



## IN THE COURT OF APPEAL, CIVIL DIVISION

REF: CA-2023-000833



(1) NAVIGATOR EQUITIES LIMITED –v– OLEG VLADIMIROVICH DERIPASKA  
(2) VLADIMIR ANATOLEVICH CHERNUKHIN

CA-2023-000833

### ORDER made by the Rt. Hon. Lord Justice Phillips

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal

<b><u>Decision:</u> Granted on all grounds</b>					
<p>It is well arguable, to the criminal standard, that the respondent procured the taking of a step (the redomiciliation) which had the effect of impeding or obstructing the fulfilment of the B-Finance Undertakings. That is the effect of para 104 this Court's judgment ([2021] EWCA Civ 1799), reversing the striking out of the contempt application. Nothing in the Judge's judgment appears to undermine the cogency of that reasoning, which he did not directly address in his judgment. The applicants have a real prospect of demonstrating that the Judge's analysis of the underlying assets, the effect of the redomiciliation and the breadth of the undertaking was flawed at one or more stage.</p> <p>It is also sufficiently arguable, independently of the substantive appeal, that the Judge erred in awarding the respondent part of his costs on the indemnity basis.</p>					
<b><u>Information for or directions to the parties</u></b>					
<p><b><u>Mediation:</u></b> Where permission has been granted or the application adjourned: Does the case fall within the Court of Appeal Mediation Scheme (CAMS) automatic pilot categories (see below)? <span style="float: right;">No</span></p>					
<table style="width: 100%; border: none;"> <tr> <td colspan="2" style="text-align: center; border-bottom: 1px solid black;"><u>Pilot categories:</u></td> </tr> <tr> <td style="vertical-align: top; width: 50%; border: none;"> <ul style="list-style-type: none"> <li>All cases involving a litigant in person (other than immigration and family appeals)</li> <li>Personal injury and clinical negligence cases;</li> <li>All other professional negligence cases;</li> <li>Small contract cases below £500,000 in judgment (or claim) value, but not where principal issue is non-contractual;</li> </ul> </td> <td style="vertical-align: top; width: 50%; border: none;"> <ul style="list-style-type: none"> <li>Boundary disputes;</li> <li>Inheritance disputes.</li> <li>EAT Appeals</li> <li>Residential landlord and tenant appeals</li> </ul> </td> </tr> </table>		<u>Pilot categories:</u>		<ul style="list-style-type: none"> <li>All cases involving a litigant in person (other than immigration and family appeals)</li> <li>Personal injury and clinical negligence cases;</li> <li>All other professional negligence cases;</li> <li>Small contract cases below £500,000 in judgment (or claim) value, but not where principal issue is non-contractual;</li> </ul>	<ul style="list-style-type: none"> <li>Boundary disputes;</li> <li>Inheritance disputes.</li> <li>EAT Appeals</li> <li>Residential landlord and tenant appeals</li> </ul>
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<p>If yes, is there any reason not to refer to CAMS mediation under the pilot? <span style="float: right;">Yes/No (delete as appropriate)</span></p> <p>If yes, please give reason:</p>					
<p><u>Non-pilot cases:</u> Do you wish to make a recommendation for mediation? <span style="float: right;">No</span></p>					
<p><b>Where permission has been granted, or the application adjourned</b></p> <p>a) time estimate (excluding judgment) 2 days</p> <p>b) any expedition Yes – contempt application, this term or early next term.</p>					

Signed: BY THE COURT  
Date: Phillips LJ 29.09.23

#### Notes

- (1) Rule 52.6(1) provides that permission to appeal may be given only where –
  - a) the Court considers that the appeal would have a real prospect of success; or
  - b) there is some other compelling reason why the appeal should be heard.
- (2) Where permission to appeal has been refused on the papers, that decision is final and cannot be further reviewed or appealed. See rule 52.5 and section 54(4) of the Access to Justice Act 1999.
- (3) Where permission to appeal has been granted you must serve the proposed bundle index on every respondent within 14 days of the date of the Listing Window Notification letter and seek to agree the bundle within 49 days of the date of the Listing Window Notification letter (see paragraph 21 of CPR PD 52C).