

STOCKHOLM
DISTRICT COURT
Department 02

MINUTES
2 July 2014
Stockholm

Case document No. 31
Case No.
T 9406-14

Proceedings in the absence of the parties

THE COURT

Judge JH

RECORDING CLERK

SB

PARTIES

Claimant

1. Concipium AB, Reg. No. 556635-2588
P.O. Box 117
182 05 Djursholm

2. LT

[INFORMATION OMITTED]

3. PT

[INFORMATION OMITTED]

Counsel to 1-3: Advokat Rickard Arvidsson and Simon Arvmyren
Sandart & Partners Advokatbyrå KB
P.O. Box 7131
103 87 Stockholm

Respondent

1. CC

[INFORMATION OMITTED]

2. CF

[INFORMATION OMITTED]

3. HM

[INFORMATION OMITTED]

4. CP

[INFORMATION OMITTED]

5. HS

[INFORMATION OMITTED]

6. Tre Liljor Sverige AB (formerly Kaigan Group AB), Reg. No. 556649-1824

Document ID 1356906

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MATTER

Sequestration; request for interim sequestration

Concipium AB, LT and PT (the Claimants) have submitted an application for interim sequestration, wherein it is requested, as finally determined, as is set out in case document No. 28, that the District Court shall issue a sequestration order in the amount of SEK 7,142,046 (out of which SEK 6,890,586 relates to the capital amount and SEK 251,460 relates to interest) of the assets of Tre Liljor Sverige AB; in the amount of SEK 7,142,046 (out of which SEK 6,890,586 relates to the capital amount and SEK 251,460 relates to interest) of the assets of CC; in the amount of SEK 7,142,046 (out of which SEK 6,890,586 relates to the capital amount and SEK 251,460 relates to interest) of the assets of CF; in the amount of SEK 7,142,046 (out of which SEK 6,890,586 relates to the capital amount and SEK 251,460 relates to interest) of the assets of HM; in the amount of SEK 7,142,046 (out of which SEK 6,890,586 relates to the capital amount and SEK 251,460 relates to interest) of the assets of CP; and in the amount of SEK 7,142,046 (out of which SEK 6,890,586 relates to the capital amount and SEK 251,460 relates to interest) of the assets of HS. The motion is for an interim measure, coupled with the motion that the decision shall be made without granting the respondents opportunity to respond to the application.

The District Court makes the following

DECISION (to be announced on 3 July 2014)

The District Court rejects the Claimants' motion for interim sequestration.

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Reasons

The District Court concludes that the Claimants, by way of an arbitral award of 6 December 2013 in Arbitration Institute of the Stockholm Chamber of Commerce's case No. F 2013/052, through which the respondents have been held jointly and severally liable, have shown probable cause for the conclusion that they have claims against the respondents in a total capital amount of SEK 6,890,586 plus certain interest. As the respondents have not fulfilled certain other obligations under the said arbitral award and that the Claimants have been forced to commence enforcement procedures through the Swedish Enforcement Agency against the respondents, the District Court further concludes that it can reasonably be feared that the respondents are avoiding payment of the outstanding debt.

A precondition for the District Court to be able to grant a motion under Chapter 15 of the Swedish Code of Judicial Procedure without hearing the counterparty is that, pursuant to the third paragraph of Section 5 of Chapter 15, there is risk in delay. The District Court finds that the circumstances referenced by the Claimants in this respect are not of such nature that there is risk in delay with respect to all or any individual respondent in this case.

Therefore, the motions for interim sequestration shall be rejected. With respect to the security provided by the Claimants, the following could be noted.

Section 6 of Chapter 15 of the Swedish Code of Judicial Procedure provides that a measure under Sections 1-3 of Chapter 15 may be granted only if the applicant provides security for any damages possibly incurred by the counterparty. If the applicant is unable to provide security and if it establishes extraordinary grounds for its claim, the court may waive the requirement to provide security. The Claimants have provided security in the amount of SEK 300,000. Having regard to the total amount the Claimants wish to have put in

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sequestration, the value of the provided security must be held insufficient in relation to possible damages incurred by the counterparties.

HOW TO APPEAL, see appendix 1

Appeals, addressed to Svea Court of Appeal, must be received by the District Court within 21 days of receipt of the decision. Leave to appeal is required.

As above

SB

Minutes approved/