

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CBF INDÚSTRIA DE GUSA S/A, DA TERRA
SIDERÚRGICA LTDA, FERDUMAR – FERRO
GUSA DO MARANHÃO LTDA, FERGUMINAS
SIDERÚRGICA LTDA, GUSA NORDESTE S/A,
SIDEPAR – SIDERÚRGICA DO PARÁ S/A, and
SIDERÚRGICA UNIÃO S/A,

Plaintiffs,

- vs -

AMCI HOLDINGS, INC., AMERICAN METALS &
COAL INTERNATIONAL, INC., K-M
INVESTMENT CORPORATION, PRIME CARBON
GMBH, PRIMETRADE, INC., HANS MENDE, AND
FRITZ KUNDRUN,

Defendants.
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Civil Action No. 13-2581-PKC

**[PROPOSED] ORDER CONFIRMING *EX PARTE* ORDER OF PREJUDGMENT
ATTACHMENT AND GRANTING INJUNCTIVE RELIEF**

Plaintiffs CBF Indústria De Gusa S/A, Da Terra Siderúrgica LTDA, Ferdumar – Ferro Gusa Do Maranhão LTDA, Ferguminas Siderúrgica LTDA, Gusa Nordeste S/A, Sidepar – Siderúrgica Do Pará S/A, and Siderúrgica União S/A (“Plaintiffs”) having filed a Motion to Confirm the *Ex Parte* Order of Prejudgment Attachment against the property of Defendants AMCI Holdings, Inc. and Hans Mende (“Attachment Defendants”) and for injunctive relief, and having considered (1) Plaintiffs’ Memorandum of Law in support of the motion and (2) the Declaration of Adam K. Grant dated June 3, 2019, and the exhibits thereto, along with Defendants’ opposition papers, if any, Plaintiffs’ reply papers, if any, and all other pleadings and proceedings had in the above-captioned action;

AND the Court having found that Plaintiffs met the requirements to confirm the Order of Attachment granted on May 14, 2019 (the "Attachment Order"), in that: (i) there exists valid causes of action for a money judgment in favor of Plaintiffs and against the Attachment Defendants for a sum totaling no less than \$48,413,462.16; (ii) it is probable Plaintiffs will succeed on the merits of its claims; (iii) there are sufficient grounds for an order of attachment pursuant to CPLR §§ 6201(1) and ~~6201(3)~~ 6201(3); and (iv) there are no counterclaims against Plaintiffs for money damages (or otherwise);

AND Plaintiffs having posted the required attachment bond in the amount of \$80,000 on or before May 20, 2019;

AND Plaintiffs having appropriately levied the assets of the Attachment Defendants by service of the Attachment Order on May 30, 2019 and May 31, 2019;

AND Plaintiffs having brought the instant Motion to Confirm the Attachment Order and for Injunctive Relief within five (5) days of such levy, and having given appropriate notice to counsel for Defendants, the garnishees, and the U.S. Marshal for the Southern District of New York;

IT IS HEREBY ORDERED, that Plaintiffs' Motion to Confirm the Order of Attachment is granted in its entirety; and it is further

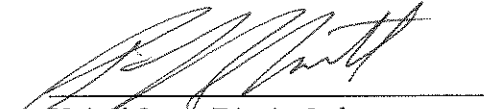
ORDERED, that the Attachment Order, which secures an amount of \$48,413,462.16 of the monies, property, and/or interest in property of the Attachment Defendants, is CONFIRMED and remains in effect through entry of judgment for Plaintiffs, entry of judgment for Defendants, or until such time as this Court issues another Order releasing the levy; and it is further

ORDERED that defendant Hans J. Mendé is hereby enjoined from taking any action (directly or indirectly) to transfer, encumber, or otherwise diminish the value of any assets subject to the Attachment Order over which he has control, to the point where such asset becomes valued at less than the amount necessary to secure the full amount of the attachment order.

ENTER:

Dated: New York, New York

July 16, 2019
4:00 P.M.


United States District Judge