Technically strong, very strategic and commercial.

Chambers, Asia-Pacific, Dispute Resolution, 2017

Contents
What we do 3
Our capabilities 4
Our jurisdictions 5
Our experience 7
Key contacts 9
What we do

Delivering BVI and Cayman legal advice to clients in Asia to pre-empt or resolve disputes.

Ogier has one of the largest offshore legal teams globally, advising on five international laws: BVI, Cayman, Guernsey, Jersey and Luxembourg.

We handle the entire range of corporate, commercial and trust disputes, advising on all their technical, procedural and strategic aspects.

Our Asia team, based in Hong Kong, provides BVI and Cayman legal advice and representation to banks, financial intermediaries and corporates, as well as individual owners, directors, shareholders and creditors. Our expertise encompasses urgent interim applications, shareholder and corporate governance disputes, appraisal rights litigation, extra-judicial enforcement, enforcement of foreign judgments and awards, asset protection and recovery, schemes of arrangement and general restructuring and corporate recovery.

We work with Asia-based clients in their own region and time-zone, assisting them to manage risk, protect their rights and/or avoid or resolve disputes. The team frequently works closely with onshore counsel and other professional service providers and maintains excellent relationships with regulators in BVI, Cayman and Hong Kong.

Our lawyers and professional staff speak English, Cantonese and Mandarin to better service our Asia-based clients in their native languages.

Our team works closely with industry associations and are members of the following organisations:

- Society of Trust & Estate Practitioners (STEP)
- Association of Restructuring and Insolvency Experts (ARIES)
- Cayman Islands Restructuring and Insolvency Specialists Association (RISA)
- American Bankruptcy Institute
- INSOL International
- Insolvency Lawyers’ Association
- Association of Business Recovery Professionals (R3)
- International Women’s Insolvency and Restructuring Confederation (IWIRC)

Caribbean Law Firm of the Year
Citywealth IFC Awards 2018

Offshore Law Firm of the Year
Chambers Europe 2018

International Team of the Year
Legal Week Innovation Awards 2018

Restructuring Deal of the Year
IFLR Middle East Awards 2017

Best Offshore Law Firm
WealthBriefing European Awards 2017
Our capabilities

Our lawyers are perfectly placed to represent clients in any dispute resolution procedure.

What we do

Restructuring and Corporate Recovery
Winding up and cross border insolvency applications, restructuring applications; protection of investor/shareholder rights, schemes of arrangement, amalgamation and reconstruction; asset recovery.

Commercial disputes
Fraud, bribery and money-laundering actions; asset tracing, protection and recovery; enforcement of foreign judgments and arbitral awards.

Contentious regulatory advice
Regulatory investigations and enforcement; market misconduct, proceeds of crime and money-laundering claims.

Corporate disputes
Corporate governance issues; shareholder disputes; conflicts of interest, breaches of fiduciary duty and claims against directors; fraud and proprietary claims.

Financial services disputes
Claims in relation to funds, banking and insurance.

Insurance related disputes
Acting for insured parties and for insurers on coverage and policy issues.

Trust disputes
Breach of trust claims, administrative claims and trust restructuring.

How we do it

Many techniques have been developed to identify and resolve risks and disputes, each with its particular advantages and disadvantages. Knowing which should be applied not only yields the appropriate solution but does so in a way which minimises costs, saves time and keeps businesses and transactions on track.

Techniques include:
- Negotiated settlements
- Litigation
- Mediation
- Arbitration
- Dispute Boards
- Early Neutral Evaluation (ENE)
- Expert Determination

There are often significant differences in rules, procedures and practices in different jurisdictions. We select and recommend the appropriate dispute resolution method according to the specific factual and jurisdictional features of each case.

Ogier ‘did a fabulous job of not only getting up to speed but then advising very sensibly and very rationally on the best course of action’.

Client feedback - Executive, Leading TMT company
Our jurisdictions

Our experts in Asia are supported by teams in BVI and Cayman.

Hong Kong
Client demand for on-the-ground, same time-zone advice from senior experienced litigators led to partner Oliver Payne from the Cayman Islands relocating to Ogier’s Hong Kong office.

Oliver has significant experience appearing before the Court in Cayman. Oliver’s practice spans all aspects of general commercial litigation, including shareholder and banking disputes, insolvency, and breaches of directors’ and trustees’ duties. As a Solicitor-Advocate, Oliver holds higher rights of audience. Oliver has been admitted to the Cayman Islands (2010) and the BVI (2014).

Together with senior associate Edwin Gomez, the team brings years of BVI and Cayman experience into Asia.

Our Asia team works closely with specialists in the BVI and Cayman to provide our clients with 24 hour coverage across the time-zones.

BVI
The BVI team works closely with our Asia disputes practice. They offer legal advice relating to corporate, dispute resolution and contentious trusts and insolvency matters, providing our clients with strong advocacy capabilities and experience before all levels of court in both trials and interim applications. Members of the team are regularly involved in freezing injunctions, cross-border derivative actions, Norwich Pharmacal applications and applications for the appointment of receivers and provisional liquidators.

Cayman Islands
Our Cayman Islands team offers seamless assistance to Ogier’s contentious experts in Asia. They specialise in complex, high-value matters with an emphasis on those with a cross-border aspect. Having regularly appeared in the Cayman Grand Court and the Court of Appeal, our team has particular expertise in corporate insolvency, contentious trust and general commercial dispute resolution, including enforcement of foreign judgments, asset tracing and fraud.

They have a strong set of lawyers in the insolvency and dispute resolution team.
Chambers Global, BVI, Dispute Resolution, 2018
Oliver Payne
Partner, Hong Kong
Recommended for his commercial litigation expertise and particularly noted for his adroitness at handling complex financial problems.
Legal 500, Asia-Pacific, 2019
Our experience

**Tianrui (International) Holding Company Limited**

In the Matter of China Shanshui Cement Group Limited [2015 (2) CILR 255]; Ogier represented Tianrui (International) Holding Company Limited, the largest shareholder of China Shanshui Cement Group Limited, a HK$21bn company, in successfully resisting an attempt by the then Directors of China Shanshui to petition the Grand Court of the Cayman Islands for its winding up and to appoint joint provisional liquidators.

Ogier also provided Cayman advice to enable Tianrui to successfully exercise its shareholder rights to bring about a change in the management of China Shanshui and to facilitate refinancing arrangements.

**Asia Aluminum**

In what was the first scheme of arrangement to be promoted and sanctioned in the BVI, Ogier represented the liquidators of Asia Aluminum Group in promoting and obtaining court sanction for this global creditors’ scheme of arrangement spanning several jurisdictions including Bermuda, Samoa, BVI and Hong Kong.

**Symphony Partners Limited**

Ogier was instructed on behalf of Symphony, a Hong Kong domiciled company, to apply for a worldwide freezing injunction in the BVI court prohibiting Fullerton from dealing with shares in Renewable Energy Corporation (REC), a company incorporated in Thailand, pending the outcome of ICC arbitration. Ogier obtained the freezing injunction on an urgent basis and is providing ongoing BVI law advice in relation to asset protection and future enforcement.

**Royal Westminster v Nilon Ltd**

Ogier acted for the successful party in this recent decision of the Privy Council, which is the leading BVI authority on rectification of a company’s register of members and the doctrine of *forum non conveniens* in relation to service of process out of the jurisdiction.

**JP Fund Administration**

JP SPC1 and JP SPC4, Capricorn Segregated Portfolios

Ogier is acting for JP SPC1 and JP SPC4 in relation to three of their segregated portfolios, which suffered multi-million dollar losses arising out of fraud by one of their forex brokers, Global Tradewaves Limited.

**Project C**

Working closely alongside leading onshore firms and insolvency practitioners, Ogier represented various enforcing parties in the largest administrative receivership to be conducted under BVI law, involving substantial real property assets valued at more than US$1bn.

**China Health Group Limited**

Ogier is acting for China Health Group Limited and CHC Investment Holdings Limited in derivative action proceedings in Hong Kong and BVI.

**Fair Value Disputes**

Ogier is acting in existing fair value disputes, arising from Cayman mergers. Ogier is regularly approached to advise both companies and shareholders.

They have a strong team of talented litigators and good support staff.

Chambers Global, Cayman Islands, Dispute Resolution, 2018
In re the T Family Trust
In what is believed to be the first application in the BVI of the principles set out by the Privy Council in *Schmidt v Rosewood Trust Ltd (Isle of Man)* [2003] UKPC 26, Ogier acted for the trustees in opposing and successfully limiting the scope of disclosure of information about the trust and its assets which was sought by the husband of a beneficiary of the trust in relation to foreign divorce proceedings between him and her.

Zorin Khan
Acting for a beneficiary seeking an account from the trustee of a corporate trust in the BVI and seeking the trustee’s removal. The case is one where, in essence, the daughter of the deceased businessman alleges that her brother has taken assets which were properly bequeathed to her upon their father’s death.

Ogier obtained an order from the Court for an account and disclosure in respect of the original assets held by the trust.

A v A
In relation to a number of PRC matrimonial disputes, Ogier pioneered the use of free-standing Black Swan freezing injunctions and receiverships over shares in BVI holding companies so as to prevent dissipation of assets pending determination of foreign divorce proceedings and the division of matrimonial assets, with matching interim relief being sought in Hong Kong.

In connection with such matrimonial claims, Ogier’s trust law expertise was also sought in relation to the firewall legislation of the Cayman Islands.

Mirabaud Asset Management Limited
Advising on a Cayman members scheme of arrangement to effect a transfer of business from MIR UK Hedge Fund Limited, a Cayman fund, to a fund range called “Mirabaud” using an umbrella Luxembourg Societe d’Investissement a Capital Variable (SICAV).

A slick operation: they’re nice people who are easy to work with, very switched-on and with a good grasp of the law.

Chambers Global, BVI, Dispute Resolution, 2018
Key contacts

Hong Kong

Oliver Payne
Partner
T +852 3656 6044
M +852 9308 5962
oliver.payne@ogier.com

Michael Snape
Managing Associate
T +852 3656 6066
M +852 6132 3591
michael.snape@ogier.com

Edwin Gomez
Senior Associate
T +852 3656 6046
M +852 6293 0762
edwin.gomez@ogier.com

Shanghai and Tokyo

Skip Hashimoto
Director
T +81 3 6402 5635
skip.hashimoto@ogier.com

Sophie Zhong
Senior Business Development Manager
T +86 21 6062 6293
sophie.zhong@ogier.com
Cayman Islands

Rachael Reynolds
Partner
T +1 345 815 1865
M +1 345 516 2001
rachael.reynolds@ogier.com

Marc Kish
Partner
T +1 345 815 1790
M +1 345 526 1790
marc.kish@ogier.com

British Virgin Islands

Brian Lacy
Partner
T +1534 514493
M +7797 764770
brian.lacy@ogier.com

Nicholas Burkhill
Partner
T +1284 852 7372
M +1 284 542 7372
nicholas.burkill@ogier.com
Ogier provides practical advice on British Virgin Islands, Cayman Islands, Guernsey, Jersey and Luxembourg law through our global network of offices. Ours is the only firm to advise on these five laws. We regularly win awards for the quality of our client service, our work and our people. Regulatory information can be found at ogier.com

**Contacts**

**British Virgin Islands**
Ritter House
Wickhams Cay II
PO Box 3170
Road Town, Tortola
British Virgin Islands VG1110
T +1 284 852 7300
F +1 284 852 7450
E bvi@ogier.com

**Cayman Islands**
89 Nexus Way
Camana Bay
Grand Cayman
Cayman Islands KY1-9009
T +1 345 949 9876
F +1 345 949 9877
E cayman@ogier.com

**Guernsey**
Redwood House
St Julian's Avenue
St Peter Port
Guernsey GY1 1WA
T +44 1481 721672
F +44 1481 721575
E gsy@ogier.com

**Hong Kong**
11th Floor Central Tower
28 Queen's Road Central
Central
Hong Kong
T +852 3656 6000
F +852 3656 6001
E hk@ogier.com

**Jersey**
44 Esplanade
St Helier
Jersey JE4 9WG
Channel Islands
T +44 1534 514000
F +44 1534 514444
E jsy@ogier.com

**London**
1st Floor
99 Bishopsgate
London EC2M 3XD
T +44 203 693 7178
F +44 1534 514444
E london@ogier.com

**Luxembourg**
2-4 rue Eugene Ruppert
PO Box 2078
L-1020 Luxembourg
T +352 2712 2000
F +352 2712 2001
E luxembourg@ogier.com

**Shanghai**
Room 3671
Level 36 Shanghai International Finance Centre Tower II
No. 8 Century Avenue
Shanghai New Area
Shanghai 200120
China
T +86 21 6062 6294
E shanghai@ogier.com

**Tokyo**
Nisso 23 Building
Suite 801
Toranomon 3-8-25, Minato-ku
Tokyo 105-0001
Japan
T +81 3 6430 9500
F +81 3 6430 9501
E tokyo@ogier.com

ogier.com