

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**EPA & M, LLC d/b/a**

**EGOROV PUGINSKY AFANASIEV & MARKS, LLC**

**A Pennsylvania Limited Liability Company**

**BRUCE S. MARKS (BM-0991)**

**9 South Broad Street**

**Woodbury, New Jersey 08096**

**(609) 845-7125**

**SCHNADER HARRISON SEGAL & LEWIS LLP**

**A Pennsylvania Limited Liability Partnership**

**LOUIS R. MOFFA, JR. (LM-9432)**

**New Jersey Managing Partner**

**RICHARD A. BARKASY (RB-9776)**

**Woodland Falls Corporate Park**

**220 Lake Drive East, Suite 200**

**Cherry Hill, New Jersey 08002-1165**

**(856) 482-5222**

**Attorneys for Plaintiff**

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**AVISMA TITANO-MAGNESIUM KOMBINAT :**

**Berezniki, Russian Federation :**

**: CIVIL ACTION NO.**

**Plaintiff, : 99-CV-3979 (JWB)**

**v. :**

**: Hon. John W. Bissell**

**DART MANAGEMENT, INC.; :**

**1 Springfield Avenue, 3rd Floor :**

**Summit, NJ 07901 :**

:

**KENNETH DART; : FIRST AMENDED COMPLAINT**

**Address Unknown : AND JURY TRIAL DEMAND**

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**JONATHAN HAY; :**

**C/o DART MANAGEMENT, INC. :**

**Address Unknown :**

:

**MICHAEL HAYWOOD; :**

**C/o DART MANAGEMENT, INC. :**

**Address Unknown :**

:

**MICHAEL HUNTER;** :  
**C/o DART MANAGEMENT, INC.** :  
**1 Springfield Avenue, 3rd Floor** :  
**Summit, NJ 07901** :

:

**FRANCIS E. BAKER;** :  
**C/o Andersen Group, Inc.** :  
**515 Madison Avenue** :  
**New York, NY 10022** :

:

**WILLIAM BROWDER;** :  
**C/o Hermitage Fund** :  
**Moscow, Russia** :

:

**HERMITAGE FUND;** :  
**9, Dmitrovsky Pereluk** :  
**Moscow, Russia** :

:

**BARCLAYS BANK, PLC** :  
**222 Broadway** :  
**New York, New York 10038** :

:

**JOHN DOES 1 TO 100** :

## **THE CONTINUED EFFORT TO TAKE OVER VSMPO**

113. Upon information and belief, the Investors have purchased additional shares of VSMPO using some of the \$8 million in profits and other proceeds from the Illegal Scheme to further their efforts to take over VSMPO and thereby also regain control of Avisma.

114. As part of their effort to resume the Illegal Scheme, the Investors used their votes as VSMPO shareholders to elect **Baker, Hay, and an individual named Peter Oppenheimer** as directors of VSMPO in June, 1999.