



**COURT OF MAGISTRATES (GOZO)
SUPERIOR JURISDICTION
GENERAL SECTION**

**MAGISTRATE DOCTOR BRIGITTE SULTANA
LL.D., LL.M (CARDIFF) ADV. TRIB. ECCL. MELIT.**

Today, Friday, 3rd of February 2023

Sworn Application number: 48/2022 BS

Marketplay Ltd

-vs-

Vera Kopistecki

The Court;

Having seen the sworn application filed by Anna Ivanova Komemi on behalf of plaintiff company Marketplay Ltd who premised;

1. The plaintiff company operates in the remote gaming industry, and the defendant was employed with the company on 3 February 2020;
2. Due to the Covid-19 pandemic, as from 13 March 2020 all the company's employees the company asked all of its employees, including the defendant, were requested to work from home,

and in order to carry out their responsibilities, they were given all the necessary equipment, including access to the company's system via a static whitelisted internet protocol (IP).

3. As part of her role, the defendant enjoyed a number of privileges that included issuing bonuses, redeeming/cancelling bonuses, approving KYC documents, communicating with Finance to speed up a withdrawal, and issue compensations to players when required.
4. On 28 December 2021, the company conducted an internal investigation on unusually high bonuses, and it emerged that these high bonuses had been credited to five specific accounts that were created on 6 May 2020, 9 November 2020, 9 July 2021, 24 July 2021 and 26 August 2021.
5. Upon further investigations conducted by the company, it emerged that all five accounts had been created via three Internet Protocols (IP) used by the defendant that corresponded to her residences during her period of employment.
6. It further emerged that all five accounts had all been accessed from the defendant's last IP, that is, the IP at her current residence where she has been living since 4 June 2021.
7. It also emerged that the account holder of all these five accounts is a certain Nico Buchholz, a German national bearing Maltese Identity Card number 266730M, the defendant's boyfriend who also lives with her.
8. During the relative period, the defendant has been systematically crediting the five accounts that she herself had created, with money belonging to the company, and she would subsequently withdraw these monies and partially reinsert them into the system evidently with the intention of simulating regular player activity, and this activity justified more bonuses.

9. With her conduct, the defendant misappropriated the global sum of seventy three thousand four hundred twenty seven euro and seventy three cents (€ 73,427.73) from the company.
10. On 31 December 2021 the defendant confessed that she carried out this activity and she assumed full responsibility for the entire affair.
11. The defendant is therefore a debtor of the company in the sum of seventy three thousand four hundred twenty seven euro and seventy three cents (€73,427.73), that is money she misappropriated from the company.
12. Even though the defendant was called a number of times upon to reimburse the full amount, she remains in default.
13. The debt owed to the company by the defendant is certain, liquidated, and due, and it is the company's belief that the defendant has no defence to this action.
14. There are therefore all the elements required by law in terms of Article 167 of Chapter 12 of the Laws of Malta for this court to give judgment without proceeding to trial.

Accordingly she requested this Court to:

1. Deliver judgment by acceding to the demand, without proceeding to trial in terms of Articles 167 to 170 of Chapter 12 of the Laws of Malta.
2. Declare that the defendant is a debtor of the plaintiff company in the sum of seventy three thousand four hundred twenty seven euro and seventy three cents (€ 73,427.73).
3. Condemn the defendant to pay the plaintiff company the sum of seventy three thousand four hundred twenty seven euro and seventy three cents (€ 73,427.73).

With costs, including those of the garnishee order filed concurrently with this case, and with interests at the highest rate permissible by law until effective payment.

The Court :

Noting the sworn application filed by the plaintiff company and the affidavit filed by Anna Ivanova Komemi¹.

Noting that the sworn application was duly notified to the defendant through the procedure in terms of Article 187(5) of Chapter 12 of the Laws of Malta.

Noting that in spite of the notification the defendant failed to file the statement of defence and the declaration as provided for in Article 158 of Chapter 12 of the Laws of Malta.

Noting further that the defendant by virtue of her complete failure to attend for the hearing also failed to show to the satisfaction of this court a reasonable excuse for her default in filing the statement and declaration within the prescribed time.

Having duly examined all the documents filed in the records of the case.

It is clear that the claim and evidence brought forth by the plaintiff have not been in any manner contested nor contradicted by the defendant and therefore this Court shall be upholding in toto the requests advanced by the plaintiff company.

Decide.

Now therefore, for the afore mentioned reasons this Court finds the plaintiff's requests to be justified and therefore whilst declaring the defendant to be a debtor of the plaintiff company in the sum of seventy three thousand four hundred and twenty seven euro and seventy three cents (€ 73,427.73) , condemns the same defendant to

¹ A fol 11 of the records of the case.

pay the plaintiff company the afore mentioned sum including the legal interest due up until payment is effected.

All the costs including those of the garnishee order filed against the defendant by the plaintiff company are to be borne solely and exclusively by the defendant.

(ft.) Dr. Brigitte Sultana
Magistrat

(ft.) Daniel Sacco
Deputat Registratur

Vera Kopja

Għar-Registratur