

Exhibit 45

TODD S. HYMAN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

No. 1:13-CV-06326-TPG

PREVEZON HOLDINGS LTD.,
PREVEZON ALEXANDER, LLC,
PREVEZON SOHO USA, LLC,
PREVEZON SEVEN USA, LLC,
PREVEZON PINE USA, LLC,
PREVEZON 1711 USA, LLC,
PREVEZON 1810, LLC,
PREVEZON 2009 USA, LLC,
PREVEZON 2011 USA, LLC,
FERENCOI INVESTMENTS, LTD.,
KOLEVINS, LTD.,

Defendant.

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(Caption continued on following page.)

March 3, 2014
9:35 a.m.

Videotaped Deposition of TODD S. HYMAN,
taken by Defendants, at the offices of
Baker Botts, 30 Rockefeller Plaza, New
York, New York, before ERIC J. FINZ, a
Shorthand Reporter and Notary Public
within and for the State of New York.

1 TODD S. HYMAN

2 ANY AND ALL ASSETS OF PREVEZON 1711 USA,
3 LLC, INCLUDING BUT NOT LIMITED TO ALL
4 RIGHT, TITLE AND INTEREST IN THE REAL
5 PROPERTY AND APPURTENANCES KNOWN AS THE
6 20 PINE STREET CONDOMINIUM, 20 PINE
7 STREET, NEW YORK, NEW YORK 10005, UNIT
8 1711, ("20 PINE STREET, UNIT 1711"),

9 ANY AND ALL ASSETS OF PREVEZON 1810, LLC,
10 ANY AND ALL ASSETS OF PREVEZON 2009 USA,
11 LLC, INCLUDING BUT NOT LIMITED TO ALL
12 RIGHT, TITLE AND INTEREST IN THE REAL
13 PROPERTY AND APPURTENANCES KNOWN AS THE
14 20 PINE STREET CONDOMINIUM, 20 PINE
15 STREET, NEW YORK, NEW YORK 10005, UNIT
16 2009 ("20 PINE STREET, UNIT 2009"),

17 ANY AND ALL ASSETS OF PREVEZON 2011 USA,
18 LLC, INCLUDING BUT NOT LIMITED TO ALL
19 RIGHT, TITLE AND INTEREST IN THE REAL
20 PROPERTY AND APPURTENANCES KNOWN AS THE
21 20 PINE STREET CONDOMINIUM, 20 PINE
22 STREET, NEW YORK, NEW YORK 10005, UNIT
23 1816 ("20 PINE STREET, UNIT 1816"),

24 ANY AND ALL ASSETS OF FERENCOI
25 INVESTMENTS, LTD.,

 ANY AND ALL ASSETS OF KOLEVINS, LTD.,

 and all property traceable thereto,

Defendants in Rem.

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1 TODD S. HYMAN

2 A P P E A R A N C E S:

3 UNITED STATES DEPARTMENT OF JUSTICE
4 U.S. ATTORNEY'S OFFICE
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24

25

1 TODD S. HYMAN

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7 BY: SETH T. TAUBE, ESQ.
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9 -and-
10 NICHOLAS MARGIDA, ESQ.
11 (nicholas.margida@bakerbotts.com)

12 ALSO PRESENT:
13 ADAM KOWALCZYK, Videographer

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1	TODD S. HYMAN	
2	THE VIDEOGRAPHER: Good morning.	09:35:10
3	This is the videographer speaking,	09:35:22
4	Adam Kowalczyk of Merrill Legal	09:35:25
5	Solutions, 225 Varick Street, New York	09:35:28
6	City, New York 10014. Today's date is	09:35:30
7	Monday, March 3, 2014, and the time is	09:35:34
8	approximately 9:35 a.m.	09:35:37
9	We are at the offices of Baker	09:35:40
10	Botts, 30 Rockefeller Plaza, New York	09:35:43
11	City, New York, to take the videotaped	09:35:46
12	deposition of Mr. Todd Hyman, in the	09:35:48
13	matter of United States of America	09:35:50
14	versus Prevezon Holdings Limited, et	09:35:53
15	al., in the United States District	09:35:56
16	Court, Southern District of New York,	09:35:58
17	Case No. 1:13-CV-06326-TPG.	09:36:00
18	Will all counsel present please	09:36:09
19	introduce themselves for the record	09:36:11
20	and whom they represent.	09:36:12
21	MR. MOSCOW: John W. Moscow,	09:36:14
22	Baker & Hostetler, representing the	09:36:17
23	defendants.	09:36:20
24	MR. ROSE: Nick Rose, Baker &	09:36:22
25	Hostetler, representing the	09:36:24

1	TODD S. HYMAN	
2	defendants.	09:36:25
3	MR. CYMROT: Mark Cymrot, Baker	09:36:27
4	& Hostetler, representing defendants.	09:36:29
5	MR. TAUBE: Seth Taube and	09:36:29
6	Nicholas Margida, Baker Botts,	09:36:29
7	representing the defendants.	09:36:29
8	MS. ALAVERDI: Loura Alaverdi	09:36:36
9	with Baker Hostetler, also	09:36:36
10	representing the defendants.	09:36:37
11	MS. GABRIEL: Jessie Gabriel,	09:36:37
12	with Baker Hostetler, representing the	09:36:41
13	defendants.	09:36:42
14	MR. ADAMS: Andrew Adams for the	09:36:43
15	United States.	09:36:45
16	THE VIDEO OPERATOR: Thank you.	09:36:45
17	Will you the court reporter,	09:36:46
18	Eric Finz of Merrill Legal Solutions,	09:36:49
19	please swear in the witness.	09:36:52
20	T O D D S. H Y M A N,	09:36:54
21	having been first duly sworn by the Notary	09:36:54
22	Public (Eric J. Finz), was examined and	09:36:54
23	testified as follows:	09:36:54
24		
25		

1	TODD S. HYMAN	
2	EXAMINATION BY	09:37:01
3	MR. MOSCOW:	09:37:01
4	Q. Could you tell us your full	09:37:02
5	name?	09:37:06
6	A. My name is Todd Steven Hyman.	09:37:06
7	Q. What is your occupation?	09:37:09
8	A. I'm a special agent with the	09:37:11
9	Department of Homeland Security, Homeland	09:37:13
10	Security Investigations.	09:37:16
11	Q. For how long have you worked for	09:37:16
12	the United States Government?	09:37:17
13	A. Approximately fourteen years.	09:37:18
14	Q. In what capacities?	09:37:20
15	A. A special agent.	09:37:22
16	Q. For?	09:37:24
17	A. For the Department of Homeland	09:37:25
18	Security and the Department of Treasury.	09:37:27
19	Q. Which part of the Department of	09:37:30
20	the Treasury?	09:37:32
21	A. IRS Criminal Investigation.	09:37:32
22	Q. When did you work there?	09:37:35
23	A. From 2001 to 2009. And since	09:37:37
24	then, the Department of Homeland Security.	09:37:44
25	Q. And which portion of the	09:37:46

1 TODD S. HYMAN

2 verified -- amended verified complaint. 09:44:59

3 Q. Did you sign the verification on 09:45:02
4 that? 09:45:04

5 A. Yes, I did. 09:45:04

6 Q. Direct your attention to Exhibit 09:45:05
7 3. What is that? 09:45:06

8 A. This is a copy of an ex parte 09:45:10
9 application for a post-complaint protective 09:45:15
10 order. 09:45:18

11 Q. Direct your attention to Exhibit 09:45:19
12 4. What is that? 09:45:21

13 A. This is a copy of a 09:45:23
14 post-complaint protective order as well. 09:45:26

15 Q. Now, do those all -- those four 09:45:32
16 documents all apply to the same case? 09:45:36

17 A. Yes, they do. 09:45:39

18 Q. And is that the United States 09:45:40
19 versus Prevezon Holdings Limited, Prevezon 09:45:44
20 Alexander, LLC, Prevezon SoHo USA, Prevezon 09:45:47
21 Seven USA, Prevezon Pine USA -- I'm sorry, 09:45:53
22 after Alexander they are all LLCs. Prevezon 09:45:58
23 1711 USA, Prevezon 1810, Prevezon 2009, 09:46:03
24 Prevezon 2011 USA, Ferencoi Investments and 09:46:10
25 Kolevins Limited? 09:46:23

1 TODD S. HYMAN

2 A. Yes, they are. 09:46:25

3 Q. You're here to speak, as I said, 09:46:26

4 on behalf of the United States in connection 09:46:32

5 with this case. 09:46:34

6 Who investigated this case for 09:46:39

7 the United States? 09:46:40

8 A. I would be the special agent 09:46:42

9 assigned to this case. I am. 09:46:45

10 Q. Are you the person who 09:46:50

11 investigated this case for the United 09:46:54

12 States? 09:46:56

13 A. Yes, I am. 09:46:56

14 Q. And what did the -- did you work 09:46:58

15 alone or with others? 09:47:01

16 A. Oh, I worked with others. 09:47:02

17 Q. And what did the investigators 09:47:05

18 for the United States do in connection with 09:47:07

19 investigating this case? 09:47:10

20 A. In general, we interviewed 09:47:11

21 witnesses, we reviewed documents obtained 09:47:13

22 from the witnesses, we conducted various 09:47:17

23 public records checks. 09:47:20

24 Q. What witnesses did you 09:47:25

25 interview? 09:47:27

1 TODD S. HYMAN

2 A. We interviewed William Browder, 09:47:28
3 we interviewed Vadim Kleiner, and other 09:47:31
4 associates with William Browder. 09:47:39

5 Q. Where was William Browder in the 09:47:46
6 period from January 2007 on, respecting the 09:47:51
7 territory of the Russian Federation? 09:47:56

8 MR. ADAMS: Objection. 09:47:59

9 Q. Inside or outside? 09:47:59

10 MR. ADAMS: Objection. 09:48:01

11 If you know you can answer. 09:48:02

12 A. I would not know. 09:48:03

13 Q. In the course of your 09:48:08
14 investigation, did the United States learn 09:48:10
15 that he was not inside Russia after January 09:48:11
16 2007? 09:48:16

17 MR. ADAMS: Objection. 09:48:17

18 You can answer. 09:48:18

19 A. At some point he was not in 09:48:19
20 Russia after that time. 09:48:22

21 Q. You said that he was a witness. 09:48:23
22 What events, if any -- what paragraphs in 09:48:25
23 this complaint, if any, did he observe? 09:48:28

24 A. I would have to ask -- you'd 09:48:31
25 have to ask Mr. Browder himself that. I'm 09:48:34

1 TODD S. HYMAN

2 not sure. 09:48:38

3 Q. In the course of your 09:48:38
4 investigation, did he tell you what he 09:48:39
5 observed of his own knowledge? 09:48:42

6 A. Well, he observed the documents 09:48:45
7 he provided to us. 09:48:49

8 Q. To the extent that he was a 09:48:52
9 witness, did he tell you that he had 09:48:54
10 observed transactions or did he merely 09:48:57
11 provide you with documents? 09:49:01

12 A. He provided us with documents. 09:49:02

13 Q. What witnesses did you interview 09:49:04
14 who observed the transactions set forth in 09:49:08
15 Exhibit 1, the complaint? 09:49:12

16 A. You're referring to the 09:49:17
17 documents he provided or events in the 09:49:18
18 documents he provided? 09:49:20

19 Q. No, I'm asking you what -- let 09:49:21
20 me step back. 09:49:23

21 If I ask a question and you 09:49:24
22 don't understand, please make that clear. 09:49:26

23 A. Sure. 09:49:28

24 Q. Do you know what a witness is? 09:49:28

25 A. Yes. 09:49:29

1 TODD S. HYMAN

2 Q. Okay. Assuming we're talking 09:49:29
3 about someone who is competent to say I saw 09:49:32
4 something, I felt something, I smelled 09:49:35
5 something, I touched something, or I heard 09:49:38
6 something. A direct competent witness. 09:49:40

7 A. Okay. 09:49:45

8 Q. Did you interview any direct 09:49:46
9 competent witnesses to the facts set out in 09:49:48
10 Exhibit 1? 09:49:52

11 A. No, I did not. 09:49:53

12 Q. Did the United States interview 09:49:54
13 any direct competent witnesses to the facts 09:49:56
14 set out in Exhibit 1? 09:49:59

15 A. Not that I'm aware of. 09:50:01

16 Q. As you sit here now, has the 09:50:02
17 United States interviewed any such 09:50:05
18 witnesses? 09:50:07

19 A. Not that I'm aware of. 09:50:08

20 Q. What documents did you obtain in 09:50:10
21 the course of the investigation conducted by 09:50:38
22 the United States? 09:50:40

23 A. We obtained copies of bank 09:50:42
24 records, copies of wire transactions, copies 09:50:45
25 of public records that we obtained here. 09:50:51

1 TODD S. HYMAN

2 We've obtained copies of statements from 09:50:55
3 public websites. We obtained flow charts, 09:50:59
4 work product that he provided to us. 09:51:07

5 Q. When you say "charts that he 09:51:10
6 provided to us," who is the he? 09:51:13

7 A. It would be William Browder and 09:51:17
8 his associates, his agents working for him. 09:51:19

9 Q. Okay. Would it be easier if you 09:51:22
10 were to refer collectively to Hermitage 09:51:24
11 agents? 09:51:29

12 A. Sure, that's fine. 09:51:29

13 Q. Would that be generically 09:51:30
14 correct? 09:51:32

15 A. Yes. 09:51:32

16 Q. You said flow charts, bank 09:51:33
17 records, we'll get to those. When you say 09:51:40
18 public records, to what are you referring? 09:51:46

19 A. Well, part of the investigation, 09:51:49
20 we had to determine who owned property in 09:51:52
21 New York. So there are various public 09:51:54
22 websites in New York that display deeds, 09:51:57
23 mortgages, or various UCC filings. So those 09:51:59
24 types of public records. Other public 09:52:05
25 records would include searches on the 09:52:07

1 TODD S. HYMAN

2 believe that the Dutch government itself has 09:57:57

3 frozen the funds, the actual funds. 09:57:59

4 Q. Is it your understanding on 09:58:01

5 behalf of the United States that Prevezon 09:58:07

6 has not received the benefits of the sale of 09:58:09

7 those assets? 09:58:11

8 A. That's my understanding. 09:58:12

9 Q. And those assets were stock in 09:58:13

10 companies; is that correct? 09:58:15

11 A. Whose assets, Prevezon? 09:58:17

12 Q. Yes. 09:58:20

13 A. Prevezon was to turn over the 09:58:20

14 stock. That was their asset. 09:58:22

15 Q. Prevezon owned stock and sold 09:58:24

16 it; isn't that correct? 09:58:27

17 A. That's correct. 09:58:27

18 Q. And that stock is currently 09:58:28

19 frozen -- the stock or the proceeds from the 09:58:29

20 sale of that stock, whichever, are currently 09:58:32

21 frozen? 09:58:34

22 A. The proceeds of the sale of the 09:58:34

23 stock. 09:58:37

24 Q. Okay. We'll come back to that. 09:58:37

25 A. Okay. 09:58:39

1 TODD S. HYMAN

2 Q. Do you know what other assets 09:58:41

3 were frozen by the order? 09:58:43

4 A. No, I do not. 09:58:45

5 MR. MOSCOW: Bear with me for a 09:58:46

6 moment. 09:58:53

7 Q. Let's go back to the 09:59:10

8 investigation. What documents did you 09:59:10

9 examine? 09:59:13

10 A. A variety of documents to 09:59:15

11 include flow charts -- 09:59:17

12 Q. Okay. Flow charts, okay. 09:59:20

13 A. Bank records. 09:59:24

14 Q. Which banks? 09:59:25

15 A. We saw bank records from Alfa 09:59:27

16 Bank, we saw bank records -- we saw flow 09:59:38

17 charts and spreadsheets prepared from bank 09:59:43

18 records, along with the bank records from a 09:59:45

19 variety of Russian banks, various Russian 09:59:48

20 banks, a bank in Moldova, and an American 09:59:53

21 bank. 09:59:59

22 Q. Which bank? 09:59:59

23 A. In preparing the complaint? 10:00:01

24 Q. Let's start off. We'll get back 10:00:04

25 to the flow charts in a moment. 10:00:07

1 TODD S. HYMAN

2 You saw bank records from Alfa 10:00:10

3 Bank? 10:00:12

4 A. We saw bank records from a 10:00:12

5 variety of Russian banks, or a spreadsheet 10:00:15

6 provided from some of their wire 10:00:18

7 transactions. 10:00:20

8 Q. Please. I'm not asking about 10:00:21

9 spreadsheets provided by -- pieces provided. 10:00:22

10 Let's start off with, you say 10:00:26

11 that the United States saw bank records from 10:00:27

12 Alfa Bank. Is that correct? 10:00:29

13 A. I don't recall specifically 10:00:30

14 which Russian bank. I would need time to 10:00:33

15 prepare to make sure. But there were 10:00:35

16 several. 10:00:39

17 Q. Excuse me. The deposition 10:00:39

18 notice was served. 10:00:41

19 A. Correct. 10:00:42

20 Q. You spoke with the Assistant 10:00:42

21 United States Attorneys. 10:00:44

22 A. Correct. 10:00:44

23 Q. You did not read any documents 10:00:45

24 in preparation for the deposition? 10:00:46

25 A. Correct. 10:00:48

1 TODD S. HYMAN

2 Q. Are you in a position to 10:15:16
3 authenticate them? 10:15:17

4 MR. ADAMS: Objection. 10:15:18

5 A. No. 10:15:19

6 Q. Bearing in mind they are copies 10:15:19
7 and that you cannot authenticate them, what 10:15:24
8 is it you've seen of records that purport to 10:15:27
9 be of Alfa Bank? 10:15:30

10 A. We have seen copies of wire 10:15:31
11 transfers from Alfa Bank. And if I may, may 10:15:33
12 I refresh my recollection from the exhibit? 10:15:36

13 Q. Look at the exhibit. 10:15:39

14 A. 78 I believe it starts. 10:15:45

15 Okay. We have seen, referring 10:16:53
16 to paragraph 90 in the complaint, you will 10:16:57
17 see we've examined records from Alfa Bank, 10:16:59
18 held in the name of a Bank Krainiy Sever. 10:17:03
19 And they include wire transfers to and from 10:17:08
20 the Alfa Bank account. 10:17:12

21 Q. For the purpose of clarity, is 10:17:15
22 it the position of the United States that 10:17:19
23 Alfa Bank was a correspondent for a Russian 10:17:21
24 bank named Krainiy Sever? 10:17:25

25 A. Yes. 10:17:29

1 TODD S. HYMAN

2 Q. Have you seen the opening 10:17:29
3 account statements for Krainiy Sever at Alfa 10:17:35
4 Bank? Opening account documents, I'm sorry. 10:17:42

5 A. I have not seen the opening 10:17:45
6 account documents at Krainiy Sever. 10:17:47

7 Q. Do you have the record of all 10:17:49
8 deposits and withdrawals -- I'm sorry. 10:18:01

9 Do you have copies of the items 10:18:05
10 deposited into the account at Krainiy Sever, 10:18:08
11 of Krainiy Sever, at Alfa Bank, for the 10:18:12
12 period January 1, 2008 to March 30, 2008? 10:18:15

13 A. We have copies of some of those. 10:18:20

14 Q. Do you have copies of all of 10:18:25
15 them? 10:18:26

16 A. No. 10:18:27

17 Q. Do you have copies of the 10:18:27
18 transfers out of the account of Bank Krainiy 10:18:32
19 Sever at Alfa Bank for the period January 1, 10:18:38
20 2008 to March 30, 2008? 10:18:41

21 A. Again, we have some of these 10:18:44
22 records. 10:18:45

23 Q. And those are all 10:18:48
24 unauthenticated? 10:18:49

25 MR. ADAMS: Objection. 10:18:51

1 TODD S. HYMAN

2 A. I'm not in a position to 10:18:52

3 authenticate them, no. 10:18:54

4 Q. From whom did you receive them? 10:18:55

5 A. From William Browder. 10:18:57

6 Q. Is he in a position to 10:19:00

7 authenticate them, according to what he told 10:19:04

8 you? 10:19:06

9 A. No, not that I'm aware of. 10:19:06

10 Q. Do you know what the deal 10:19:08

11 balances were in the account of Bank Krainiy 10:19:15

12 Sever at Alfa Bank during the period from 10:19:19

13 January 1, 2008 through March 30, 2008? 10:19:23

14 A. Some of them. 10:19:27

15 Q. The daily balances? 10:19:33

16 A. There would be copies on a -- 10:19:35

17 some of the wire trans -- transactions were 10:19:38

18 transposed into a spreadsheet that had daily 10:19:42

19 balances. 10:19:44

20 Q. By whom was that transposition 10:19:45

21 done? 10:19:47

22 A. Heritage agents. 10:19:47

23 Q. Do you know whether they had 10:19:50

24 access to all of the items in and all of the 10:19:51

25 items out? 10:19:55

1 TODD S. HYMAN

2 A. I do not. 10:19:55

3 Q. Were you a revenue agent or a 10:19:57
4 special agent? 10:20:00

5 A. Special agent. 10:20:00

6 Q. Would you prepare a chart of a 10:20:01
7 daily balance on an account without the 10:20:06
8 items in and the items out? 10:20:08

9 A. That would depend on what -- 10:20:10
10 what's the purpose of the chart and why I'm 10:20:14
11 creating it and what I'm being asked, the 10:20:16
12 chart is showing. In general I prepare work 10:20:19
13 products that are comprehensive and would 10:20:21
14 include all transactions. 10:20:23

15 Q. Did you see the transactions out 10:20:29
16 from Bank Krainiy Sever? 10:20:30

17 A. Some of the transactions, yes. 10:20:34

18 Q. Were they going from Alfa Bank? 10:20:36

19 A. If I may have a moment. 10:20:40

20 They were going from Alfa Bank. 10:20:45

21 Q. And the transactions that you 10:20:47
22 saw, where were they going to? 10:20:48

23 A. They were being transferred to a 10:20:55

24 Moldovan bank, Banca De Economii, and to two 10:20:57

25 different companies in Moldova. 10:21:01

1 TODD S. HYMAN

2 that includes Treasury money, to the extent 11:41:00

3 that you know anything, is that it is 11:41:04

4 possible? You have 370 million rubles more 11:41:08

5 going out than is coming in. And we're 11:41:16

6 talking about a transfer to Prevezon of a 11:41:21

7 total of \$857,353.18? 11:41:24

8 A. Correct. 11:41:30

9 Q. So what is the mathematical 11:41:31

10 necessity, if any, for the money from 11:41:35

11 Krainiy Sever being from the Treasury that 11:41:40

12 went into Prevezon? 11:41:42

13 A. The equivalent ruble amount that 11:41:45

14 goes into the Prevezon account would have to 11:41:49

15 be at least the equivalent ruble amount that 11:41:52

16 exited the Krainiy Sever account. 11:41:59

17 Q. That's an assumption. Correct? 11:42:04

18 A. That's an accounting assumption, 11:42:07

19 yes. 11:42:10

20 Q. But it's not that you have 11:42:10

21 someone saying I directed the transfer to go 11:42:11

22 here, and someone else saying I directed it 11:42:13

23 to go there because that was part of the 11:42:16

24 agreement? 11:42:18

25 A. That's correct. 11:42:19

1 TODD S. HYMAN

2 Q. You have none of that? 11:42:19

3 A. No, we don't have that. 11:42:20

4 Q. So every transfer here is based 11:42:21

5 on copies that are not authenticated, of 11:42:26

6 records that are incomplete, based on an 11:42:32

7 accounting assumption. Is that right? 11:42:35

8 A. That would be correct. 11:42:38

9 Q. I asked you before if the United 11:42:44

10 States is aware whether the account at 11:42:47

11 Elenast went to zero at some time prior to 11:42:49

12 February 13th after February 1st. 11:42:52

13 A. Yes, we talked about that. 11:42:57

14 Q. Is the United States aware of 11:43:00

15 that? 11:43:02

16 A. That it went to zero in between 11:43:03

17 those two time frames, no, we are not. 11:43:05

18 Q. Do you know whether or not money 11:43:08

19 went to Elenast from other accounts than 11:43:16

20 Krainiy Sever? 11:43:19

21 A. I'm unaware of where it came 11:43:21

22 from. 11:43:25

23 Q. Have you seen the records of 11:43:26

24 Elenast at Banca De Economii? 11:43:28

25 A. I've seen some of the records. 11:43:31

1 TODD S. HYMAN

2 Some of the copies of the records. 11:43:33

3 Q. Do you have the opening account 11:43:35

4 statements? 11:43:39

5 A. No, I do not. 11:43:39

6 Q. Do you have statements showing 11:43:40

7 the daily balances for each date? 11:43:44

8 A. I do not. 11:43:46

9 Q. Okay. Now, let's go from 11:43:46

10 Elenast let's go over to Bunicon. 11:43:53

11 A. Okay. 11:44:01

12 Q. You reflect a transfer of 528 11:44:02

13 million rubles. 11:44:04

14 A. Correct. 11:44:07

15 Q. On February 5th and 6th. 11:44:07

16 A. That's correct. 11:44:09

17 Q. Do the files of the United 11:44:10

18 States have any charts roughly similar to 11:44:12

19 this reflecting a 638 million ruble 11:44:14

20 transfer? 11:44:19

21 A. I don't recall whether the 11:44:25

22 specific number is in any chart. But we 11:44:26

23 have a chart, again, like I mentioned 11:44:28

24 earlier, that looks something similar to 11:44:30

25 this that was provided. 11:44:31

1	TODD S. HYMAN	
2	S. Hyman. We are back on the record,	12:03:58
3	the time is 12:04 p.m.	12:04:00
4	BY MR. MOSCOW:	12:04:06
5	Q. Mr. Hyman, we took a break to	12:04:06
6	consult.	12:04:08
7	A. Yes. While we don't have any	12:04:09
8	bank records or bank opening documents	12:04:11
9	regarding who authorizes the transfer of the	12:04:13
10	Bunicon and Elenast records, what we do have	12:04:18
11	is a statement by a representative,	12:04:21
12	Mr. Katsyv, that a Mr. Petrov, was sending	12:04:23
13	money for him to purchase property in New	12:04:28
14	York, but he was directing Mr. Kim to send	12:04:31
15	the money. And these transfers from Bunicon	12:04:34
16	and Elenast, which were themselves	12:04:40
17	mischaracterized as sanitary supplies, were	12:04:43
18	then sent to Prevezon.	12:04:46
19	MR. MOSCOW: What was the	12:04:53
20	question that was asked when we took a	12:04:54
21	break.	12:04:56
22	(Record read as requested.)	12:05:15
23	BY MR. MOSCOW:	12:05:16
24	Q. The question is who. Do you	12:05:16
25	have an answer?	12:05:18

1 TODD S. HYMAN

2 A. I would say it would be 12:05:19

3 Mr. Petrov based on the statement that was 12:05:21

4 given by the representatives. Are you 12:05:23

5 talking about the specific bank? 12:05:26

6 Q. The statement that you just gave 12:05:31

7 is that Katsyv said that Petrov said that 12:05:35

8 Kim did something -- owed him money. Right? 12:05:39

9 A. Something to that effect. 12:05:43

10 Q. So if the transfer is coming 12:05:45

11 from Elenast to Prevezon, would it be Kim 12:05:47

12 sending it or Petrov? 12:05:53

13 A. It would be Kim sending it on 12:05:55

14 Petrov's behalf. 12:05:57

15 Q. Leave that aside for the moment. 12:05:58

16 The question is who directed the transfer? 12:06:01

17 A. It would be Kim. 12:06:03

18 Q. Okay. Before we broke, the 12:06:04

19 question was, who directed the transfer. 12:06:19

20 And your answer is that it was -- that you 12:06:22

21 do not know, but that if in fact a statement 12:06:27

22 you attribute to Katsyv about what Petrov 12:06:32

23 said that Kim did is correct, then it would 12:06:35

24 have been Kim? 12:06:39

25 A. That would be correct. 12:06:41

1 TODD S. HYMAN

2 Q. It's a lot of hypotheticals; 12:06:46

3 isn't it? 12:06:49

4 MR. ADAMS: Objection. 12:06:50

5 A. I -- based on the statements 12:06:51

6 that we have -- 12:06:56

7 Q. Did you check -- the statement 12:07:00

8 from Katsyv, who interviewed him? 12:07:03

9 A. The statements actually came 12:07:05

10 from his representative. 12:07:06

11 Q. Who in the United States 12:07:09

12 interviewed his representative? 12:07:10

13 A. No one that I'm aware of. 12:07:12

14 Q. So the statements actually came 12:07:14

15 from someone else; is that correct? Not 12:07:16

16 from his representative. The statement -- 12:07:20

17 A. Right. 12:07:23

18 Q. -- attributed to his 12:07:24

19 representative came from someone other than 12:07:27

20 his representative. Is that correct? 12:07:29

21 A. That would be correct. They 12:07:30

22 were also posted on the web. 12:07:31

23 Q. Does posting something on the 12:07:34

24 web make it true? 12:07:38

25 A. No. 12:07:39

1 TODD S. HYMAN

2 Q. Did you verify if it was true? 12:07:40

3 A. No. 12:07:42

4 Q. Did you call the representative? 12:07:42

5 A. No, I did not. 12:07:44

6 Q. Did anyone from the United 12:07:45

7 States call the representative? 12:07:47

8 A. Not that I'm aware of. 12:07:47

9 Q. Who provided you with the 12:07:49

10 statement that purports to be from the 12:07:51

11 representative reflecting what Katsyv said 12:07:53

12 that Petrov said that Kim might have done? 12:07:55

13 A. This would come from the 12:07:57

14 Hermitage agents, as well as the websites 12:08:00

15 maintained by Hermitage. 12:08:02

16 Q. So that all reduce down to 12:08:05

17 people taking direction from Browder? 12:08:07

18 A. Presumably. 12:08:10

19 Q. And you found him credible? 12:08:12

20 A. Yes. 12:08:15

21 Q. Is there any other basis for 12:08:15

22 that case than your finding of him to be 12:08:16

23 credible? 12:08:19

24 A. Well, I mean, some of the 12:08:20

25 statements he gave us are corroborated by 12:08:21

1 TODD S. HYMAN

2 other documents that he provided. 12:08:24

3 Particularly, for example, the initial 12:08:27

4 Russian wire Treasury -- the transfers, the 12:08:32

5 fact that not only is he alleging that they 12:08:36

6 were inappropriate, but there is actually a 12:08:39

7 copy of a Russian conviction regarding this 12:08:41

8 scheme that shows that these were 12:08:45

9 illegitimate transfers. And other -- 12:08:46

10 Q. No, let's step back. 12:08:55

11 A. Okay. 12:08:57

12 Q. From whom did you obtain the 12:08:57

13 Russian conviction? 12:09:00

14 A. Hermitage agents. 12:09:01

15 Q. How many convictions did they 12:09:09

16 give you? 12:09:10

17 A. There were three people 12:09:11

18 convicted. So I have a copy of at least one 12:09:12

19 court document, or what purports to be a 12:09:15

20 court document. 12:09:18

21 Q. Okay. Who were convicted? 12:09:19

22 A. There were three defendants. 12:09:26

23 And if I can refresh from Exhibit 1, I 12:09:28

24 believe we mention their names. 12:09:30

25 We have a one Mr. Markelov, a 12:10:32

1 TODD S. HYMAN

2 Mr., I'm probably going to mispronounce 12:10:37
3 this, Khlebnikov, and -- and there is also 12:10:42
4 another individual who is also named but not 12:10:52
5 yet convicted. But there is at least two 12:10:54
6 people given those names. 12:10:57

7 Q. Do you have records of the 12:11:01
8 convictions of Markelov and Khlebnikov? 12:11:03

9 A. I have copies of the convictions 12:11:09
10 that were provided by Hermitage agents. 12:11:11

11 Q. Do you know if they're genuine? 12:11:13

12 A. They appear to be, but I do not 12:11:15
13 know for certain. 12:11:18

14 Q. Do you have a copy of the 12:11:19
15 conviction of Browder? 12:11:20

16 A. I do not. 12:11:22

17 Q. Was he convicted of fraud? 12:11:25

18 A. I'm aware that Browder, along 12:11:36
19 with Sergei Magnitsky, was convicted of some 12:11:38
20 offense in Russia. I don't know 12:11:43
21 specifically what the offense was. 12:11:45

22 Q. Did you read the document -- did 12:11:46
23 you obtain the document, let's start off 12:11:48
24 with that, did you obtain the document? 12:11:50

25 A. No, I did not. His conviction, 12:11:52

1 TODD S. HYMAN

2 no, I did not. 12:11:54

3 Q. Would a fraud conviction affect 12:11:55
4 your opinion of someone's credibility, yes 12:11:57
5 or no? 12:11:59

6 A. Potentially. 12:11:59

7 Q. Did you read the conviction? 12:12:00

8 A. No, I did not. 12:12:03

9 Q. Did you ever attempt to get in 12:12:04
10 touch with Katsyv? 12:12:12

11 A. No, I did not. 12:12:13

12 Q. Did you ever attempt to get in 12:12:14
13 touch with his lawyer in New York before 12:12:17
14 your serving legal process? 12:12:22

15 A. No, I did not. 12:12:24

16 Q. And you did not attempt to get 12:12:25
17 in touch with Representative One? 12:12:29

18 A. No, I did not. 12:12:34

19 Q. Did you ever attempt to get in 12:12:35
20 touch with Petrov? 12:12:36

21 A. No, I did not. 12:12:37

22 Q. Was Petrov a member of the 12:12:38
23 organization? 12:12:40

24 A. I don't know. 12:12:41

25 Q. Do you have any evidence 12:12:41

1 TODD S. HYMAN

2 A. Right. 13:25:18

3 Q. So you can't say that money came 13:25:19

4 back; can you? 13:25:26

5 A. I cannot. 13:25:27

6 MR. MOSCOW: Bear with me for a 13:25:45

7 moment. 13:25:50

8 THE WITNESS: Sure. 13:25:50

9 Q. Just to be clear, you can't say 13:25:52

10 that money came back to Prevezon Holdings or 13:25:54

11 to the United States? Either one, you can't 13:25:58

12 say either? 13:26:04

13 A. Is your question can I say did 13:26:05

14 AFI Holdings transfer money back to the 13:26:08

15 United States because of this, the purchase 13:26:11

16 of the sale of the stock? 13:26:13

17 Q. No, that's not what I'm asking. 13:26:15

18 A. I'm not exactly sure what you're 13:26:40

19 asking. 13:26:42

20 Q. Did Prevezon Holdings continue 13:26:42

21 to own the stock that it bought in AFI 13:26:45

22 Europe through 2013? 13:26:49

23 A. Yes. 13:26:51

24 Q. Do you have any evidence as to 13:26:52

25 the purpose of any transfers, if they took, 13:26:57

1	TODD S. HYMAN	
2	place from AFI to Prevezon Holdings?	13:27:00
3	A. No.	13:27:03
4	Q. Now, directing your attention,	13:27:20
5	if I could, to Exhibit 1. Directing your	13:27:23
6	attention to paragraph -- before we get	13:27:48
7	there.	13:27:50
8	What witnesses have you	13:27:50
9	identified who are competent to talk about	13:27:56
10	Dennis Katsyv's state of knowledge?	13:28:01
11	MR. ADAMS: Objection.	13:28:08
12	You can answer.	13:28:10
13	A. His state of knowledge of what?	13:28:11
14	MR. MOSCOW: Withdraw the	13:28:16
15	question.	13:28:17
16	Q. What witnesses have you	13:28:18
17	identified who are competent to testify that	13:28:19
18	Prevezon Holdings knew about the \$230	13:28:23
19	million tax refund fraud?	13:28:30
20	A. None at this point.	13:28:31
21	Q. What witnesses have you	13:28:33
22	identified, if any, who are competent to	13:28:35
23	testify about the intention of Prevezon	13:28:38
24	Holdings to promote the carrying on of	13:28:42
25	specified unlawful activity?	13:28:47

1 TODD S. HYMAN

2 A. Leaving aside from the fact that 13:28:51
3 a company doesn't have an intention as 13:28:53
4 opposed to its actors. Or its principals. 13:28:56
5 We have no evidence -- we have nothing that 13:29:01
6 would give us any evidence. However, 13:29:04
7 pending the completion of discovery, we hope 13:29:06
8 to find that evidence, some of that 13:29:09
9 evidence. 13:29:11

10 Q. You hope to have Dennis Katsyv 13:29:12
11 come in and say that he intended to launder 13:29:17
12 money and knew that it was part of the 13:29:20
13 fraud. Is that your statement? 13:29:23

14 MR. ADAMS: Objection. 13:29:24

15 A. If he does that, we would be 13:29:26
16 more than happy to take that statement. 13:29:32

17 Q. And if he doesn't? 13:29:35

18 MR. ADAMS: Objection. 13:29:37

19 A. If he doesn't, we will continue 13:29:38
20 going through our evidence and what we 13:29:41
21 obtain from discovery. 13:29:44

22 Q. Did you file a forfeiture action 13:29:45
23 in this case? Did the United States? 13:29:49

24 A. Yes, it did. 13:29:51

25 Q. Are you familiar with Rule G, 13:29:52

1	TODD S. HYMAN	
2	the supplementary rules for admiralty,	13:29:55
3	maritime?	13:29:59
4	A. No.	13:29:59
5	Q. Okay. Is the United States	13:30:00
6	familiar with those rules?	13:30:02
7	A. I presume yes. But again, I'm	13:30:03
8	not an attorney, so I'm not really qualified	13:30:06
9	to speak on that.	13:30:08
10	Q. What is the evidence that eleven	13:30:18
11	defendants accused engaged in financial	13:30:36
12	transactions involving the proceeds of the	13:30:38
13	\$230 million scheme?	13:30:40
14	A. Well, we have the tracing to	13:30:44
15	Prevezon Holdings, and we have Prevezon	13:30:47
16	Holdings forming these entities and then	13:30:52
17	using funds to purchase property. So those	13:30:54
18	would be financial transactions.	13:30:58
19	Q. But the funds that came from	13:30:59
20	Bunicon and Elenast are the funds at issue;	13:31:01
21	are they not?	13:31:04
22	A. Yes.	13:31:05
23	Q. And they were all from Europe;	13:31:05
24	were they not?	13:31:07
25	A. Yes.	13:31:08