

Exhibit 44

1 TODD HYMAN - CONFIDENTIAL

2 UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK

4 ----- X

5 UNITED STATES OF AMERICA,)

6 Plaintiff,) NO. 1:13-CV-06326

7 -vs-) (TPG)

8 PREVEZON HOLDINGS, LTD, FERENCOI)

9 INVESTMENTS LTD, KOLEVINS LTD,)

10 et al.,)

11 Defendants.)

12 ----- X

13

14 DATE: October 6, 2015

15 TIME: 9:47 a.m.

16

17

18 CONFIDENTIAL VIDEOTAPED DEPOSITION OF

19 TODD HYMAN, a 30(b)(6) witness, held at the offices

20 of Baker Hostetler, 45 Rockefeller Plaza, New York, New

21 York, pursuant to Subpoena, before Hope Menaker, a

22 Shorthand Reporter and Notary Public of the State

23 of New York.

24

25

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2 Hostetler.

3 MR. CASSIN: Vern Cassin from Baker
4 Botts.

5 MR. MONTELEONI: Paul Monteleoni for
6 the government.

7 MS. GRAHAM: Margaret Graham for the
8 government.

9 THE VIDEOGRAPHER: Now will the court
10 reporter please swear in the witness.

11 TODD HYMAN, called as a witness,
12 having been duly sworn on October 6, 2015, by
13 a Notary Public, was examined and testified
14 as follows:

15

16 EXAMINATION BY MR. MOSCOW:

17 Q. Good morning, Mr. Hyman.

18 A. Morning.

19 Q. Have you testified before?

20 A. Yes, I have.

21 Q. Have you testified in this matter?

22 A. Yes, I have.

23 Q. Did you start a deposition in -- on
24 March 3, 2014?

25 A. Yes, I did.

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2 Q. And the company is going to get the

3 income minus the expenses for managing it, right?

4 MR. MONTELEONI: Objection.

5 A. I believe that's what the document

6 says.

7 Q. So the money comes into Prevezon and

8 some of it gets invested in Europe, right, almost

9 all of it?

10 MR. MONTELEONI: Objection.

11 Q. Money that's received supposedly from

12 Petrov gets invested in Europe, mostly; does it

13 not?

14 A. Yes. But here's my understanding of

15 the transaction, okay.

16 Q. Then -- that's to buy real estate,

17 correct? Or I'm sorry, to buy shares in a company

18 that will own shares in other companies that own

19 real estate?

20 MR. MONTELEONI: Objection.

21 A. Correct.

22 Q. That's -- that's a real estate

23 investment holding company, if you will?

24 A. AFI --

25 Q. Prevezon Holdings?

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2 A. Prevezon Holdings.

3 Q. And you're talking -- you've been

4 talking a lot about the time in which money moved,

5 right? You're talking about a lot of transactions

6 where money moved in a couple of days in and out?

7 MR. MONTELEONI: Objection.

8 A. Okay.

9 Q. Correct?

10 A. Right.

11 Q. And for Prevezon with the real estate

12 it's roughly five years, correct?

13 MR. MONTELEONI: Objection.

14 A. With the Petrov apartment? Or --

15 Q. With the purchase in Europe, that was

16 roughly five years, correct?

17 MR. MONTELEONI: Objection.

18 A. It's --

19 Q. 2008 and they sold in June of 2013.

20 Call it roughly five years?

21 A. Right.

22 Q. It's not three days, right?

23 A. But there's money that gets returned

24 back into the account, too.

25 Q. Returned. Where did you make that

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2 up?

3 MR. MONTELEONI: Objection.

4 Q. You mean money came from the account

5 of AFI?

6 A. There were --

7 MR. MONTELEONI: Objection.

8 A. There were flows into Prevezon's

9 account and then it went into AFI's account.

10 Q. And what did they -- what did

11 Prevezon get when it went into AFI's account?

12 A. Shares and --

13 Q. So the money was gone. They had

14 shares of stock but the money was gone, right?

15 MR. MONTELEONI: Objection.

16 Q. And later on they got money out of --

17 from AFI, correct?

18 A. They never received money out of AFI.

19 We froze the --

20 Q. Stop. You don't mean that.

21 A. Okay.

22 Q. You're going to give your colleague

23 here a heart attack.

24 MR. MONTELEONI: Objection.

25 Q. There was money transferred from

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2 AFI's account to Prevezon in Europe; was there

3 not?

4 A. Correct.

5 Q. Isn't that the basis of its claim

6 that all the stuff in New York is subject to

7 forfeiture because money was transferred from

8 Holland to Switzerland?

9 MR. MONTELEONI: Objection.

10 A. My understanding of the transaction

11 is that that money that came -- was invested from

12 Prevezon into the New York properties is -- is

13 part and parcel from the funds that came from

14 Bunicon and Elenast which -- now --

15 Q. Okay. That's your understanding?

16 A. Let -- can I finish? Okay.

17 What then happens is we have, in

18 terms of this transaction, is Bunicon and Elenast,

19 we have a loan agreement to Prevezon where they

20 have to repay the loan which is first contrary to

21 the statement, the bank wires, and it's also

22 contrary to the statement that we have from

23 Representative 1, Mr. Harrison.

24 So, that money --

25 Q. That doesn't happen, does it?

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 2 A. What doesn't happen?
 3 Q. There's no transfer to Bunicon or to
 4 Elenast from Prevezon?
 5 A. It's the other way, from Prevezon --
 6 Q. There's no transfer, is there, from
 7 Prevezon to Bunicon?
 8 A. No, there's no transfer.
 9 Q. Is there a transfer from Prevezon to
 10 Elenast?
 11 A. The transfer's from Elenast to
 12 Prevezon.
 13 Q. So let's go back to the investment
 14 that was made in Europe at AFI and the
 15 Netherlands.
 16 Does that bring the Prevezon account
 17 down almost to zero?
 18 MR. MONTELEONI: Objection.
 19 A. I don't recall. I'd have to take a
 20 look to refresh my recollection.
 21 Q. And you said that the money came
 22 back. So let me ask you -- that's where you want
 23 to focus you on.
 24 Did money come from AFI to Prevezon
 25 after a purchase of a 30 percent interest in the

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 2 company?
 3 A. I have to refresh my recollection
 4 from the flow of the funds.
 5 Q. Was that transfer 18 months after the
 6 purchase?
 7 MR. MONTELEONI: Objection.
 8 A. Could be around that time frame.
 9 Again, I would defer to --
 10 Q. Was that money income from a 30
 11 percent interest in the real estate?
 12 MR. MONTELEONI: Objection.
 13 A. Was it -- did it represent income
 14 from the real estate investment?
 15 Q. I'm asking you.
 16 A. Well, it -- I believe it did.
 17 Q. Okay. And when -- when money came to
 18 Prevezon, did it buy real estate in New York?
 19 A. Well, yes, Prevezon bought real
 20 estate in New York.
 21 Q. Did it use funds from Kolevins and
 22 from Ferencoi over the years to buy additional
 23 real estate in New York? F-E-R-E-N-C-O-I.
 24 A. Yes, it does.
 25 Q. Did they purchase apartments?

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 2 A. Prevezon purchased several property.
 3 Q. Did they purchase commercial space?
 4 A. Yes, they did.
 5 Q. Did they hold it?
 6 A. For a while, yes.
 7 Q. Years?
 8 A. Yes.
 9 Q. Not days. Years?
 10 A. Years.
 11 Q. Did they make money?
 12 A. Yes.
 13 Q. Was there anything inconsistent with
 14 the activities of Prevezon being a real estate
 15 holding company?
 16 MR. MONTELEONI: Objection.
 17 A. Well, the question is, is -- Prevezon
 18 is watering -- helping launder the funds of
 19 proceeds of the track -- Russian Treasury tax
 20 refund tax scheme. That's -- that would be
 21 inconsistent.
 22 Q. That's -- that's -- that's the axiom
 23 by which you're operating, but I'm asking you
 24 about facts.
 25 MR. MONTELEONI: Objection.

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 2 Q. In terms of the operation of
 3 Prevezon, did it buy and sell real estate as
 4 though it were in all respects a real estate
 5 investment company?
 6 MR. MONTELEONI: Objection.
 7 A. Yes.
 8 Q. Did it hold this for years?
 9 A. Some of the property, yes.
 10 But weren't we originally talking
 11 about this issue of the loan repayment and --
 12 Q. I was asking you about -- you started
 13 to talk about money coming back to Prevezon from
 14 Europe and I was suggesting that the money that
 15 they invested in Europe is still stuck there.
 16 MR. MONTELEONI: Objection.
 17 Q. But that they received income based
 18 on that money.
 19 MR. MONTELEONI: Objection.
 20 Q. Is that correct?
 21 A. I think that would -- again, I would
 22 have to refresh my memory on the actual bank
 23 statements, but that would appear --
 24 Q. Is there anything tainted about using
 25 rent -- accumulated rents to buy new property?

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 2 MR. MONTELEONI: Objection.
 3 A. Well, the issue of tainted or not is
 4 a legal question.
 5 Q. Just about the using of rent to
 6 acquire new property.
 7 MR. MONTELEONI: Objection.
 8 A. If the proceeds are, or the rent in
 9 this case, are derived from property that was
 10 purchased through proceeds of an illicit activity
 11 in this case -- in this case the Russian tax fraud
 12 scheme, then the proceeds -- anything -- any money
 13 you earn on the bad money so to speak is tainted.
 14 Q. And the taint to this would depend on
 15 your knowledge of the fact that the money came
 16 from the Russian fraud scheme, right?
 17 A. Not necessarily.
 18 Q. You're saying that the Defendants can
 19 be guilty of laundering the proceeds of the
 20 Russian fraud scheme without knowing that the
 21 proceeds were those of the Russian fraud scheme?
 22 MR. MONTELEONI: Objection.
 23 Q. That's your position?
 24 A. That's more of a legal question,
 25 but --

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 2 Q. Okay.
 3 A. -- I'll leave that for the attorneys
 4 to answer.
 5 Q. All right. Does the fact that Dennis
 6 Katsyv did not know about this Russian fraud
 7 scheme influence your decision at all in deciding
 8 whether or not the money was -- the money derived
 9 in rent was part of a scheme to launder the
 10 proceeds of the Russian fraud?
 11 MR. MONTELEONI: Objection.
 12 A. The question -- that's a two-part
 13 question. The first part as to what Dennis Katsyv
 14 knows or doesn't know, I don't know that. I'm not
 15 inside of his head. I'm not a mind reader.
 16 Q. Okay. Let me stop at that part and
 17 just ask you a question.
 18 A. Okay.
 19 Q. Whose intention dictates the
 20 knowledge and intention of the companies?
 21 MR. MONTELEONI: Objection.
 22 A. That would be, again, a legal
 23 question. I'm certainly not an expert in
 24 corporate law or in business law.
 25 MR. MOSCOW: Mr. Hyman, you're not an

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 2 expert in corporate law, the obligations of
 3 law enforcement with regard to the protection
 4 of individuals, or the criminal law. I thank
 5 you. Take care.
 6 I pass back to Mr. Monteleoni. I
 7 reserve the rest of our time.
 8 MR. MONTELEONI: No further
 9 questions. Thank you.
 10 MR. MOSCOW: We will, of course, be
 11 making an application to compel the answers
 12 to the questions as to which you instructed
 13 the witness not to answer.
 14 THE WITNESS: Are we done?
 15 MR. MOSCOW: Yes, we are.
 16 THE VIDEOGRAPHER: The time is
 17 5:31 p.m., October 6, 2015. This completes
 18 today's video deposition of Special Agent
 19 Todd Hyman.
 20 (Whereupon, the deposition concluded
 21 at 5:31 p.m.)
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 2 A C K N O W L E D G E M E N T
 3
 4 STATE OF NEW YORK)
 5) ss.
 6 COUNTY OF NEW YORK)
 7
 8 I, TODD HYMAN, hereby certify that I have
 9 read the transcript of my testimony taken under
 10 oath in my deposition of October 6, 2015; that
 11 the transcript is a true, complete and correct
 12 record of my testimony, and that the answers on
 13 the record as given by me are true and correct.
 14
 15 _____
 16 TODD HYMAN
 17
 18 Subscribed and sworn
 19 to before me on this the
 20 _____ day of _____, 2015.
 21 Notary Public, State of New York
 22
 23
 24
 25