

Judge Melina strikes again in the Ventbunkers / LNT Cases

In December 2012, Judge Melina of the Riga Centre District Court became famous when she ordered some legally impossible provisional measures against two of the richest companies in Latvia.

She ordered that these companies could not anymore register any changes in the Register of Enterprises unless some minority shareholders (Olegs Stepanovs' company Topmar with less than 13% of the votes in the case of Ventbunkers and Stepanovs' Lawyer Aleksejs Ovods with less than 0.1% of the votes in the case of LNT) would give their consent to the registration. Many people asked with which means of doubtful legality she could be convinced to do something impossible like this.

But then, the Senate of the Supreme Court of Latvia ruled that provisional measures of this type are generally impermissible in commercial litigation. The Supreme Court's ruling was notified to Melina. Everybody expected that she would follow the higher Court's ruling and lift the impossible measures. But on 15 March 2013 judge Melina did the opposite and refused to lift the provisional measures. Her struggle to distinguish this case from the one handled by the Supreme Court can be viewed as artificial and bringing embarrassment to the legal community in her defiance to brush away the position taken by the Supreme Court. Melina's ruling suggests that this is no longer poor judging. Instead, it may be viewed as an intentionally illegal decision, a criminal offence. The fact that judge Melina is the Chairman of the Riga Centre District Court (*Rīgas pilsētas Centra rajona tiesas priekšsēdētāja*) makes the situation even more disturbing and once again reveals a fundamental deficiency in the Latvian judicial system.

Judge Melina's ruling will be appealed to the Riga Regional Court (*Rīgas apgabaltiesa*). In the meantime the defendants Olafs Berķis, Genadijs Ševcovs, Jānis Junkers, Dzintars Kašs, Raimonds Grīniņš, Nauris Kozlovs, SIA "Kement" and AS "Ventbunkers" will have to bear the illegal provisional measures imposed by Melina. It is expected to take months to reverse Melina's decision in the Riga Regional Court where she has already suffered a good number of other embarrassing reversals. But judge Melina does not seem to care about the prospect of yet another of her decisions being quashed on appeal. KNAB seem

to be active in the fight against corrupt teachers and small clerks. Perhaps it is time to turn to people like Melina who seem to be guided by interests outside the rule of law.

A/S Ventbunkers Press release