

Asset Recovery and Enforcement

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About Us

Simmons & Simmons has one of the largest, best respected and most successful Dispute Resolution teams across Europe, the Middle East and Asia. We advise on disputes of significant reputational and financial value and are known for our solutions-focused advice when the stakes are high.

We have acted in some of the most significant cases in recent years, including 7 of The Lawyer's Top 20 cases between 2018-2020. We were also named Commercial Litigation Team of the Year at the Lawyer Awards, British Legal Awards and Legal Business Awards in 2019 for our work advising Grant Thornton on the high-profile and long-running Tchenguiz dispute.

Asset recovery and enforcement

We combine expertise in complex financial fraud with innovative solutions in cross-border asset tracing and international enforcement of judgments. Bringing our broad litigation resources to bear, we have long been known for our work across multiple jurisdictions and our team is instructed on some of the largest claims in the English High Court and elsewhere. This is also testament to our specialist knowledge in competition issues, market abuse and bribery, and our expertise in managing complex parallel proceedings.

We have extensive experience of enforcing awards in England and internationally, including interim and interlocutory actions designed to identify and/or freeze assets pending enforcement. We often work closely with local counsel and asset investigators, as well as PR companies where a PR campaign can be a useful weapon in the armoury of the award creditor.

Additionally, we have also represented award debtors, which gives us a unique insight into the sensitivities and difficulties at play.

Our services

- investigations
- asset recovery, freezing orders and other injunctive relief
- civil claims for fraud
- advice on criminal law and defending individuals and companies
- claims and investigations relating to audit issues
- claims relating to directors' duties and in relation to antecedent transactions prior to insolvency
- complex cross-border litigation

"They're always one step ahead of the game and very proactive in managing litigation. It's a really good team that is very knowledgeable, intelligent and responsive."

Chambers 2020

Selected experience

- Representing an international telecommunications company in proceedings to enforce awards in its favour worldwide against an Egyptian telecommunications company worth in excess of US\$150 million including running enforcement proceedings in the England, Malta, Luxembourg, the United States, BVI and Egypt.
- Acting for numerous international private banks in the enforcement of high value mortgages over super-prime properties and the recovery of assets.
- Acting in worldwide litigation arising out of claims by the Brunei Investment Authority that Prince Jefri Bolkiah misappropriated USD40bn of assets. We coordinated the defence of Prince Jefri to these claims in numerous jurisdictions, including Brunei, Malaysia, Singapore, Japan, Cayman Islands, Jersey, USA, France and England.
- Advising a client on a 100m dispute over an interest in an oilfield in Yemen, which involved enforcement proceedings in 10 jurisdictions, appeals to the Court of Appeal, 6 petitions for leave to appeal to the House of Lords, 5 freezing injunctions, 3 references to the ECHR and the English court's first worldwide receivership orders in support of enforcement proceedings.
- Acting for a Turkish state entity in an ICC arbitration concerning a multimillion dollar dispute over the construction of an oil pipeline including in enforcement proceedings in Jersey.
- Acting for a Turkish company in relation to the enforcement of an ICC Award against a Ukrainian state-owned entity.
- Advising an international financial institution in relation to the enforcement of the LCIA Award.
- Representing CIS parties in proceedings relating to the enforcement of loans and other financial instruments before the English courts.
- Acting in multiple LCIA arbitrations and enforcement proceedings relating to the performance of an option agreement involving shares indirectly relating to a major Kyrgyz mobile telecommunications company
- Instructed by a European government to advise on the validity and enforceability of a high value international arbitration award relating to a large infrastructure project.
- Acting for a Middle Eastern government in relation to the recognition and enforcement of arbitral awards amounting to several hundred million pounds made against public sector and private entities
- Representing a pan-African telecommunications company against an African State over the State's attempts to enforce security over its shares.
- Acting for a German construction company in relation to the successful enforcement in England of two ICC awards made against an African state entity relating to a major road construction project in Africa.
- Acting for the Republic of Iran in litigation in the Dutch Supreme Court and then in enforcement proceedings in the United Kingdom.
- Acting for NaftoGaz, the Ukrainian state-owned energy company, defending the enforcement of a \$25m Ukrainian judgment obtained by Merchant International Company Limited. The Ukrainian judgment has since been repealed in the Ukraine, although enforcement efforts continue in England.
- Representing a Nigerian company and its multinational parent enforcing a Nigerian arbitration award for c. GBP £200m against the State of Nigeria.

Key contacts



Alexander Thavenot

Partner

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Alexander specialises in complex cross-border disputes and investigations, with a focus on wholesale banking and wealth management. His recent experience includes debt recovery and cross-border enforcement proceedings, shareholder disputes, swaps claims and internal investigations into trader misconduct. He currently acts for EFG Bank AG in the defence of a \$800 million dishonest assistance claim brought by the Public Institution for Social Security of Kuwait in the Commercial Court (named as one of The Lawyer's Top 20 Cases of 2020).

Alexander has been recognised by the Legal 500 as a "Next Generation Partner" for banking litigation and is described as "responsive to client demands" and having "an impressive strategic handle on matters".



Kirsten Kitt

Partner

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Kirsten is a partner in the firm's Litigation & Arbitration team and has a wealth of experience in dealing with substantial and high profile commercial disputes, particularly those with an insolvency focus. Her work has included managing the Simmons team that won three Litigation Team of the Year awards in 2019 acting for Grant Thornton UK LLP and BVI based liquidators against Robert and Vincent Tchenguiz and acting for the Joint Liquidators of companies in the collapsed Abraaj Group. She has also acted on audit negligence claims; regulatory investigations, complex cross border asset recovery and enforcement matters (including *Masri v. Consolidated Contractors*); cases with a civil fraud element and issues relating to contempt of court. She is particularly interested in creating bespoke fee solutions to manage insolvency cases and debt recovery work, and works regularly with litigation funders and insurers.



Adam Brown

Partner

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Adam advises on complex, high-value disputes, including litigation, regulatory investigations, and internal investigations. He acts for clients across a range of sectors, notably for banking, asset management, commodities, natural resources and tech firms.

Adam is recognised for his expertise in civil fraud matters, including fraudulent misrepresentation, market misconduct, insider dealing, and asset recovery. He has obtained urgent injunctive relief on behalf of clients facing these issues. Recent work includes acting for the defendant to a £1.5bn civil fraud claim in *PCP Capital Partners LLP v Barclays Bank plc*.



Camilla de Silva

Partner

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Camilla is a partner in our international crime group and part of the Contentious Regulatory, Crime and Competition practice based in London. She advises on strategies for managing the full range of regulatory and criminal law risks that clients face: internal investigations, compliance, remediation and monitorship activity, investors assessing risk and opportunity or strategic M&A transactions with exposure to criminal risk. Camilla partners with business to manage these situations with Boards, their wider business colleagues and external stakeholders, and brings her experience of cross-practice teams to collaborations across the network. Camilla joins the firm from the U.K. Serious Fraud Office where she was Co-Head of Fraud and Corruption and a key member of the SFO's Senior Management Team holding operational responsibility for the most high profile, complex multi-jurisdictional fraud, bribery and corruption investigations, including leading on the negotiations of the global landmark 2020 DPA.



Patrick Boylan

Partner

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Patrick is Head of the Commercial Litigation practice in London and specialises in advising clients in relation to complex corporate disputes. He has a particular focus on contentious competition matters, cross-border disputes, civil fraud cases and arbitration.

Patrick has represented corporates and High Net Worth individuals in pursuit of assets across multiple jurisdictions, including supervising proceedings involving civil and criminal aspects, obtaining freezing and information disclosure orders in a number of jurisdictions, including England & Wales, Scotland, Switzerland, Germany and Moldova.



Stuart Dutson

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Stuart is the head of Simmons' international arbitration practice. He has conducted arbitrations under both common law and civil law in England, mainland Europe, the Middle East, Africa and Australia.

His recent enforcement proceedings have included enforcing a \$2 billion award against the Nigerian State and NNPC in London and New York working with investigators in both jurisdictions; pursuing Russian award debtors in the English, Russian, BVI, Cayman, Jersey and Cypriot courts working with local counsel and investigators across all jurisdictions; resisting the enforcement of a New York award made against an Eastern European telecommunications



Jayne Bentham

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Jayne has extensive experience in international arbitration, litigation and mediation. She has primarily been involved in complex high-value contract disputes in the technology, telecoms, energy and finance sectors, including for Nomihold in its dispute against MTS for which our “hard-fought enforcement” strategy was commended in the FT Innovation Awards for Most Innovative Law Firm in Dispute Resolution.



Minesh Tanna

Managing Associate

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Minesh is a Managing Associate working in the firm’s dispute resolution team in London. He regularly acts for clients on complex contentious issues across a range of sectors, with a particular focus on telecommunications, media and technology (TMT) and energy & infrastructure matters.

Minesh has experience of representing clients in both litigation and arbitration proceedings (including under the LCIA, ICC, UNCITRAL, DIAC and ADCCAC rules). Minesh is a Solicitor-Advocate (Higher Courts Civil) and appears as counsel in litigation and arbitration proceedings. He is also an accredited mediator with the Society of Mediators and regularly advises clients on alternative dispute resolution.



Basil Woodd-Walker

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Basil has wide experience of arbitration and litigation for corporate clients, particularly in the context of enforcement of arbitration awards. His practice focuses on disputes arising out of commercial contracts and complex transactions.

Basil was the lead associate on the Botas enforcement proceedings, and was a key member of the Nomihold team.

For additional information on our firm, please visit our website at [simmons-simmons.com](https://www.simmons-simmons.com).

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