

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART IAS MOTION 3EFM

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NATIONAL BANK TRUST, PJSC BANK OTKRITIE  
FINANCIAL CORPORATION

Plaintiffs,

- v -

VADIM BELYAEV,

Defendant.

INDEX NO. 156903/2020

MOTION DATE 11/06/2020,  
03/01/2021

MOTION SEQ. NO. 001 002

**DECISION + ORDER ON  
MOTION**

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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 001) 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 65, 66, 73, 74

were read on this motion to DISMISS.

The following e-filed documents, listed by NYSCEF document number (Motion 002) 67, 68, 69, 70, 71, 72

were read on this motion to/for LEAVE TO FILE SURREPLY.

Upon the foregoing documents, and for the reasons stated on the record after oral argument on May 4, 2021, it is

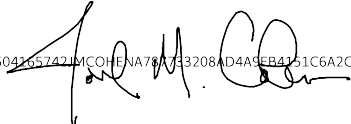
**ORDERED** that Defendant’s motion to dismiss (Motion Sequence No. 001) is **granted** on the ground of forum non conveniens, conditioned upon Defendant accepting service of process (or analogous local procedure) in Russia (*e.g., Swissgem S.A. v M&B Ltd.*, 141 NYS3d 700 [1st Dept 2021]); it is further

**ORDERED** that Plaintiffs’ motion for leave to file a surreply (Motion Sequence No. 002) is **granted**; it is further

**ORDERED** that Defendant’s counsel upload the settled oral argument transcript to NYSCEF upon receipt; and it is further

**ORDERED** that the Clerk is directed to enter judgment dismissing the Complaint without prejudice.

This constitutes the decision and order of the Court.

  
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**JOEL M. COHEN, J.S.C.**

5/4/2021  
DATE

CHECK ONE:	<input checked="" type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	NON-FINAL DISPOSITION
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/> DENIED	<input type="checkbox"/> GRANTED IN PART
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER		<input type="checkbox"/> OTHER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT
			<input type="checkbox"/>	REFERENCE