

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

EQUIBIT GROUP LTD.

Plaintiff

and

THE ATTORNEY GENERAL OF CANADA, JANE DOE, JOHN DOE,
SERGEI SACHKOV and KARTIK PATEL

Defendants

REPLY TO STATEMENT OF DEFENCE OF SERGEI SACHKOV

1. The Plaintiff Equibit Group Ltd. (“**Equibit**”) denies all of the allegations contained in the Defendant Sergei Sachkov’s (“**Sachkov**”) Statement of Defence. Equibit repeats and relies upon all of the allegations in its Statement of Claim.

Sachkov Failed to Upload Source Code to Repository

2. Sachkov did not work diligently on Equibit’s source code (the “**Code**”), nor did Sachkov properly upload and store all versions of it in Equibit’s repository on GitHub as mandated by Equibit. Equibit was therefore prevented from reviewing the Code regularly as Sachkov alleges.

3. Between approximately February and July 2018, Sachkov repeatedly delayed in uploading to GitHub the version of the Code he was purportedly working on.

4. Sachkov’s repeated explanation for not complying with Equibit’s requests to do so was that he needed to “clean up” the Code before uploading it to GitHub.

Sachkov Began Missing Equibit Team Meetings

5. During the same time period, Sachkov began missing more and more of Equibit’s virtual team meetings, as well as his regularly scheduled one-on-one meetings with Equibit’s management.

6. It is untrue that Equibit never raised any complaints about Sachkov's work on the Code.

Sachkov's delays in uploading his version of the Code to GitHub blocked the rest of the Equibit team with moving forward with the Code's development. Following these delays and Sachkov's increasing absences from team meetings, the Equibit team urged him to upload the Code to GitHub, which Sachkov did not do, still claiming that he needed to "clean up" the Code first.

7. The Equibit team then asked Sachkov to provide an executable file of the part of the Code Sachkov was working on, so that at least some work could be done. Sachkov provided the executable file, which allowed the rest of the Equibit team to continue proceeding with development for approximately 1-2 weeks, following which they needed Sachkov to upload the actual version of the Code he was working on, which Sachkov did not do.

Sachkov Does Not Backup Code He is Working On

8. Sachkov did not tell the rest of the Equibit team that he intended to uninstall Windows on his laptop. In any event there is no reason Sachkov should not have followed the standard practice of backing up the contents of his laptop, including the Code he was working on, before doing so.

9. Following this process, Sachkov told Equibit that parts of the Code were "missing" from GitHub and that he suspected GitHub had been hacked.

10. Contrary to Sachkov's allegations, the parts of the Code did not become "missing" following this uninstallation of Windows. In fact, Sachkov had never checked in to GitHub the parts of the Code he now claims are missing and had been failing to do so for months.

Sachkov Instructed to Re-Write Missing Code and Never Did

11. Following Sachkov's allegation that the parts of the Code were "missing", the Equibit team instructed Sachkov to simply re-write the "missing" portions of the Code, as he was supposedly fresh from working on the portion of the Code. Sachkov never did so.

Sachkov Not Dependant on Info from Equibit to Recreate Work Purportedly Already Done

12. Equibit denies Sachkov was dependent on further information or direction from Equibit.

As the developer, Sachkov was the designer of the portion of the Code he was working on. No further information or directions from Equibit were required for him to design the portions of the Code he claimed to have already created, which had then gone missing.

13. Equibit denies that any change of Code version prevented Sachkov from complying with his duties. The Code was regularly updated to different versions and all team members worked on the updated version simultaneously. It was Sachkov's failure to provide the updated portions of the Code that he had purportedly been working on that stalled the Code's development.

No Mismanagement or Changes in Direction at Equibit

14. Equibit denies that it had any issues of mismanagement, changes in direction, lack of communication, and/or loss of key personnel other than Sachkov's failure to perform his duties and unauthorized absences from work.

Sachkov Claimed both Contact with CSIS and Travel to Russia

15. Contrary to the allegations in his Statement of Defence, in summer 2018 Sachkov told multiple Equibit employees that he had been approached by CSIS.

16. Sachkov also explained to multiple Equibit employees that he would be travelling to Russia and gave that as his reason for being out of the office for several weeks, both before and after his absence from the office.

October 27, 2023

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PROCEEDING COMMENCED AT
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REPLY

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