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*Attorneys for Petitioner*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CZECH REPUBLIC,

Petitioner,

-against-

A11Y LTD.

Respondent.  
-----X

Case No.:  
*(Proposed)*  
**TEMPORARY RESTRAINING  
ORDER AND ORDER TO SHOW  
CAUSE FOR AN ORDER OF  
ATTACHMENT**

Upon reading the Petitioner Czech Republic’s (“Petitioner”)’s Memorandum of Law in Support of a Motion for an Order of Attachment and Temporary Restraining Order, dated August 20, 2018, the Declaration of Dr. Alfred Siwy in Support of Petition for an Order Confirming Foreign Arbitral Award and in Support of Petitioner Czech Republic’s Motion for an Attachment (executed August 17, 2018), the Declaration of Edward W. Floyd in Support of Petitioner Czech Republic’s Motion for an Attachment (executed August 17, 2018 [the “Floyd Declaration”]), and the Petition, and having found sufficient reason being alleged and good cause appearing therefrom (including the explanation set forth in the Floyd Declaration that the Temporary Restraining Order set forth herein ought to be issued without notice to avoid irreparable injury to Petitioner given

that Respondent A11Y Ltd. ["A11Y"] appears to have funds in this jurisdiction which are anticipated to become available for disbursement imminently and which therefore will likely leave the jurisdiction very promptly given that the funds are currently held in a trust account maintained for fee advances for a now concluded arbitration, all of which is buttressed by apparent representations made by Respondent's director that the entity is insolvent), it is hereby:

*MS*  
**ORDERED**, that Respondent A11Y Ltd. ("Respondent") shall show cause before this Court, at courtroom 21A, United States Courthouse, 500 Pearl Street, New York, New York, on September 4, 2018, at ~~noon~~, or as soon thereafter as counsel may be heard, why an order should not be issued: (i) granting Petitioner an order of attachment, pursuant to Fed. R. Civ. P. Rule 64 and New York CPLR § 7502(c) against Respondent's property interest in funds held in trust for Respondent in any trust account used for holding party deposited funds in trust in connection with that arbitration designated as ICSID Case No. UNCT/15/1 (the "Trust Account") maintained at Wells Fargo N.A., 375 Park Avenue, New York, New York 10152 (and/or any other branch thereof) up to the amount of \$373,932.02, plus interest, costs and sheriff's fees; and (ii) granting Petitioner such other and further relief as the Court deems just and equitable; and, it is further

**ORDERED**, that, sufficient reason having been shown therefore, pending the hearing of Petitioner's motion for an attachment, pursuant to Fed. R. Civ. P. Rule 65, **Respondent and all of its successors, assigns, agents, employees, officers, directors, attorneys and other persons acting on its behalf or in connection with it**, are hereby temporarily restrained and enjoined from transferring, disposing of, encumbering or otherwise causing, instructing or requesting any diminishment, transfer or disbursement of any funds held in the Trust Account; and, it is further

**ORDERED**, that, sufficient reason having been shown therefore, pending the hearing of Petitioner's motion for an attachment to be served on Wells Fargo N.A. as the garnishee, pursuant to Fed. R. Civ. P. Rule 65, **Wells Fargo N.A.** is also temporarily restrained and enjoined from carrying out any instructions or requests which it may receive to transfer, wire or otherwise disburse funds held in trust for Respondent from the Trust Account; and, it is further

**ORDERED**, that service of a copy of this Temporary Restraining Order and Order to Show Cause for an Order of Attachment, and each paper identified in the first paragraph hereof, shall be deemed good and proper service if <sup>(i.e. all documents filed in support)</sup> sent by <sup>delivered by</sup> 5:00pm on August 23, 2018:

- (i) By email to buchal@a11y.ltd.uk;
- (ii) By FedEx (or similar courier) to A11Y Ltd., Kemp House, 160 City Road, London, United Kingdom EC1V 2NX;
- (iii) By FedEx (or similar courier) to Albert House, 256-260 Old Street, London, United

Kingdom, EC1V 9DD; AND <sup>it is further</sup> **ORDERED** that the documents referred to in the preceding paragraph be <sup>(iv)</sup> By FedEx (or similar courier) to Wells Fargo N.A., 375 Park Avenue, New York, New York 10152; and, it is further <sup>served forthwith and by hand on</sup>

*MKB*  
*MKB*

**ORDERED** that plaintiff file proof of service by 5:00 p.m. on August 24, 2018 and it is further

<sup>no later than 3 p.m. on</sup> **ORDERED**, that A11Y shall file and serve any response or opposition to this Order to Show Cause by August 28, 2018 via the Court's Electronic Filing System; and, it is further

*MKB*

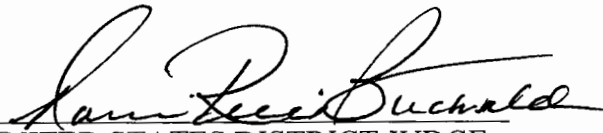
<sup>no later than 3 p.m. on August</sup> **ORDERED**, that Plaintiff shall serve any reply papers in further support of its motion for an order of attachment by August 30, 2018 via the Court's Electronic Filing System; and, it

is further

**ORDERED**, that a hearing on the Motion for an Order of Attachment will be held on

*nrb* September 4, 2018 at noon, at Courtroom 21A at 500 Pearl Street, New York, New York,  
or as soon thereafter as counsel may be heard.

ISSUED: New York, New York  
August 21, 2018  
At 11:30a.m.

  
UNITED STATES DISTRICT JUDGE *drn*