



Ogier acts in successful enforcement of a Brazilian arbitral award

Cases - 14/08/2020

Ogier acted for Gol Linhas Aereas S.A. in its continuing efforts to enforce an arbitral award which it obtained in Brazil in September 2010 against several MatlinPatterson funds, following a dispute arising from the purchase of a Brazilian airline. Ogier successfully obtained an ex parte Order granting Gol leave to enforce the award in October 2016. MatlinPatterson applied to set aside the Order and, following a four-day hearing in June 2018, Mangatal J delivered a judgment dated 19 February 2019 granting MatlinPatterson's application. Ogier then brought an appeal against the decision setting aside the Order. The appeal was heard in November 2019 and the Court of Appeal ruled in Gol's favour in August 2020.

MatlinPatterson have challenged the arbitral award in the Brazilian courts and have failed at every step, including in no fewer than ten appeals. The case in Cayman raises complex issues of international law, including Gol's primary argument that MatlinPatterson's failed attempts to annul the award in the supervising courts of Brazil give rise to an estoppel issue, which precludes MatlinPatterson from advancing the same arguments in the Cayman Islands. MatlinPatterson are now appealing to the Privy Council, and the appeal is expected to be heard in late 2021.

The Ogier team was led by partner William Jones who was assisted by counsel Anna Snead and associate Nour Khaleq acting for Gol, together with Tom Lowe QC of Wilberforce Chambers and Daniel Miranda and team of Mattos Filho in Brazil.

About Ogier

Ogier is a professional services firm with the knowledge and expertise to handle the most demanding and complex transactions and provide expert, efficient and cost-effective services to all our clients. We regularly win awards for the quality of our client service, our work and our people.

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