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How to File a Lawsuit against a Russian Company?

To ensure the procedural application is accepted and considered by the arbitration court of the Russian Federation, a number of obligatory requirements shall be observed.

Compliance with the Claim Procedure

The court will not consider the dispute, if the parties have not attempted to settle the dispute in pre-trial procedure.

Collection and Finalisation of Evidence

Evidence shall be submitted to the court as original or certified copies. All evidence shall be previously disclosed before the other party to the proceedings.

Preliminary Defendant's Status Check

It is required to find out where there is any bankruptcy or liquidation procedure initiated in respect of the defendant; if so, a special procedure shall apply.

Choosing the Form of Application

The application for a court order shall be filed when the amount of the claim does not exceed 400,000 roubles, and the claim is recognised but not performed by the defendant. In certain cases, another application (for example, for the enforcement of a foreign court decision) shall be filed. In all other cases, a statement of claim shall be filed.

Choosing an Arbitration Court

As a general rule, the parties choose the arbitration court at the place of the defendant`s registration. However, there are some exceptions, for example, for corporate disputes or disputes involving real property rights. The competent court can be chosen by the parties in a contract or in a special agreement before applying to the court.

Payment of State Fee

The state fee amount is established as a lump sum (for separate categories of cases) or depends on the amount of claim (for monetary claims). Payment details can be found on the respective court website. If the impossibility of the fee payment is proven, it can be deferred or postponed.

Choosing the Method of Filing

Apart from the traditional method (as a hard copy), a lawsuit and evidence can be filed in e-form using the Internet. This requires an electronic signature to be issued by certifying centres accredited by the Ministry of Communications of the Russian Federation, as well as compliance with the requirements for preparation of electronic documents.

Injunctive Relief If there are reasons to believe that the court decision will not be enforced by its entry into force, an injunctive relief shall be requirested such as seizure of property and money, ban on the assets disposal, or other actions.

Further Actions

In case of acceptance of the statement of claim, the respective notice with an indication of the time and place of the case hearing shall be send to the persons involved by mail to the addresses indicated in the state register of legal entities. Further, the court often obliges the parties to receive information on the case status through the kad.arbitr system.

Features for Foreign Persons Involved in the Case

Foreign organisations generally apply to arbitration courts of Russia on equal terms with Russian companies, if the dispute is connected with the territory of Russia, or when the parties have agreed that the case shall be considered by the Russian court. To confirm its status, a foreign claimant shall provide a statement from the register of businesses and businessmen of its state. Documents drafted in a foreign language shall be accompanies with a certified translation into Russian and, in some cases, shall be apostilled. Court notices shall be sent through the institutions of justice or other competent authorities of the respective foreign state. Analysts of Usconsalt (GRATA International's associated office in Novosibirsk) will help you in estimating possible risks of litigation and identify all the 'markers' that indicate the need to use additional interim relief. These 'markers' are: change of the region or corporate structure by the defendant, initiating the liquidation procedure, decrease in the company's turnover, increasing litigation, selling existing assets, etc..

We also can analyse legal precedents on similar disputes using kad.arbitr and Caselook resources, including the precedents by the judge, who is considering your case.

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