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LATHAM & WATKINS LLP

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August 19, 2022

VIA ECF

The Honorable Gabriel W. Gorenstein
United States Magistrate Judge
U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Schansman et al. v. Sberbank of Russia PJSC et al.*, Case No. 19-cv-2985-ALC-GWG; Counsel for VTB Bank PJSC's Letter Regarding its Motion for Leave to Withdraw

Dear Judge Gorenstein:

Latham & Watkins LLP ("Latham") writes with respect to its Motion for Leave to Withdraw as counsel for VTB Bank (PJSC) ("VTB"). (Dkt Nos. 316, 317). On April 19, 2022, Latham filed a Motion for Leave to Withdraw as counsel for VTB. (*Id.*). On May 2, 2022, the Court (i) conditionally granted the motion, and (ii) provided VTB until June 2, 2022 for a new attorney to file a notice of appearance. (Dkt. No. 333).

On June 2, 2022, VTB requested an extension of that deadline until June 15, 2022. (Dkt No. 342). In its request, VTB noted that it had recently come to an agreement-in-principle with Marc Agnifilio and Zach Intrater of Brafman & Associates P.C. ("Brafman"), but the logistics of finalizing that engagement were taking longer than anticipated due to the Russia-related sanctions regime in the United States. (*Id.*). The Court granted that request on June 3, 2022. (Dkt No. 350). Since that time, VTB has requested six additional extensions, each of which the Court granted, effectively extending the deadline for VTB's new counsel to appear to today, August 19. (*See* Dkt Nos. 358, 360, 367, 373, 382, 401, 405, 406, 410, 412, 417, 419).

As detailed in the attached declaration, Brafman has been unable to identify a path forward to representing VTB. Despite repeated attempts, Brafman has been unable to find a financial institution willing to accept funds relating to Brafman's representation of VTB, and has been unable to find another law firm who can represent VTB instead of, or alongside, Brafman.

LATHAM & WATKINS LLP

Consistent with the Court's May 2, 2022 order conditionally granting Latham's Motion to Withdraw as attorneys for VTB (Dkt. No. 333), Latham will provide to Plaintiffs a sworn statement that provides the names of each person that it has been in contact with from VTB regarding this matter, as well as their corresponding contact information. Latham will then file a sworn statement to the Court, attesting that we have provided this information to Plaintiffs.

Respectfully submitted,

/s/ Christopher R. Harris
Christopher R. Harris

cc: All Counsel of Record (via ECF)

Marc Agnifilo, being duly sworn, depose and says:

1. I am an attorney licensed in the State of New York.
2. I am “of counsel” to the firm Brafman & Associates P.C.
3. I am familiar with the facts in this affidavit. I am likewise familiar with the facts set out in prior affidavits in this matter submitted by my colleague, Zach Intrater, and incorporate the facts set forth in those prior affidavits regarding our efforts to find a way to enter an appearance on behalf of VTB Bank in this matter.
4. As detailed in prior submissions, we have contacted and been turned down by six Financial Institutions - Financial Institutions 1 through 6. This includes the Financial Institution working with counsel for Sberbank.
5. Since August 12, 2022, we have spoken with partners at two large law firms (Firm 1 and Firm 2) about representing VTB Bank either along with our firm or instead of our firm.
6. The partner at Firm 1 expressed hesitancy immediately and then confirmed that Firm 1 would not accept the representation.
7. We then spoke with a partner and then a managing partner at Firm 2. We provided the managing partner at Firm 2 with details about the case. The partner at Firm 2 said he would speak to the firm’s managing committee, which he did. Several days later, the partner at Firm 2 stated that Firm 2 would not be able to accept the representation.

8. We have now been trying for months to find a way to represent VTB Bank. We must report to the Court that we do not see a path forward for our firm.

I declare under penalty of perjury that the foregoing statements are true and correct.



Marc Agnifilo, Esq.
Of Counsel
Brafman & Associates, P.C.