



Dispute Resolution

OVERVIEW

Appleby provides dispute resolution services in Bermuda, the British Virgin Islands, the Cayman Islands, Guernsey, Hong Kong, the Isle of Man, Jersey and Mauritius. Our practice is truly international, handling disputes involving parties all over the world, as well as issues arising within the increasingly complex legal and business environments of individual jurisdictions. We continue to be involved in the most complicated and high profile cases.

Our team has a wide range of expertise, enabling us to provide clear, sound and timely legal advice on the full spectrum of commercial dispute resolution issues. Members of the team are skilled in the resolution of all types of commercial and civil disputes, whether through litigation or arbitration and alternative dispute resolution. Our lawyers include experienced advocates, who have rights of audience, conducting litigation at all levels of the court system, including the Privy Council, the final court of appeal for all eight jurisdictions.

We respond to clients' demands, which are frequently urgent and invariably require maximum attention, with speedy and efficient service. We assert and defend our clients' positions, mindful that no client wishes to be involved in litigation. However, when the situation demands it, we utilise the full strength of our global resources.

REPRESENTATIVE CLIENTS

- Tajik Aluminium Company
- Phoenix Meridian Equity Ltd.
- Gottex Fund Management Sarl
- Barclays Private Bank and Trust Limited

“Highly responsive and commercially minded. Effective and efficient in providing practical solutions”

Chambers Global 2017

WHO WE ADVISE & WHY

A significant percentage of our instructions are from the top 20 UK and leading US law firms, as well as local financial institutions, trust companies, local government, insurance companies and high net worth individuals.

These clients work with us because:

- We have an unparalleled presence offshore. This means clients don't have to manage a large group of advisers for complex, multi-jurisdictional matters.
- Leading legal directories have long recognised our excellent reputation. Chambers and Partners, and Legal 500 consistently rank us in the top and leading tiers in each of our jurisdictions for dispute resolution work. For Chambers Global Partners, we remain "the offshore counsel of choice for practitioners from renowned onshore firms" attracted by "the multi-jurisdictional capability that the firm's global network facilitates."
- Our relationships with leading onshore firms are unrivalled. We pay careful attention to this, which means clients access a truly cohesive approach to their matters that have an onshore and an offshore element.
- Our clients access advice in their respective time zone utilising the skills and expertise of our global network of people to deliver advice and services in the most efficient way.

REPRESENTATIVE WORK

Dispute Resolution

Tajik Aluminium Company

Acting for **Tajik Aluminium Company**, one of the world's largest aluminium smelters, in connection with fraud claims in excess of **US\$400 million**, involving the supply of raw materials at excessive prices and the purchase of finished aluminium at excessive discounts.

BVI Incorporated Insurance Company

Advising on the liquidation of a **British Virgin Islands incorporated insurance company**, which is party to multiple fraud, misrepresentation, asset recovery claims and related litigation, and on instituting an innovative multi-party mediation process to deal with disputed claims.

Three Isle of Man Companies

Acting for **three Isle of Man companies** in a dispute with the Alfa Group (and others) concerning the ownership of the Kyrgyz cellular communications company Bitel.

Fund Disputes

Administrators

Advising an Administrator in the Isle of Man of a Cayman traded life policy fund in a dispute with the manager over dealings with investors and termination of an administration agreement.

Arbitration

Representing a Cayman fund in successfully obtaining an ICC arbitration award in Sao Paulo against a Bermuda investment company.

Clawback Claims

Acting for major institutional investors in defending clawback claims brought in the BVI and US Bankruptcy courts by the liquidator of Fairfield Sentry Ltd, one of the largest Madoff feeder funds.

Trust & Estate Litigation

Prince Jefri Bolkiah

Representing **Prince Jefri Bolkiah** of Brunei in high-profile litigation with the Sultan of Brunei to recover assets arising out of alleged misappropriation of **US\$15 billion** from the Brunei Investment Agency, requiring parallel proceedings in both the Cayman Islands and Jersey.

Recovery of Funds

Acting in relation to the recovery of funds said to have been deposited in a bank in the Isle of Man by Abdul Kadir Abacha, brother of the late General Abacha, the former military dictator of Nigeria.

Trustee Advice

Advising **a trustee** in relation to a hostile application to remove its co-trustee as trustee of a number of trusts on the basis of a clear and obvious conflict of interest, culminating in an Order from the Royal Court of Jersey removing the co-trustee.

REPRESENTATIVE WORK Cont'd

Insolvency & Restructuring

Barclays Private Bank and Trust Limited

Advising **Barclays Private Bank and Trust Limited** in its capacity as corporate director of certain companies in the Belgravia Group, including giving urgent advice on various winding up and other options available in light of the insolvency of certain of the companies.

Walton Insurance Company Limited

Advising upon and obtaining the sanction of the Supreme Court on a solvent scheme of arrangement for **Walton Insurance Company Limited**, commencing insolvent winding up proceedings and advising on the liquidation and the operation of the scheme in the context of the insolvency.

Chapter 11

Advising **Sea Containers Ltd.** on the Bermudian aspects of its restructuring plan and emergence from Chapter 11 bankruptcy, specifically on the incorporation of newly formed Bermuda companies, transfer of assets to the new companies and loan and security documentation.

Insurance Disputes

Reinsurer

Representing a **reinsurer** in arbitration against a Bermuda insured where our client was seeking to have the insurance declared void by reason of material non-disclosure.

Insurers of the Hyatt Regency Grand Cayman

Represented **insurers of the Hyatt Regency Grand Cayman** in relation to a **US\$70 million** contested insurance claim, which has given rise to multiple proceedings involving three layers of excess insurers in multiple jurisdictions.

Professional Negligence

Three Lead Insurers

Advising and representing **three lead Insurers** and their Insured in the first litigated Vibration White Finger claim before the Isle of Man High Court of Justice.

Leading UK Insurer

Acting for a **leading UK Insurer** and its insured in the Isle of Man in relation to a Noise Induced Hearing loss claim advising on liability and quantum.

REPRESENTATIVE WORK Cont'd

Family & Personal Law

Personal

Advising **individuals** in relation to their personal legal affairs including family law issues such as adoption, maintenance, custody and access rights and other issues related to children, and matrimonial issues including divorce, ancillary relief, pre-nuptials and co-habitation agreements, separations, and emergency injunctive relief.

Human Rights Issues

Human rights matters, including for example the first case taken to the European Court of Human Rights from the Cayman Islands.

Employment & Immigration

Employment & Immigration

Advising several **leading international companies** based in our offshore jurisdictions on various matters arising from the hiring and retention of staff, including immigration issues, the drafting of employment contracts, advice on unfair dismissal and redundancy and appearing before courts and employment tribunals.

KEY CONTACTS



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ABOUT APPLEBY

Appleby is one of the world's leading offshore law firms. The Group has offices in the key offshore jurisdictions of Bermuda, the British Virgin Islands, the Cayman Islands, Guernsey, Isle of Man, Jersey, Mauritius, and Seychelles, as well as a presence in several key international financial centres including Hong Kong and Shanghai.

With over 470 people, including lawyers and professional specialists, across the Group, Appleby delivers sophisticated, specialised services, primarily in the areas of Corporate, Dispute Resolution, Private Client and Trusts, Regulatory and Property. The Group advises public and private companies, financial institutions, and high net worth individuals, working with these clients and their advisers to achieve practical solutions, whether in a single location or across multiple jurisdictions.

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