

Date: Thu, 20 Apr 2023 12:34:16 +0200
From: Axel Brandenburg <brandenb@nordita.org>
To: "r.pr. dr Piotr Å\20lebek" <plebek@hryniowlebek.pl>
CC: Michael Erici <michael.eric@ekenbergandersson.se>, Thomas Ekenberg <thomas@ekenbergandersson.se>, Dariusz HryniÅ³w <dhryniow@hryniowlebek.pl>
Subject: Re: introducing you to each other

Dear Piotr,

I talked briefly with Thomas, and he suggested the following. To be able to present the case to the prosecutor, it would help a lot if the prosecutor is in Warsaw and is versatile in English. Another idea that Thomas presented is that I try to get as many others to send you letters with their story. (If you have specific expectations regarding such letters, let me know!) What do you think about those ideas?

At this point, I'm also investigating possible opportunities for funding this activity in Poland. Obviously, things will look very different if the prosecutor regards it as a high profile case, and this will depend decisively on how well you will present this case to him/her. I could well imagine funding this part privately, provided it is not too much. Therefore, it would help me tremendously to have an estimate of the hours required for this. I'd imagine that a significant part of the evidence for step 4 can be (or is already) prepared by Michael and Thomas, except that this needs to be translated. Once we are this point and the prosecutor regards this as a high profile case, it will be more straightforward to raise outside funding. Maybe you already know about suitable foundations that could cover legal expenses.

Regards,
Axel

On Tue, Apr 18, 2023 at 12:28:41PM +0200, r.pr. dr Piotr Å\20lebek wrote:

> Dear Axel,
>
> Dear Michael,
>
> Dear Thomas,
>
> Thank you for a very fruitful meeting. To sum up, the most important topics
> (Key points - KP) that we talked about:
>
> 1. At this stage of the case, it is advisable to focus on the
> prosecutor to boost his effort and present the case as a high-profile case
> and make an association with the case of, e.g. Petro Invest Plus S.A. (KP
> 1). I enclosed the link to the case, but please â\200\230google-translateâ\200\231 it.
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>
> <https://businessinsider.com.pl/wiadomosci/na-podstawie-fikcyjnych-wyrokow-wyludzili-ze-spoiek-23-mln-zl-dziesiec-osob-uslyszalo/xzjlsrf>
>
>
>
> 2. The investigation had an international character. The case also
> involved the citizens of Estonia and Finland and was about arbitration
> awards that did not exist (Damage PLN 23 M). During the case, the prosecutor*,
> inter alia*, secured the assets of the suspected. (KP 2)
>
>
>
> 3. The criminal case is the cheapest way not only to finish the case
> but to gain additional information for the purpose of civil cases. I
> believe that at the right time and moment, having in mind the pended case
> in Sweden, the civil claim can be submitted; however, only if we gain
> knowledge that the award will be enforceable, i.e. we will be able to get
> back the costs of the case. The award is not per se a purpose, but it is an
> economical substitute. (KP 3)
>

>
>
> 4. To omit problems with a corporate veil of VILLA Europa, we will
> focus on the arbiter, however, in the scope of our interest are also, among
> others, Krzysztof Sienicki. The crime group is at stake, including the
> virtual arbitrators. This fact increases the potential interest of the
> prosecutor.
>
>
>
> 5. Finally, the idea is to make qualification of the criminal offence
> in a way that the prosecutor shall act not only as a revision but as the
> leading body. (KP 4)
>
>
>
> 6. The agenda is as follows:
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>
> *Phase I: â\200\230New openingâ\200\231 (April, 21 to May, 31)*
>
>
>
> Step 1: Empowerment to represent you against the prosecutor (no later than
> April, 21)
>
> Step 2: Contact the prosecutor (no later than April, 28)
>
> Step 3: The revision of steps 1- 2 (no later than May, 8)
>
> Step 4: (1) Submission with evidence and narration supporting high-profile
> case (Petro Invest Plus case) (2) contact with other victims (no later than
> May, 31)
>
> Step 5: Testimonies against the prosecutor (no later than May, 31)
>
> Step 6: The revision of steps 1- 4 (no later than Jun, 1)
>
>
>
> *Phase II: â\200\230Developmentâ\200\231 (Jun, 1 -)*
>
>
>
> (the steps shall be determined after steps 1- 4; however, the KPâ\200\231s are: (1)
> set an appropriate pace for the prosecutor and present an active attitude
> to get as much information as it is possible (2) gain prosecutor asset
> warranty, (3) present conclusion from award dismissing the enforcement of
> the award (if the case shall be closed) (4) broaden the group of victims
> (5) civil claims.
>
>
>
> 7. The cost:
>
> *A. the hour rate:*
>
> 1. EURO 100,00 net per hour (steps 1-3)
>
> 2. EURO 150,00 net per hour (steps 4 -)
>
> *CAP:* No more than 100 hours (Phase I) [no more than EURO
> 15,000 net]
>
> *B. the full refund:* of incurred cost (e.g. transportation) / You shall be
> informed about app. cost before incurrence.
>

> *The CAP for Phase II shall be determined after Step 6*

>

>

> All the best

>

> Piotr,

>

> wt., 18 kwi 2023 o 10:13 Axel Brandenburg <axelbrandenburg@gmail.com>

> napisaÅ\202(a):

>

> > Dear Piotr,

> > It was good talking to you yesterday. I did talk to Adam Krolikowski

> > earlier today, but he wasn't ready to speak in English, so he asked

> > me to have a Polish speaking person talking to him. Thus, even now

> > that you are not yet officially representing me yet, you could actually

> > call him, if you think this is useful at this point. His number is

> > +48 477 24 28 36. The case number is PP PL 129+23.

> > What do you think?

> > Axel

> >

> > On Mon, Apr 17, 2023 at 12:37:18PM +0200, Axel Brandenburg wrote:

> > > Dear all,

> > > Looking forward to seeing you at 16:00. (Sorry if I have confused

> > > you by talking about EEST; Poland is of course also on CEST.)

> > > Regarding the Polish police, I talked again to Czarek Kopek at Grodzisk

> > > Mazowiecki on Friday. He said the case is now transferred to the police

> > > station in Podkowa Lesna, which is in walking distance to the residence

> > of

> > > Krzysztof Sienicki. The handling officer there is Adam Krolikowski. The

> > > case has now a new case number (PP PL 129+23). There, they said I should

> > > call again on Monday at 8:00, which I did, but he was again not in and

> > > I should call tomorrow at 9:00. So far the update from my side.

> > > Cheers, Axel

> > >

> > > On Thu, Apr 13, 2023 at 07:24:31PM +0200, r.pr. dr Piotr Å\20lebek wrote:

> > > > Dear Michael,

> > > >

> > > > See you on Monday. I accepted invitation.

> > > >

> > > > Piotr

> > > >

> > > >

> > > > czw., 13 kwi 2023, 18:04 uÅ\20ytkownik Michael Erici <

> > > > michael.eric@ekenbergandersson.se> napisaÅ\202:

> > > >

> > > > > Dear Axel and Piotr,

> > > > >

> > > > > We are available for a Teams-meeting at 16.00 CEST. As everyone

> > > > > seems to

> > > > > be available at that time, I will send you invites to the

> > > > > Teams-meeting.

> > > > >

> > > > > Regarding your questions and as a summary of the ongoing case.

> > > > >

> > > > > Villa Europa has applied for validity and enforcement of an

> > > > > international

> > > > > arbitrational award at Svea Court of Appeal. This is the correct

> > > > > court for

> > > > > applications of validity and enforcement of international

> > > > > arbitrational

> > > > > awards.

> > > > >

> > > > >

> > > > > Villa Europa's application is based on the information that there is

> > > > > an

> > > > > agreement with an arbitration clause that stipulates that "PESA"

> > > > > shall try

> > > > > disputes between the parties. Furthermore, Villa Europa claims that

> > there

> > > > is a valid arbitrational award based on this arbitration clause.
> > > >
> > > > The process at the Court of Appeal is ongoing and Villa Europa shall
> > > > present the alleged agreement in original to the Court of Appeal.
> > > >
> > > > As a summary of our perception:
> > > > 1. PESA is not a legitimate arbitration institute, and the alleged
> > > > arbitration award is not a legitimate arbitration award.
> > > > 2. There are no legitimate agreement with the arbitration clause that
> > > > Villa Europa refer to.
> > > >
> > > > There are also additional grounds for rejection of the application. I
> > > > suggest that we answer any further questions and explain in detail
> > at the
> > > > Teams-meeting on Monday.
> > > >
> > > > Best regards,
> > > >
> > > > Michael Erics
> > > > Associate/Biträdande jurist
> > > >
> > > > +46 8 463 07 50 I +46 70 255 80 54
> > > > michael.erici@ekenbergandersson.se
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> > > >
> > > > -----Ursprungligt meddelande-----
> > > > Från: Axel Brandenburg <axelbrandenburg@gmail.com>
> > > > Skickat: den 13 april 2023 12:42
> > > > Till: r.pr. dr Piotr Å\201ebek <plebek@hryniowlebek.pl>
> > > > Kopia: Thomas Ekenberg <thomas@ekenbergandersson.se>; Michael Erics
> > <
> > > > michael.erici@ekenbergandersson.se>
> > > > Å\204mne: Re: introducing you to each other
> > > >
> > > > Dear Dr Å\201ebek,
> > > > I hope Thomas or Michael can answer your question. Regarding meeting
> > times,
> > > > 15:00 EEST corresponds to 14:00 CEST, any time after that fits me.
> > > > Axel
> > > >
> > > > On Thu, Apr 13, 2023 at 11:36:27AM +0200, r.pr. dr Piotr Å\201ebek
> > wrote:
> > > > > Dear all,
> > > > >
> > > > > I would like to set up the meeting for Monday if you are
> > available. I
> > > > > am free except the 2.00 - 3.00 pm EST Of course, lawyers are
> > welcome,
> > > > > especially having in mind my below considerations.
> > > > >
> > > > > Regarding the case, my first and general question is why the
> > > > > arbitration clause had been applied in the case as the alleged
> > > > > agreement indicated public court. Moreover, as I understand
> > > > > correctly, there was an attempt to make the award pursuant to NY

> > > > > convection. At which court? I also understand that the whole
> > > > > arbitration case was based on - in nature - default award as you
> > did
> > > > > not, among others, participate in court sets. Am I correct?
> > > > >
> > > > > Yours sincerely,
> > > > > Piotr Å\201lebek
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> > > > >
> > > > > czw., 13 kwi 2023 o 09:24 Thomas Ekenberg
> > > > > <thomas@ekenbergandersson.se>
> > > > > napisaÅ\202(a):
> > > > >
> > > > > > Good morning Axel,
> > > > > >
> > > > > > I think it is better to have a Teams meeting on Monday. Then we
> > know
> > > > > > if Sienicki has responded to the court in due time.
> > > > > >
> > > > > > Kind regards,
> > > > > >
> > > > > > Thomas
> > > > > >
> > > > > >
> > > > > >
> > > > > > Thomas Ekenberg
> > > > > > Partner/Advokat
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> > > > > > -----Ursprungligt meddelande-----
> > > > > > FrÅÿn: Axel Brandenburg <axelbrandenburg@gmail.com>
> > > > > > Skickat: den 13 april 2023 07:13

> > > > > > Till: Thomas Ekenberg <thomas@ekenbergandersson.se>; Michael
> > Ericsi <
> > > > > > michael.erici@ekenbergandersson.se>; r.pr. dr Piotr Å\201ebek <
> > > > > > plebek@hryniowlebek.pl>
> > > > > > Å\204mne: introducing you to each other
> > > > > >
> > > > > > Dear Thomas and Michael, dear Dr Å\201ebek,
> > > > > >
> > > > > > With this email, I'd like to introduce you to each other.
> > > > > > Dr Å\201ebek proposed a short Teams meeting with me for today, but I
> > > > > > already wrote that today would not work for me. Friday afternoon
> > > > > > (tomorrow) would work (except 14:00-15:00), and I also suggested
> > > > > > that my Swedish lawyers, Thomas and/or Michael, be present. We
> > could
> > > > > > also do it later. One reason is be that Krzysztof Sienicki has a
> > > > > > deadline for tomorrow with the Swedish court to respond to our
> > > > > > statement. Also, I might call the Polish police in Grodzisk
> > > > > > Mazowiecki again later today, because they have not yet come
> > back to
> > > > > me, as promised.
> > > > > >
> > > > > > Regards,
> > > > > > Axel
> > > > > >
> > > > >
> >