

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT **JUDGE SULLIVAN**

for the

Southern District of New York

YULIA TYMOSHENKO, and JOHN DOES 1 through 10, on behalf of themselves and all those similarly

*Plaintiff*

v.

DMYTRO FIRTASH, ROSUKRENERGO AG("RUE") and JOHN DOES 1 through 100, et al,

*Defendant*

**11 CIV 2794**  
Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* DMYTRO FIRTASH, ROSUKRENERGO AG("RUE") and JOHN DOES 1 through 100, et al,

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: **McCALLION & ASSOCIATES LLP**  
100 Park Ave, 16th floor  
New York, NY 10017

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

**RUBY J. KRAJICK**

CLERK OF COURT



*Signature of Clerk or Deputy Clerk*

Date: 04/26/2011

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUDGE SULLIVAN

YULIA TYMOSHENKO, and JOHN DOES 1  
through 10, on behalf of themselves and  
all those similarly situated,

Plaintiffs,

-vs-

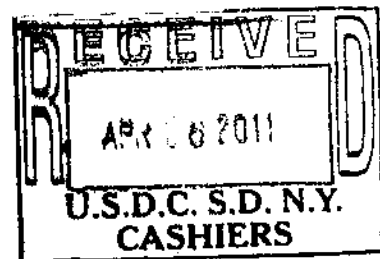
DMYTRO FIRTASH, ROSUKRENERGO  
AG("RUE") and JOHN DOES 1 through 100,  
et al,

Defendants.

Index No:

**11 CIV 2794**

CLASS ACTION COMPLAINT



Plaintiffs Yulia Tymoshenko and John Does No. 1 through 10 (collectively referred to as "the Plaintiffs"), by their undersigned attorneys, bring this Complaint on behalf of themselves and all other similarly situated in Ukraine who have had their fundamental human and political rights violated by defendants and others against the named defendants and their co-conspirators who have, through various schemes and concerted efforts, deprived plaintiffs and their fellow citizens of Ukraine of various fundamental human and political rights recognized under international law.

Plaintiffs bring this action pursuant to the Alien Torts Statute ("ATS") and the Torture Victims Protection Act ("TVPA"), codified as part of the United States Code, 28 U.S.C. §1350, as well as under the Racketeering Influenced and Corrupt Practices Act

("RICO"), 18 United States Code, § 1964(c), to recover monetary damages and other relief arising out of the defendants' concerted efforts to defraud the Ukrainian people of their valuable natural resources, as well as their political and human rights.

## PARTIES

### Plaintiffs

1. Plaintiff, YULIA TYMOSHENKO, the Ukrainian Prime Minister for the period from 2007 to 2010, has been subjected by the defendants to politically-motivated investigations and prosecutions by the administration of the current Ukrainian government, which is led by President Victor Yanukovich ("the Yanukovich administration"), as part of a concerted attempt to discredit her, deny her basic political and human rights, and to intimidate her associates and opposition-party members from exercising their fundamental political and human rights.

2. Plaintiffs JOHN DOES # 1 through 10 are former members of the previous executive administration of Ukraine during the time period when Plaintiff Tymoshenko served as Prime Minister. They have all been subjected to politically-motivated investigations and selective prosecutions by the current Ukrainian administration under the leadership of President Victor Yanukovich. The reason why their names are not specifically listed as plaintiffs in this matter is that, in some cases, they are incarcerated under conditions that severely restrict their ability to communicate freely, and both those who are incarcerated and those that are not, but are under intense investigation,

would likely be subjected to further intimidation and persecution if their names were listed as plaintiffs in this action.

### **The Defendants**

3. Defendant DMYTRO FIRTASH ("Firtash") owns 45% of RUE, and a partner owns 5%. The other 50% of RUE is owned by Gazpron, the Russian natural gas monopoly. Firtash has admitted that he got his start in the gas trading business with the assistance of Semion Mogilevich, the Russian organized crime boss. Firtash is also a close associate and advisor to the current Ukrainian President, Victor Yanukovich.

4. Defendant RosUkrEnerg AG ("RUE") is headquartered in the Swiss canton of Zug. Firtash controls his shares in RUE through a company called Centragas Holding, which has offices in Vienna, Austria and is affiliated with the DF Group, which is also located in Austria.

5. Defendants JOHN DOES # 1 through 100 are other individuals and companies, some of whose identities are presently unknown, who conspired with and/or aided and abetted the named defendants as part of a conspiracy and racketeering enterprise designed to deprive plaintiffs and other class members of fundamental political and human rights, and to divert natural gas and other natural resources of Ukrainian natural resources of Ukraine for the benefit of themselves and others associated with their racketeering enterprise.

## **JURISDICTION**

6. This Court has subject matter jurisdiction over this matter pursuant to the Alien Tort Statute and the Torture Victims Protection Act, 28 U.S.C. §1350 with regard to the Plaintiffs, who are Ukrainian citizens living in Ukraine and elsewhere, as well as non-Ukrainian citizen who have been victimized and suffered damages as a result of the defendants' racketeering enterprise, in that the claims of the plaintiffs involve violations of international law, including the deprivation of fundamental political and human rights, as well as the systematic diversion of natural gas and other valuable natural resources of Ukraine for the benefit of the defendants and their associates.

7. This Court also has jurisdiction over this matter pursuant to the Racketeering Influenced and Corrupt Practices Act ("RICO"), 18 U.S.C. Section 1961 et seq. in that the defendants conducted their multiple acts of fraud and racketeering through a racketeering enterprise that had a continuity of structure and purpose over an extended period of time.

8. This Court has subject matter jurisdiction over this matter with regards to members of the Plaintiff class who may be United States Citizens, pursuant to the Torture Victims Protection Act, Pub. L. No. 102-256, § 2(a), 106 Stat. at 73, 28 U.S.C. §1350, and pursuant to 28 USC §1331 that the claims of the plaintiffs and other class members involve federal questions and international law questions which are incorporated into federal common law.

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