

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

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SURF HORIZON LIMITED,	:	
	:	Index No.: 650130/2018
Plaintiff,	:	
	:	(Sherwood, J.)
v.	:	
	:	<u>STIPULATION AND</u>
PAUL J. MANAFORT, JR., et al.	:	<u>ORDER</u>
	:	
Defendants,	:	
-----	X	

Whereas, the plaintiff Surf Horizon Limited (“Plaintiff” or “Surf”) filed this lawsuit (the “Lawsuit”) on January 10, 2018;

Whereas, all proceedings in this Lawsuit were stayed until May 29, 2018, by Order of this Court dated March 12, 2018, and entered on March 29, 2018, in order to give defendant Richard W. Gates III (“Gates”) time to retain counsel;

Whereas, Gates has recently retained counsel, William M. Brodsky, Esq., of Fox Horan & Camerini, who entered his appearance on May 17, 2018, and Gates’ counsel seeks additional time to respond to the complaint in this Lawsuit (the “Complaint”);

Whereas, defendant Paul J. Manafort, Jr. (“Manafort”) is the defendant in two criminal prosecutions brought by Special Counsel Robert Mueller on behalf of the United States of America, *United States v. Paul J. Manafort, Jr.* Criminal No. 1:18 Cr. 83 (TSE) (S-1) in the United States District Court for the Eastern District of Virginia, which is currently scheduled for trial on July 10, 2018; and *United States v. Paul J. Manafort, Jr.* criminal No. 17-201 (ABJ) (S-1) in the United States District Court for the District of Columbia, which currently is scheduled for trial on September 17, 2018;

Whereas, nominal defendant Pericles Emerging Market Partners, L.P. (“Pericles”) a Cayman Island limited partnership, is in Winding Up Proceedings in the courts of the Cayman

Islands, and is currently overseen by Kris Beighton, who has been appointed as an Official Liquidator by the Cayman Court;

Whereas, Surf has alleged that it served Pericles with a summons and complaint by substituted service on Beighton, which is described in the affidavit of service of Sheldon Williams, sworn to on May 16, 2018, and filed on May 17, 2018;

Whereas, Pericles has until on or about July 9, 2018, to respond to the Complaint;

Whereas, the Plaintiff is beneficially owned by Oleg V. Deripaska, who was placed on the list of Russians sanctioned by the United States on or about April 6, 2018, which has complicated, and continues to complicate counsel's representation of Plaintiff and will delay Plaintiff's prosecution of the Lawsuit, and

Whereas, the parties to this Lawsuit, Plaintiff, Gates, Manafort and Pericles (collectively, the "Parties") all agree that their interests and the interests of judicial economy would best be served given the above-mentioned circumstances by a stay of all proceedings in this Lawsuit until after both criminal proceedings against Manafort are completed at the trial level, whether by verdict, mistrial or plea (but before sentencing, if any);

Whereas, the Parties agree that (i) such a stay is not intended to waive or prejudice any defendant's right to assert any and all defenses to the complaint, whether involving service, jurisdiction, limitations or otherwise, and (ii) it is intended that all Parties will retain all their currently-existing rights, claims, defenses, and remedies despite the passage of time contemplated by such a stay;

Now, therefore, the Parties stipulate that all court proceedings in this Lawsuit, including but not limited to motion practice and discovery, shall be stayed until both criminal proceedings against Manafort are completed at the trial level, whether by verdict, mistrial, or plea (but before

sentencing, if any), and that this stipulation may be executed in counterparts, all of which taken together shall be deemed a single original.

PLAINTIFF SURF HORIZON LIMITED

By: James M. Altman
James M. Altman
Counsel for Plaintiff

Dated: 6/1/2018

DEFENDANT PAUL J. MANAFORT, JR.

By: Jeffrey Eilender
Jeffrey Eilender, Esq.
Counsel for Manafort

Dated: 5/25/2018

DEFENDANT RICHARD W. GATES, III

By: _____
William M. Bordsky, Esq.
Counsel for Gates

Dated: _____

**NOMINAL DEFENDANT PERICLES
EMERGING MARKET PARTNERS, LP**

By: _____
Kris Beighton
Official Liquidator for Pericles

Dated: _____

SO ORDERED

J.S.C.

DATED: New York, New York
May , 2018

sentencing, if any), and that this stipulation may be executed in counterparts, all of which taken together shall be deemed a single original.

PLAINTIFF SURF HORIZON LIMITED

By: _____
James M. Altman
Counsel for Plaintiff


Dated: _____

DEFENDANT PAUL J. MANAFORT, JR.

By: _____
Jeffrey Eilender, Esq.
Counsel for Manafort

Dated: _____

DEFENDANT RICHARD W. GATES, III

By: 
William M. Bordsky, Esq.
Counsel for Gates

Dated: _____

**NOMINAL DEFENDANT PERICLES
EMERGING MARKET PARTNERS, LP**

By: _____
Kris Beighton
Official Liquidator for Pericles

Dated: _____

SO ORDERED

J.S.C.

DATED: New York, New York
May , 2018

sentencing, if any), and that this stipulation may be executed in counterparts, all of which taken together shall be deemed a single original.

PLAINTIFF SURF HORIZON LIMITED

By: _____
James M. Altman
Counsel for Plaintiff

Dated: _____

DEFENDANT PAUL J. MANAFORT, JR.

By: _____
Jeffrey Eilender, Esq.
Counsel for Manafort


Dated: _____

DEFENDANT RICHARD W. GATES, III

By: _____
William M. Bordsky, Esq.
Counsel for Gates

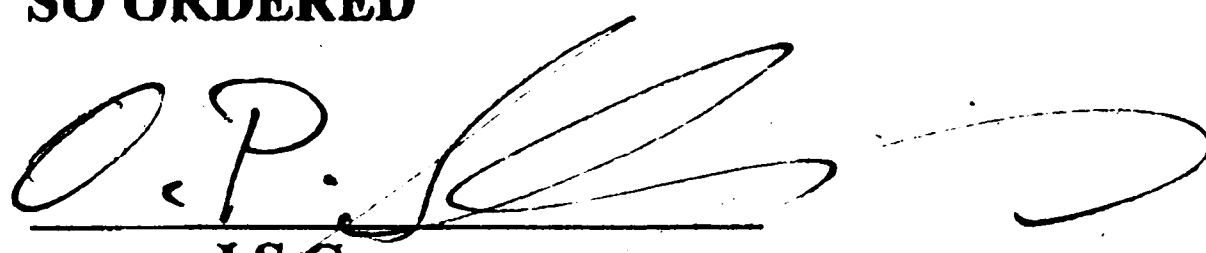
Dated: _____

**NOMINAL DEFENDANT PERICLES
EMERGING MARKET PARTNERS, LP**

By: 
Kris Beighton
Official Liquidator for Pericles

Dated: 28 May 2018

SO ORDERED



J.S.C.
O. PETER SHERWOOD
DATED:

6/11/18