

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
CV NO. 08-3367

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VADIM MIKHLYN, INGA MIKHLYN, and ABC ALL :  
CONSULTING, INC., :

Plaintiffs, :

vs. :

ANA BOVE, POLINA DOLGINOV, et al. :

Defendants. :

----- :

ANA BOVE, Individually and Derivatively as a :  
Shareholder of ABC ALL CONSULTING INC., et :  
al, :

Counter-Plaintiffs, :

vs. :

VADIM MIKHLYN, INGA MIKHLYN, and ABC ALL :  
CONSULTING, INC., :

Counter-Defendants. :

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Thursday, December 10, 2009

ROBERT CIRILLO, INC  
182 Columbia Turnpike  
Florham Park, New Jersey 07932  
(973) 740-1331

DEPOSITION of ALEXANDR SAKIRSKI, called for Oral Examination in the above-entitled action, said deposition being conducted pursuant to Rules Governing Civil Practice in the Federal Court of New York, by and before MARINA LISTER, Notary Public and Certified Court Reporter, License No. 30X100210600, held at the offices of Levisohn Berger, LLP, 277 Broadway, New York, New York on Thursday, December 10, 2009, commencing at 10:25 a.m.

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182 Columbia Turnpike  
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A P P E A R A N C E S:

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BY: BORIS KOGAN, ESQ.

Interpreter: Irina Barskova

Also Present: Joseph Abeshouse

Anna Bove

Vadim Mikhlyn

Wertheim - Direct - Sakirski

1 confirm -- not the witness, the interpreter.

2 A Tatiana, the one that the lawyers saw,  
3 her company keeps the account in its entirety --  
4 accounting in its entirety. That is to say, I send  
5 the bank statements, all the checks, all the credit  
6 cards. If there are any questions, I simply  
7 explain how or where the money was spent. They do  
8 all the rest of the calculations. I cannot  
9 separate that because I don't understand what I'm  
10 being asked.

11 Q Okay. First of all, are you the one  
12 who communicates to the accountant on behalf of the  
13 company?

14 A Yes.

15 Q Aside from the lady, the outside  
16 accountant, does anybody inside the company  
17 maintain financial records on a day-to-day basis?

18 A No.

19 Q Okay. Just so I'm clear, I think you  
20 will remember that from time to time at other  
21 people's depositions in this case, we've talked  
22 about Quick Books software. Do you remember that?

23 A Yes.

24 Q Does anybody at the company maintain  
25 Quick Books records on a day-to-day basis for the

1 business?

2 A No.

3 Q Does anybody at the company maintain  
4 records on a day-to-day basis on another kind of  
5 software other than Quick Books?

6 A No.

7 Q Okay. Thank you. The written contract  
8 we were talking about earlier, what language was  
9 that in?

10 A In Russian, of course.

11 Q Why do you say of course?

12 A I don't write in English, not to  
13 mention the legal English that we would be able to  
14 sign.

15 Q So Russian is your first language,  
16 right?

17 A I have spoken nothing but this language  
18 for 40 years.

19 Q And as far as you know, Russian is Anna  
20 Bove's first language, right?

21 A Yes.

22 Q Did anything in the written contract  
23 say anything about sharing profits and losses?

24 A In that contract, yes, of course.

25 Q What did it say about sharing profits

Wertheim - Direct - Sakirski

1 Q Okay. Turn to, towards the back of the  
2 exhibit is the tax return for Anna Bove Embroidery  
3 Supplies, Inc. Towards the back.

4 MR. KOGAN: Form 1120?

5 MR. WERTHEIM: Yes, Form 1120. You can  
6 skip the cover forms. Are we on the same  
7 page literally?

8 MR. KOGAN: Yeah.

9 Q Mr. Sakirski, are you an owner of Anna  
10 Bove Embroidery Supplies, Inc.?

11 A One of the owners.

12 Q Is there another owner?

13 A Anna Bove.

14 Q Are you each 50 percent owners?

15 A Yes.

16 Q Why did you create Anna Bove Embroidery  
17 Supplies, Inc.?

18 A For sales of supplies or -- yeah.

19 Q What kind of supplies?

20 A For embroidery business. Even probably  
21 talking not so much about the sale, or how should I  
22 put it, the storage service of those goods. Okay.  
23 I'll try to explain. If I understand the question  
24 correctly, I tried to separate the intellectual  
25 property from the rest of the property.

Wertheim - Direct - Sakirski

1 Q Tangible property?

2 A Absolutely right.

3 Q Why did you do that?

4 A Because intellectual property, has, I  
5 don't know, this case, the legal squabbling as to  
6 who has what. I don't know how to call it, and  
7 money for the rest of the property which is, which  
8 differs from this kind of property, and so for one  
9 of them not to touch upon the other, so that nobody  
10 could claim. Those who have claims to the  
11 intellectual property would not have claims to this  
12 kind of property. For example, as I understand it.

13 Q Just in general, the creation of two  
14 separate companies had something to do with this  
15 lawsuit, right?

16 A Yes, that, too, certainly.

17 Q Right. Because the LLC could have sold  
18 supplies in addition to the designs, correct?

19 A This is how it sells it. In fact, it  
20 advertises them, represents them, but the goods do  
21 not belong to the LLC.

22 Q Is the term drop shipping applicable to  
23 what the LLC does for Anna Bove Embroidery  
24 Supplies, Inc.?

25 A No. It's the other way around. I