1. revenue from interstate or international commerce.  
2.  
3. 70. Upon information and belief, Motkin owns, uses or possesses real property  
4.  
5. situated within the State.  
6.  
7. 71. Counterclaim-plaintiffs allege that Motkin aided and abetted Gudavadze and  
8.  
9. Berezovsky in choreographing and executing the slaying of Badri.  
10.  
11. 72. Inna Gudavadze a/k/a Ina Goudavadze (“Gudavadze”), is a Russian national  
12.  
13. currently residing in the Republic of Georgia and in the UK.  
14.  
15. 73. Gudavadze was an estranged wife of the Decedent.  
16.  
17. 74. Gudavadze married the Decedent in or about 1979, and had two daughters, issue  
18.  
19. of marriage, Liliana Zhmotova and Iya Patarkatsishvili.  
20.  
21. 75. Upon information and belief, Gudavadze obtained a UK “investor visa” as a wife  
22.  
23. of the Decedent by fraud, failing, *inter alia*, to inform the UK Immigration that at the  
24.  
25. time the Decedent and Gudavadze had been separated pursuant to a formal written  
26.  
27. separation agreement.  
28.  
29. 76. Upon information and belief, Gudavadze and her two daughters, Iya  
30.  
31. Patarkatsishvili and Liana Zhmotova, have been banned from entering most countries  
32.  
33. in Western Europe comprising the Schengen Zone, for using fake Greek passports and  
34.  
35. residency permits - - following the investigation by the Greece Ministry of Foreign Affairs  
36.  
37. and Hellenic Ministry of Interior Affairs and Public Administration. Copies of  
38.  
39. Gudavadze’s family bogus “Greek Passports” and pertinent portions of the decision of  
40.  
41.  
42.

1. Greek authorities are annexed herewith as Exhibit 3.

2.  
3. 77. By 1994, the Decedent's relationship with Gudavadze deteriorated. On or about  
4.  
5. March 12, 1994, the Decedent and Gudavadze entered into a formal separation  
6.  
7. agreement. A copy of the English translation of the Separation Agreement is annexed  
8.  
9. herewith as Exhibit 4.<sup>10</sup> Subsequently, Gudavadze and the Decedent formally divorced.  
10.  
11. However, following the Decedent's passing, Gudavadze claimed that no divorce took  
12.  
13. place. Upon information and belief, Gudavadze, by blackmailing and bribing employees  
14.  
15. of the vital records office, managed to remove and discard her divorce records.

16.  
17. 78. Since his separation from Gudavadze, Badri had been living with another  
18.  
19. woman, Olga Safonova ("Safonova"), with whom he had already had a son David. On  
20.  
21. May 16, 1997, Badri married Safonova. Material related to Badri-Safonova marriage is  
22.  
23. set forth in Exhibit 5.

24.  
25. 79. However, after their separation, the Decedent continued seeing and providing a  
26.  
27. multi-million dollar support to Gudavadze, in addition to generous gifts, such as the  
28.  
29. Rolls Royce, investment-grade jewelry, and real estate. The Decedent often stayed at  
30.  
31. Gudavadze's home in the suburb of London - - the place where he met his death.

32.  
33. 80. Upon information and belief, since the latter part of 2002, Gudavadze has been  
34.  
35. investigated by French Central Office for Combating Grand Financial Offences  
36.

37.  
38. \_\_\_\_\_  
39. <sup>10</sup> Plaintiffs at this time do not have the Russian language signed version of the agreement.  
40. However, the translation was done by Gudavadze and the Plaintiffs do not expect her to  
41. dispute the existence of the agreement, its date, or its terms.  
42.

1. (OCRGDF)) for fraudulent purchase of a multi-million-Euro mansion in Paris.

2.  
3. 81. Upon information and belief, Gudavadze is liable for Decedent's death. As set  
4.  
5. forth heretofore and hereafter, Gudavadze had ample opportunity, means, and  
6.  
7. compelling motive to murder the Decedent, in conspiracy with Berezovsky.

8.  
9. 82. Gudavadze, together with Berezovsky is doing business in New York, *inter alia*,  
10.  
11. through Berezovsky's IFCL.

12.  
13. 83. As heretofore and hereafter alleged, Gudavadze committed tortious acts within  
14.  
15. and without the State causing injury to persons and property within the state, and  
16.  
17. should reasonably expect these acts to have consequences in the State. Gudavadze  
18.  
19. derives substantial revenue from interstate or international commerce.

20.  
21. 84. Upon information and belief, Gudavadze owns, uses or possesses real property  
22.  
23. situated within the State.

24.  
25. 85. **Victor Perelman ("Perelman")** is a resident of New York State and New York  
26.  
27. City.

28.  
29. 86. Perelman is a servant and agent for Gudavadze and Berezovsky and acts for  
30.  
31. Berezovsky's several companies.

32.  
33. 87. Upon information and belief, Perelman is complicit in the death of the Decedent  
34.  
35. in that he knew about the contemplated crime and had opportunity to report it, but  
36.  
37. failed to do so.

38.  
39. 88. **Sophie Boubnova ("Boubnova")** is a resident of New York State and New York  
40.  
41.  
42.



1. City.

2.  
3. 89. Boubnova is an ex-spouse of Kay. In 2006, Kay filed an action against Boubnova  
4.  
5. for torts practiced upon Kay. Boubnova was aware of the action and was given numerous  
6.  
7. opportunities to defend it, but intentionally defaulted and the judgment was entered  
8.  
9. against her.

10.  
11. 90. Upon information and belief, Boubnova is complicit in the death of the Decedent  
12.  
13. in that she knew about the contemplated crime and had the opportunity to report it, but  
14.  
15. failed to do so.

16.  
17. 91. Defendants John Does 1 through 50 are physical persons and legal entities  
18.  
19. whose identities are not known to the Plaintiffs at this time. Upon information and  
20.  
21. belief Does 1-50 acted in concert with, aided and abetted and have been complicit in  
22.  
23. wrongs alleged herein.

24.  
25. **STATEMENT OF FACTS**  
26.

27. 92. Badri and Berezovsky had been business partners since the early nineties.

28.  
29. 93. By the year 2006, Badri was growing increasingly uncomfortable with  
30.  
31. Berezovsky's non-stop problems with law-enforcement and his multi-million dollar  
32.  
33. spending of their partnership's funds on financing various factions opposing Russian  
34.  
35. government. Badri decided to end his business partnership with Berezovsky and split the  
36.  
37. partnership's assets.

38.  
39. 94. Berezovsky, whose own fortune by that time was significantly depleted because  
40.  
41.  
42.

1. of the multi-million dollar lobbying and legal outlays, as well as financing of unlawful  
2. combatants opposing Russian government, was utterly perturbed and irate over Badri's  
3. decision to part company.  
4.  
5.

6.  
7. 95. In addition, Berezovsky who had always sought to insinuate himself into the  
8. politics of the post-Soviet countries, had his own plans for Badri, one of the most  
9. prominent businessmen in Georgia. Berezovsky sought to capitalize on Badri's  
10. prominence and reputation of an honorable man and a well-known philanthropist, by  
11. having him run for the presidency of Georgia against the incumbent president Michael  
12. Saakashvili in 2007. Berezovsky did not expect Badri to win the race but was counting  
13. that the mere fact of Badri's entering (and financing) the race, and the accompanying  
14. media campaign, would weaken the Saakashvili government and help Berezovsky's  
15. opposition protegees.  
16.  
17.

18.  
19. 96. Badri, who was far from politics, initially resisted. But Berezovsky, known as a  
20. master-manipulator of people, enlisted assistance of Gudavadze, by enticing her with the  
21. prospects of becoming "the first lady". Caught between Berezovsky's persistent requests  
22. and Gudavadze's constant nagging, Badri reluctantly agreed to enter the race against his  
23. own better judgment and that of his close advisors. Berezovsky appointed Motkin to act  
24. as Badri's "campaign manager." As was widely predicted, Saakashvili won.  
25.  
26.

27.  
28. 97. Badri, emotionally distraught after the unsuccessful run, had conceded that  
29. allowing Berezovsky and Gudavadze to "set him up" was the biggest mistake of his life.  
30.  
31.  
32.

1. He swore to stay away from politics, and decided to completely separate and distance  
2.  
3. himself from Berezovsky in every respect. But that was incompatible with Berezovsky's  
4.  
5. mischievous political and financial ambitions. Badri was emerging Berezovsky's political  
6.  
7. liability.  
8.

9. 98. The last straw was Badri's decision to divest himself of Imedi TV, the most  
10.  
11. popular TV station in Georgia, which Berezovsky used to propagate his anti-government  
12.  
13. agenda in Georgia.  
14.

15. 99. At approximately the same time, despite lavish support provided by Badri,  
16.  
17. to Gudavadze, the latter had been growing increasingly irate over Badri's relationship  
18.  
19. with Safonova, and on multiple occasions threatened to have both Badri and Safonova  
20.  
21. killed. Gudavadze also felt embarrassed and "let down" by Badri's failure in bestowing  
22.  
23. her as the "first lady" of Georgia. Several months prior to his death, Badri was  
24.  
25. complaining that his relationship with Gudavadze had become a "warfare". On multiple  
26.  
27. occasions, Badri expressed to his friends fears that Gudavadze and Berezovsky are "the  
28.  
29. most likely persons" to have him killed. As set forth heretofore, on or about November  
30.  
31. 14, 2007, Badri executed a Letter of Wishes, which provided in part:  
32.

33. "I am making this Letter of Wishes at this time because I believe that my  
34. political ambitions may have brought me to the point of being placed in  
35. the jeopardy of being physically eliminated either by my political  
36. opponents, if I succeed, or by my own allies, if I should fail to attain my  
37. goal of ridding my beloved country of Georgia of the dictatorial regime and  
38. henceforth become a liability to my friends and supporters. If the latter  
39. should occur, I WISH IT TO BE KNOWN that I accept my fate with no  
40. bitterness or remorse and with understanding that I did what I did with  
41.  
42.

1. open eyes and seek no revenge against or prosecution of anyone.”

2.  
3. 100. Shortly thereafter, Berezovsky persuaded Gudavadze that Badri “executed a will,”  
4.  
5. under which Safonova and David Patarkatsishvili (Safonova’s and Badri’s son) would  
6.  
7. inherit most or all of Badri’s fortune. Using his iniquitous manipulative abilities,  
8.  
9. Berezovsky explained to Gudavadze that, if Badri were to pass on, Gudavadze, with the  
10.  
11. help of Berezovsky and his high powered “political” lawyers, would be able to set aside  
12.  
13. Badri’s testamentary documents by claiming that they had been “forged” or otherwise  
14.  
15. invalid. Berezovsky further persuaded Gudavadze that if Badri were to pass on, he would  
16.  
17. be viewed as a “hero”, rather than a failure and, with the help of Berezovsky’s powerful  
18.  
19. public relations machine, Berezovsky would be able to convince the public that Badri’s  
20.  
21. death was caused by Georgian intelligence operatives.<sup>11</sup> Berezovsky also convinced  
22.  
23. Gudavadze that she, using Badri’s vast financial resources, and his Imedi TV (which  
24.  
25. Gudavadze would inherit) could become the one to gain great political influence as the  
26.  
27. “hero’s widow” and could make a successful run for the presidency of her own.  
28.  
29. Berezovsky’s venomous seeds fell on fertile soil. Gudavadze (whom neither Berezovsky  
30.  
31. nor Badri credited with much intelligence) being irate with Badri’s continuous  
32.  
33. relationship with Safonova, was ready.

34.  
35. 101. In the latter part of 2007 the interests of Berezovsky and Gudavadze in seeing  
36.  
37. Badri dead had come to coincide, and the pair agreed to join forces and their vast  
38.

---

39.  
40. <sup>11</sup> After slaying Badri, Berezovsky and Gudavadze indeed engaged in a short-lived public  
41. relations campaign attempting to sell these absurd claims, albeit without success.  
42.

1. financial resources in order to gain control over Badri's assets, including Imedi TV.

2.  
3. 102. Before bringing his plan in motion, in or about January 2008, Berezovsky had  
4.  
5. made his last-ditch attempt to persuade Badri to keep Imedi TV. Badri refused. Two  
6.  
7. days prior to his death, Badri forwarded a text message to Kay advising him of this  
8.  
9. decision. Berezovsky, who had access to Badri's phone, intercepted this message - -  
10.  
11. sealing Badri's fate.

12.  
13. 103. Upon information and belief, Berezovsky developed an elaborate plan, which  
14.  
15. included slaying Badri, and grabbing his assets by means of frauds upon the courts in  
16.  
17. Georgia, and possibly in other jurisdictions where Badri's assets could be found.  
18.  
19. Gudavadze and Berezovsky calculated that because of the complexity of Badri's vast  
20.  
21. network of assets held in the names of numerous offshore corporations and trusts, in the  
22.  
23. absence of Badri, there would be no one to controvert their false claims, and thus, no  
24.  
25. obstacle to promptly procuring, by fraud, judgments declaring that Badri's assets belong  
26.  
27. to Gudavadze.

28.  
29. 104. Upon information and belief, pursuant to a then secret agreement between  
30.  
31. Berezovsky and Gudavadze, all Badri's assets would then be split 50/50 between them.  
32.  
33. As set forth below, such agreement was indeed signed by Berezovsky and Gudavadze on  
34.  
35. February 25, 2008, 13 days after Badri's death and while his body was still in the process  
36.  
37. of the autopsy, *i.e.*, **before he was even buried.**

38.  
39. 105. In carrying out this plan, on February 12, 2008, Berezovsky invited Badri to stop  
40.

41.  
42.

1. by his office at 7 Down Street, in Westminster, London at approximately 5:45 PM.  
2.  
3. Upon information and belief, during their encounter, Berezovsky laced Badri's drink  
4.  
5. with Sodium Fluoroacetate ("SF"), also known as "death serum", a colorless powder  
6.  
7. which is highly toxic to human beings.<sup>12</sup> SF leaves virtually no traces and is not detected  
8.  
9. on routine autopsy. SF, banned in many countries, is known to be commonly used by  
10.  
11. KGB operatives as a metabolic poison killing human beings.

12.  
13. 106. After drinking the spiked drink, Badri became ill. Berezovsky subsequently  
14.  
15. "recalled" that Badri had difficulty breathing and "went outside for fresh air."

16.  
17. 107. Unsuspecting Badri went to the home owned by Gudavadze, in a small town  
18.  
19. of Leatherhead, Surrey County (suburb of London UK.) There, shortly after arrival, he  
20.  
21. had heart failure induced by the compound which he ingested in Berezovsky's office.  
22.  
23. Ambulance was called and its crew members tried unsuccessfully to resuscitate Badri.  
24.  
25. Badri was pronounced dead at 10.52 pm.

26.  
27. 108. Next morning Gudavadze and Berezovsky announced that Badri died of a "heart  
28.  
29. attack."

30.  
31. 109. According to the story given by Gudavadze to local Surrey County police, in the  
32.  
33. evening of February 12, 2008, Badri complained of chest pains and feeling ill. He went  
34.  
35. upstairs to rest and, according to Gudavadze, was found collapsed at 10.45 PM.

---

36.  
37.  
38. <sup>12</sup> The oral dose of SF sufficient to be lethal in humans is 2–10 mg. The symptoms of  
39. poisoning normally appear between 30 minutes and several hours after exposure, causing  
40. cardiac abnormalities, irregular heart beat, leading to coma and death. Effective antidotes  
41. are unknown.

1. Plaintiffs believe that Badri collapsed earlier and that Gudavadze intentionally failed to  
2.  
3. summon ambulance for at least 30 minutes, in order to ensure that sufficient time passes  
4.  
5. so that the paramedics would be unable to resuscitate Badri.  
6.

7. 110. Local police of Surrey County initially treated the case as "suspicious" and referred  
8.  
9. it to their Major Crimes Investigations Unit. An autopsy performed by a local Surey  
10.  
11. County coroner, initially labeled death as resulting from a "heart disease." However  
12.  
13. Badri's personal doctor Zaur Kirkitadze said that the Decedent had no history of heart  
14.  
15. disease and press reports continued to surface suggesting that the "heart attack" story  
16.  
17. was not credible. One of Badri's friends appearing on television, said that a couple of  
18.  
19. months prior to his death, Badri had a medical checkup and "there was nothing  
20.  
21. whatsoever wrong with his heart" and that Badri "was in a perfect health."  
22.

23. 111. Immediately after Badri's passing, suspicions that Berezovsky was behind Badri's  
24.  
25. death had been voiced. On February 13, 2008, Alexander Khinstein, ranking member  
26.  
27. of the Russian Parliament, publicly accused Berezovsky of being "the man most  
28.  
29. interested in Badri Patarkatsishvili's death ... [because] Patarkatsishvili was buying out  
30.  
31. [Berezovsky's] shares of their business [and] Badri himself initiated their parting the  
32.  
33. company because he was burdened by unhealthy political ambitions of his partner"  
34.

35. 112. Because of the media pressure, the police said they would conduct a toxicology  
36.  
37. tests on Badri's body. However, the results of the ostensible tests have never been  
38.  
39. released. Plaintiffs believe that Berezovsky and Gudavadze, using their financial fortunes  
40.  
41.  
42.

1. and political influence were able to suppress these results and hush the investigation. The  
2.  
3. first stage of the Berezovsky/Gudavadze plot had been successfully accomplished.  
4.

5. 113. **One day after Badri's death** Berezovsky asked Gudavadze to sign a statement  
6.  
7. acknowledging that half of Badri's assets belonged to him, as reported by the London  
8.  
9. *Times*. Gudavadze promptly agreed and also promised to "deliver" the rest of her family,  
10.  
11. including her two daughters and Badri's mother, who also would sign the agreement.  
12.

13. 114. The 50/50 agreement, styled "Memorandum of Understanding between Boris  
14.  
15. Berezovsky and Inna Gudavadze..." was in fact signed, purportedly on February 25,  
16.  
17. 2008, less than two weeks after Badri's death. The 50/50 Berezovsky/Gudavadze  
18.  
19. agreement splitting Badri's assets is annexed as **Exhibit 6**.  
20.

21. 115. Upon information and belief, the Gudavadze/Berezovsky 50/50 Agreement was  
22.  
23. drafted **prior** to Badri's death.  
24.

25. 116. Badri was buried on February 28, 2008 in the backyard of his home in Georgia.  
26.  
27. Days prior to his burial Gudavadze stated to a family member that his death made things  
28.  
29. "better for everybody."  
30.

31. 117. After the initial stage of the Berezovsky/Gudavadze plot had been accomplished,  
32.  
33. they and their lawyers, stood at the ready to proceed with false legal actions, aimed at  
34.  
35. declaring Gudavadze the absolute owner of Badri's assets (half of which would  
36.  
37. subsequently go to Berezovsky) and declaring Decedent's testamentary documents  
38.  
39. "forged". One after another, legal actions for the control of the Decedent's assets  
40.  
41.  
42.



1. commenced: in Tbilisi Georgia (*Kay v. Gudavadze, supra*); Gibraltar (*Misvelva Etablissement*  
2.  
3. *v, Kay, et al.*, 2008-M-No.70); Liechtenstein (*Misvelva Etablissement v, Kay, et al.* 04  
4. CG.2008.245-SN64.); New York, London and other jurisdictions. Of all these actions,  
5.  
6. the most critical for Berezovsky and Gudavadze was the probate action in Tbilisi Georgia  
7.  
8. because Georgian courts and Georgian law controlled the disposition of the Decedent’s  
9.  
10. estate. Gudavadze conceded that Georgian law and courts should determine the  
11.  
12. disposition of Badri’s estate in the SDNY *Gudavadze v. Kay* action:  
13.

14.  
15.           “The Plaintiffs and Defendant Kay have separately begun the process to  
16. have the estate administered in Georgia. Upon information and belief,  
17. because Mr. Patarkatsishvili was a citizen of and domiciled in Georgia,  
18. Georgian law will be applied by a Georgian court supervising the  
19. distribution of Mr. Patarkatsishvili’s estate.”  
20.

21. 118. Throughout the mushrooming world-wide estate proceedings, Gudavadze and  
22. Berezovsky, using their high priced lobbyist and “image-makers” engaged in an all-out  
23. media war on Kay - - sullyng the proceedings by threats on parties, counsel and even  
24. reporters covering these events. As recently as in December 2009, the Associated Press,  
25. the Committee to Protect Journalists, and the International Women’s Media Foundation  
26. reported death threats on Irina Khalip, prominent investigative reporter and the 2009  
27. winner of the *Courage in Journalism Award*, for publishing the story, which Gudavadze and  
28. Berezovsky deemed favorable to the Plaintiffs’ side. See Exhibit 7.  
29.  
30.  
31.  
32.  
33.  
34.  
35.

36.  
37. 119. In all these (and other) proceedings, Gudavadze, Berezovsky and others acting in  
38. concert with them, made false allegations and proffered false declarations, information,  
39.  
40.  
41.  
42.

1. certificates, verifications, and statements under oath and/or under the penalty of perjury,  
2.  
3. seeking a ruling that Badri's testamentary documents had been "forged". As it became  
4.  
5. their routine practice, Gudavadze and Berezovsky used false documents and  
6.  
7. "professional witnesses". For example, one Gudavadze's witness admitted on the stand  
8.  
9. that he was paid \$30,000 per month in part-time "consulting services" for his testimony,  
10.  
11. in addition to Gudavadze's promise to remit to him five per cent of any winnings in the  
12.  
13. case. Another, in a sworn statement admitted that she was paid \$35,000, as an advance  
14.  
15. and was promised a total of \$1 million if Gudavadze prevails.

16.  
17. 120. Despite the multi-million dollar legal and "image-making" outlays, use of bogus  
18.  
19. testimonial and documentary "evidence", Gudavadze and her accomplices had been dealt  
20.  
21. crashing blow in the crucial probate action in Georgia. On February 20, 2009, following  
22.  
23. the long and tumultuous trial, Tbilisi court "[having] evaluated presented evidence [and]  
24.  
25. based on complete and objective reasoning and factual circumstances disputed by the  
26.  
27. parties," established "the existence and validity" of Badri's testamentary documents  
28.  
29. executed in New York - - ruling that pursuant to these documents, Kay shall act as the  
30.  
31. executor of Badri's will, and that JWL is "expressly" entitled to act as the executor of  
32.  
33. Badri's estate. The court rejected testimonies of Gudavadze's forensic expert, who opined  
34.  
35. that the testamentary documents had been "forged." The court found the testimonies  
36.  
37. of Kay's experts "regarding the validity of disputed signatures of Arkadi (Badri)  
38.  
39. Patarkatsishvili presented by the Plaintiff as trustworthy and the court considers that  
40.  
41.  
42.

1. they shall be adopted because of their consistency with the evidence presented by the  
2.  
3. parties and other evidence admitted by the court” (Tbilisi court decision, Ex. 1) and  
4.  
5. further that:

6.  
7. “the court can not agree with the only evidence presented by [Gudavadze]  
8. ... regarding the fraud of the [testamentary] documents presented by the  
9. Plaintiff due to the fact that it contradicts other evidence presented in  
10. relation to the established factual circumstances and the expert opinions  
11. presented by the Plaintiff on the same subject matter.” (*Id.*)  
12.

13. In addition the Tbilisi Court found the testimonies of Gudavadze’s fact witnesses,  
14.  
15. including Motkin, to be self-contradictory and not credible “after detecting certain  
16.  
17. inconsistency among the statements of the eye-witnesses [which] are crucial in terms of  
18.  
19. credibility.” (*Id.*)  
20.

21. 121. Tbilisi Court recognized Badri’s testamentary documents, executed in New York  
22.  
23. to be valid both in accordance with the laws of Georgia and “in full accordance with the  
24.  
25. requirements set forth by the Hague Convention of October 5, 1961” and ruled that  
26.  
27. “Joseph Kay is appointed as executor of the will by Badri Patarkatsishvili and therefore,  
28.  
29. administering the will is not only the right of [Kay] but it is also his obligation.”  
30.

31. 122. The court resolved that “[p]ursuant to Articles 53, 1991, 243, 244, 247, 249,  
32.  
33. 257, 364, 369 of the Code of Civil Procedure of Georgia ... Joseph Kay shall be  
34.  
35. recognized as an executor of the will of Arkadi (Badri) Patarkatsishvili” and Gudavadze  
36.  
37. shall be prohibited from interfering with the actions of Joseph Kay as the executor of the  
38.  
39. will.” Gudavadze parties appealed. On July 1, 2009, the Appellate Court of Georgia  
40.  
41.  
42.

1. affirmed the decision of the trial probate court in all respects.  
2.

3. 123. After being defeated in courts of the jurisdiction, which they themselves  
4.  
5. acquiesced to as being controlling, and seeing their carefully planned unlawful gambit  
6.  
7. crumbling, Berezovsky and Gudavadze resorted to smear campaign against Georgian  
8.  
9. government belatedly claiming that Georgian courts are “not independent”, “corrupt”  
10.  
11. and their decisions should be disregarded.<sup>13</sup>  
12.

13. 124. In the midst of the proceedings, Gudavadze and Berezovsky, had an “official”  
14.  
15. falling out and even engaged in legal controversy among themselves over splitting of  
16.  
17. Badri’s assets. Gudavadze purported to renounce the Berezovsky/Gudavadze 50/50  
18.  
19. agreement and claimed that she signed it “under duress” and “distress” unable to think  
20.  
21. straight following Badri’s death (apparently implying that her lawyers which included  
22.  
23. some of the ultimately high-profile and expensive in Europe may also have been “under  
24.  
25. duress and distress” and “unable to think straight”.)  
26.

27. 125. In the latter part of 2009, Gudavadze announced her intention to run for the  
28.  
29. presidency of Georgia. Plaintiffs believe that the purported controversy between  
30.  
31. Berezovsky and Gudavadze is a charade, used by them to further defraud the courts, and  
32.  
33.

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34.  
35. <sup>13</sup> US Department of State believes otherwise: “Georgia has received high marks from the  
36. World Bank and others on the government's aggressive anti-corruption campaign. \*\*\*  
37. Constitutional amendments signed into law in 2006 increased the independence of the  
38. judiciary; further reforms have aimed at increasing respect for and strengthening the rule  
39. of law. In July 2007, legislation banning *ex parte* communication was passed, prohibiting  
40. parties to a case from communicating with judges during the pre-trial investigation period  
41. as well as during the trial.” (US State Dept.’s *Note on Georgia*.)  
42.

1. a public relations stunt aimed at distancing Gudavadze from Berezovsky in order to aid  
2.  
3. her political campaign.  
4.

5. **FIRST CAUSE OF ACTION: WRONGFUL DEATH**  
6.

7. 126. Plaintiffs repeat, restate and reallege the allegations contained in the foregoing  
8.  
9. paragraphs as if set forth fully herein.  
10.

11. 127. Upon information and belief, by reason of the conduct of Defendants, as  
12.  
13. heretofore alleged, and the acts and commission of acts and omissions of these  
14.  
15. Defendants, as alleged herein, and as a direct and proximate cause thereof, the Decedent  
16.  
17. died on February 12, 2008.  
18.

19. 128. The Decedent is survived by distributees.  
20.

21. 129. The wrongful death alleged herein was caused by the Defendants' a wrongful acts,  
22.  
23. neglect or default and the Defendants and each of them would have been liable to the  
24.  
25. Decedent by reason of such wrongful conduct if death had not ensued.  
26.

27. 130. The Decedent provided services and contribution to the distributees in the form  
28.  
29. of voluntary assistance, guidance and counseling and financial support.  
30.

31. 131. Distributees relied upon the Decedent's services and contributions.  
32.

33. 132. For reasons set forth heretofore and hereafter, Defendants inflicted upon the  
34.  
35. Decedent conscious pain and suffering.  
36.

37. 133. By reason of the death of the Decedent, which was legally, directly and  
38.  
39. proximately caused by the conduct of the Defendants, Distributees have sustained  
40.  
41.  
42.

1. pecuniary injury resulting from the loss of voluntary assistance and support, the  
2.  
3. increased expenditures required to continue the services the Decedent provided, and  
4.  
5. compensable losses of a personal nature, such as loss of guidance, counseling and  
6.  
7. consortium.  
8.

9. 134. By reason of the death of the Decedent, which was legally, directly and  
10.  
11. proximately caused by the conduct of the Defendants, the Distributees' reasonable  
12.  
13. expectancy of future support, voluntary assistance and possible inheritance was  
14.  
15. frustrated.  
16.

17. 135. Distributees also are entitled to award for conscious pain and suffering of the  
18.  
19. Decedent and further seek punitive and exemplary damages.  
20.

21. 136. Damages sought herein are for injuries, which are measurable by money, in such  
22.  
23. sum as the jury deems to be fair and just compensation for the pecuniary injuries  
24.  
25. resulting from the Decedent's death.  
26.  
27.  
28.  
29.

30. **SECOND CAUSE OF ACTION: TORTIOUS INTERFERENCE**  
31. **WITH EXISTING CONTRACTUAL RELATIONSHIP**  
32.

33. 137. Plaintiffs repeat, restate and reallege the allegations contained in the foregoing  
34.  
35. paragraphs as if set forth fully herein.  
36.

37. 138. As heretofore alleged, at all relevant times, LRT had a valid contract with the  
38.  
39. Decedent and his investment entity AP ImedInvest for investment in LRT's expansion  
40.  
41.  
42.

1. into Miami and Chicago.  
2.

3. 139. Defendants Gudavadze and Berezovsky knew about the existence of this contract  
4.  
5. and sought to cause the breach of the contract.  
6.

7. 140. By intentionally causing the Decedent's death, Defendants procured the actual  
8.  
9. breach of contract. In addition, having gained control over Badri's business concerns,  
10.  
11. Berezovsky and Gudavadze caused AP ImedInvest to breach the contract with LRT.  
12.

13. 141. Defendants' actions were unlawful, wanton and actuated by malice and had no  
14.  
15. excuse or justification.  
16.

17. 142. LRT suffered damages resulting therefrom.  
18.

19. 143. As heretofore alleged, at all relevant times, Fisher Island had a valid contract with  
20.  
21. the Decedent and his investment entity AP ImedInvest for investment in construction  
22.  
23. on Fisher Island.  
24.

25. 144. Defendants Gudavadze and Berezovsky knew about the existence of this contract  
26.  
27. and sought to cause the breach of the contract.  
28.

29. 145. By intentionally causing the Decedent's death, Defendants procured the actual  
30.  
31. breach of contract. In addition, having gained control over Badri's business concerns,  
32.  
33. Berezovsky and Gudavadze caused AP ImedInvest to breach the contract with Fisher  
34.  
35. Island.  
36.

37. 146. Defendants' actions were unlawful, wanton and actuated by malice and had no  
38.  
39. excuse or justification.  
40.  
41.  
42.

1. 147. Fisher Island suffered damages resulting therefrom and is currently nearly  
2.  
3. insolvent.  
4.

5. **THIRD CAUSE OF ACTION: INTENTIONAL INTERFERENCE**  
6. **WITH PROSPECTIVE ECONOMIC ADVANTAGE**  
7.

8. 148. Plaintiffs repeat, restate and reallege the allegations contained in the foregoing  
9.  
10. paragraphs as if set forth fully herein.  
11.

12. 149. As heretofore alleged, at all relevant times, Fisher Island had an economic  
13.  
14. relationship with the Decedent and his business entity, AP ImedInvest.  
15.

16. 150. This economic relationship contained significant probability of future economic  
17.  
18. benefit to Fisher Island.  
19.

20. 151. Berezovsky and Gudavadze knew of the existence of the relationship between  
21.  
22. Fisher Island and the Decedent.  
23.

24. 152. Defendant intentionally caused the death of the Decedent and having gained  
25.  
26. control over AP ImedInvest and took actions designed to intentionally disrupt the  
27.  
28. relationship.  
29.

30. 153. The relationship was actually disrupted.  
31.

32. 154. Defendants' actions were unlawful, wanton and actuated by malice and had no  
33.  
34. excuse or justification.  
35.

36. 155. Fisher Island suffered damages directly and proximately caused by unlawful and  
37.  
38. malicious the acts of Berezovsky and Gudavadze.  
39.

40. 156. As heretofore alleged, at all relevant times, LRT had an economic relationship  
41.  
42.



1. with the Decedent and his business entity, AP ImedInvest.

2.  
3. 157. This economic relationship contained significant probability of future economic  
4.  
5. benefit to LRT.

6.  
7. 158. Berezovsky and Gudavadze knew of the existence of the relationship between  
8.  
9. LRT and the Decedent.

10.  
11. 159. Berezovsky and Gudavadze intentionally caused the death of the Decedent and,  
12.  
13. having gained control over AP ImedInvest, took actions designed to intentionally disrupt  
14.  
15. the relationship.

16.  
17. 160. The relationship was actually disrupted.

18.  
19. 161. Defendants' actions were unlawful, wanton and actuated by malice and had no  
20.  
21. excuse or justification.

22.  
23. 162. LRT suffered damages directly and proximately caused by unlawful and malicious  
24.  
25. the acts of Berezovsky and Gudavadze.

26.  
27. **FORTH CAUSE OF ACTION: RECKLESS INFLICTION OF EMOTIONAL DISTRESS**

28.  
29. 163. Plaintiffs repeat, restate and reallege the allegations contained in the foregoing  
30.  
31. paragraphs as if set forth fully herein.

32.  
33. 164. For reasons aforealleged, Defendants engaged in extreme and outrageous conduct,  
34.  
35. which so transcends the bounds of decency as to be regarded as atrocious and intolerable  
36.  
37. in a civilized society.

38.  
39. 165. Defendants, by their extreme and outrageous conduct intentionally and recklessly

40.  
41.

42.

1. caused severe emotional distress to Joseph Kay.  
2.

3. **FIFTH CAUSE OF ACTION: PRIMA FACIE TORT**  
4.

5. 166. Plaintiffs repeat, restate and reallege the allegations contained in the foregoing  
6. paragraphs as if set forth fully herein.  
7.

8.  
9. 167. In the event, the Court finds the Gudavadze Parties' acts and series of acts, were  
10. lawful, the counterclaim-defendants should be held liable under the *prima facie* tort  
11. doctrine.  
12.

13.  
14.  
15. 168. As aforealleged, Berezovsky, Gudavadze and other Defendants acting in concert  
16. with them engaged in intentional acts, causing the Plaintiffs harm and special damages.  
17.

18.  
19. 169. As a direct and proximate cause of the Defendants' actions, the Defendants  
20. inflicted harm upon the Plaintiffs and the Plaintiffs have suffered special damages,  
21. including legal fees and other direct expenses, in defending bogus proceedings in various  
22. jurisdictions, and further suffered loss of specific valuable property.  
23.  
24.

25.  
26.  
27. 170. The harm inflicted upon the Plaintiffs by the Defendants was without excuse or  
28. justification.  
29.

30.  
31. 171. The above alleged financial losses are specific and capable to be measured in  
32. money, and will be reduced to a specific documented sum at the time of the trial.  
33.  
34.

35. 172. Defendants' acts and series of acts, if taken in the absence of Defendants' malice  
36. and special damages to the Plaintiffs would be lawful.  
37.  
38.

1. DEMAND FOR PUNITIVE AND EXEMPLARY DAMAGES  
2.

3. 173. Defendants' conduct as heretofore and hereinafter alleged was willful, wanton and  
4. outrageous beyond the ability of ordinary human beings to comprehend and such  
5. conduct was intended by said defendants to and did actually cause the death of  
6. Decedent and other harm to the Plaintiffs, such that the conduct of Defendants was  
7. oppressive and malicious.  
8.  
9.  
10.  
11.

12. WHEREFORE, the Plaintiffs demand the Judgment as follows  
13.

14. [a] On the First Cause of Action: damages for injuries, which are measurable  
15. by money, in such sum as the jury deems to be fair and just compensation  
16. for the pecuniary injuries resulting from the Decedent's death;  
17.  
18. [b] On the Second, Third, and Fourth Causes of Action: damages proven at  
19. trial;  
20.  
21. [c] On the Fifth Cause of Action: recommencement for specific damages in the  
22. amount to be proven at the trial;  
23.  
24. [d] Punitive and exemplary damages in the discretion of the Court;  
25.  
26. [e] Costs, disbursements and reasonable attorneys' fees;  
27.  
28. [f] Such other, further and alternative relief, which the Court may deem just  
29. and proper under the circumstances.  
30.  
31.

32. Jury trial is demanded on all counts.  
33.

34. DATED: January 22, 2010  
35.  
36.  
37.

38. Respectfully submitted:  
39.  
40.  
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42.

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