

HFW LITIGATION

“As one of the world’s largest and most active disputes practices, litigation is in our DNA.

We have more than 350 specialist disputes lawyers in offices across the Americas, Europe, the Middle East and Asia-Pacific, and frequently litigate on behalf of clients in courts around the world.”

A handwritten signature in black ink, reading "Noel Campbell". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

NOEL CAMPBELL

Global Head of HFW LITIGATION

SPECIALISTS IN COMPLEX, MULTI-JURISDICTIONAL LITIGATION

Clients turn to our litigators for help on the most complex, high-value, multi-party and multi-jurisdictional litigation. They say that our lawyers display “a compelling mix of technical expertise and an uncompromising approach...interlaced with ego-free pragmatism and a relentless client focus”¹.

When the stakes are high, either financially or in terms of reputational risk, clients need a trusted, first-class firm to navigate them to a successful outcome.

**“The standout firm for
commercial litigation.”**

THE LAWYER

¹ Source: Chambers and Partners





ONE OF THE MARKET'S MOST ACTIVE LITIGATION PRACTICES

Independent research by leading industry publication, *The Lawyer*, revealed HFW to be the most active firm in the English Commercial Court; the most active firm for arbitration-related litigation; and one of the top five preferred litigation firms for the FTSE 100².

We are also among the heaviest users of the commercial courts in key international jurisdictions, including the Hong Kong High Court, the Dubai International Financial Centre, and Abu Dhabi Global Market Courts; two of the leading commercial courts in the Middle East, and are one of the most active firms in the DIFC Courts³ handling claims totalling more than AED518 million in the past two years alone.

350+

**SPECIALIST DISPUTES
LAWYERS IN OFFICES
ACROSS THE AMERICAS,
EUROPE THE MIDDLE
EAST AND ASIA-PACIFIC**

² Source: *The Lawyer* Litigation

³ Source: DIFC Court data

LITIGATION STRATEGY

From the outset, we take the time to work with our clients to create strategies, which will achieve the best possible outcome. With a view to the commercial and legal impact and consequences for our clients, these often include:

- advising on options for litigation funding and financing of the claim
- worldwide freezing orders and proprietary injunctions
- obtaining and enforcing security
- international asset tracing
- disclosure and search orders
- obtaining ancillary relief in overseas jurisdictions
- obtaining evidence from other jurisdictions
- committal proceedings
- enforcement of judgments and arbitration awards through local courts

OUR SPECIALIST EXPERTISE

More than two-thirds of our work globally is disputes - unprecedented for a law firm of our size and scale.

Our deep commercial litigation expertise is built upon experience in the following areas:

- Class actions
- Corporate disputes
- Cyber disputes
- Enforcement actions
- Financial services disputes
- Fraud
- Insolvency
- Oil and gas disputes
- Natural resources disputes



COMMERCIAL LITIGATION

We advise on the full range of issues presented by international commercial agreements from inception, performance through to termination; asserting or defending our clients' rights globally.

We cover a wide range of commercial agreements for global business, including disputes arising from:

- Agency agreements
- Contracting arrangements
- Environmental/Green issues
- Operating and service agreements
- Product liability issues

Case examples include:

- Acting in London High Court proceedings involving commission claims worth more than US\$450 million in respect of contracts between our client and a Brazilian multinational petroleum corporation.
- Representing a Big Four Australian bank in coordinating the tracing and recovery efforts following a US\$300 million metals fraud involving fraudulent warehouse receipts.
- Representing a Hong Kong listed power company on one of the longest running appeals on rates and Government rent in Hong Kong.
- Represent Synergy in a regulatory investigation by the Economic Regulation Authority (ERA) related to the price of electricity.



CORPORATE LITIGATION

We provide support to public and private organisations involved in disputes and contentious issues arising from their company structures, and business operations.

We advise on:

- Change of control
- Company sale and purchase agreements
- Derivative actions
- Director's rights and duties
- JV disputes
- Partnership disputes
- Prospectus liabilities
- Schemes of arrangement
- Share swaps and price ramping
- Share transfers and put and call options
- Shareholder agreements
- Shareholder and minority rights
- Wrongful and fraudulent trading liabilities
- Insolvency and restructuring

Case examples include:

- Acting in a shareholder dispute concerning the reduction of our client's holding. This classic shareholder dispute involved complex cross-border issues involving South America, Singapore, and a Delaware-based corporation.
- Acting for the Bermudian subsidiary of a major Canadian corporation, including defending proceedings in connection with the intended joint venture holding company in Bermuda.
- Acting for trader in a dispute based in the UAE, in connection with a price review dispute arising under a fifteen year supply contract. The amount in issue was approximately US\$300 million.



CYBER LITIGATION

Cyber-attack is now a significant threat for virtually all companies and often leads to financial loss, business disruption, reputational damage, significant costs and penalties. We assist our clients in identifying where their cyber exposure lies and how best to mitigate these risks. If an attack does happen, our renowned global crisis response team is on hand 24/7 to deal with cyber-related incidents anywhere in the world, in conjunction with our extensive network of external consultants.

Our clients include FTSE100, Fortune 500 and other multinational companies, financial institutions, governments, international airlines, insurers and policy holders.

Our experience includes:

- Contractual liability
- Crisis management working in conjunction with IT consultants, forensic accountants and PR firms
- Emergency injunctions
- Insurance coverage disputes
- Managing regulatory and compliance notifications
- Reputation and social media management working in conjunction with PR firms

Case examples include:

- Defending a US\$2 billion claim alleging data theft.
- Recovering funds following an IT systems hack by fraudsters who then obtained and falsified payment instructions to various foreign bank accounts. Significant funds were recovered through freezing injunctions, disclosure orders and asset tracing.
- Advising one of the world's largest integrated container logistics companies during a major cyber-attack involving NotPetya malware. We advised on reputation management, issues of liability and claims in the English High Court.



GROUP ACTIONS

Typically, participants in a class action can face disruptive disclosure processes, potential for reputational damage and significant costs. We have extensive experience in this complex area of litigation and clients rely on us to assist them through each phase of the process.

Our global network enables us to handle these matters, which frequently have a multi-jurisdictional aspect, in a coordinated and collaborative way.

Cases include acting in class actions involving major catastrophes, for example:

- Our Australian offices acted on one of the country's largest class actions arising from bushfires in Kilmore East and Murrindindi involved allegations of negligence against our client and numerous public organisations and private utilities providers. The Kilmore East and Murrindindi class actions were brought on behalf of over 10,000 and 1,000 Group Members, claiming sums of AUS \$2 billion and AUS \$600 million respectively.
- Representing a large global insurer in relation to class action proceedings in the Supreme Court of NSW arising out of flooding in Queensland AUS \$1 billion+.



FINANCIAL SERVICES AND BANKING LITIGATION

We advise and assist in the resolution of a wide range of financial and banking disputes, particularly those arising from complex accounting issues, investment fraud, and the financial instruments used in international trade, including ISDA and letters of credit. We have a proven track record of effective recoveries.

We have a thorough understanding and experience of the court process across the main on and offshore financial jurisdictions, as well the complementary remedies available through insolvency.

Our areas of work include:

- Accounting and profit shares
- Bilateral investment treaties
- Derivatives
- Hedging cases
- Investment funds
- ISDA disputes
- Mis-selling cases
- Offshore investments
- Private equity
- Recovery of non-performing loans, particularly cross border
- Share issues
- Sovereign loans
- Trust disputes

Case examples include:

- Acting for an international logistics company based in the EU and Asia defending a claim from its former financial advisors, relating to a US\$450 million private equity investment.
- Advising a DIFC registered/DFSA regulated investment bank in respect of the implications of ongoing DIFC Court proceedings. The claims involved allegations of breaches of DFSA regulations (failure to act with regulatory authority) and negligence in providing investment advice as against the DIFC entity.
- Acting for an Iranian client in the English High Court proceedings against a European bank in relation to a loan facility and related swap transactions. As a result of international sanctions, the loan facility was terminated prematurely.



FRAUD, ASSET RECOVERY AND ENFORCEMENT


Our global office network and experience in offshore financial jurisdictions (including the British Virgin Islands, Cayman Islands and Channel Islands) enables us to design and pursue effective cross-border fraud and asset recovery strategies. We have vast experience of pursuing as well as defending all manner of fraud claims, including those involving conspiracy, breach of fiduciary duty and dishonest assistance.

We work with third party experts including accountants, investigators, counsel, and foreign lawyers to investigate the cause of loss and, by understanding court powers, determine the most effective means of asset recovery.

In cases of employee fraud, our employment practitioners advise on disciplinary and termination procedures, as well as investigation and loss recovery.

Case examples include:

- Acting for a leading Abu Dhabi bank in pursuing its losses from defaults under credit facilities in excess of US\$600 million arising out of the Al-Gosaibi fraud. This involved the co-ordination and pursuit of proceedings in Abu Dhabi, Dubai, Bahrain, Saudi Arabia, Jordan, Lebanon, London and New York to recover assets and bring claims against the borrower and the fraudster.
- Acting for a major Swiss trade finance bank and obtaining a domestic UK freezing injunction in relation to a fraudulent banking transfer in breach of an assignment of the proceeds of sale in favour of the bank. We assisted in the recovery of tens of millions and our client recovered the vast majority of its costs.
- Acting for a syndicate of investors in an Australian Ponzi scheme, successfully locating and freezing misappropriated assets in Hong Kong, the Cayman Islands and Vanuatu.



1	180	1,204.00	13,704.00	15,168.00	15,168.00	15,168.00	15,168.00	15,168.00
09	180	4,890.00	58,680.00	58,680.00	58,680.00	58,680.00	58,680.00	58,680.00
07	180	1,142.00	13,704.00	13,704.00	13,704.00	13,704.00	13,704.00	13,704.00
11	30	1,327.00	15,924.00	15,924.00	15,924.00	15,924.00	15,924.00	15,924.00
09	60	4,250.00	51,000.00	51,000.00	51,000.00	51,000.00	51,000.00	51,000.00
09	60	3,907.00	46,884.00	46,884.00	46,884.00	46,884.00	46,884.00	46,884.00
09	60	3,156.00	37,872.00	37,872.00	37,872.00	37,872.00	37,872.00	37,872.00
			480,091.00	512,600.00	550,009.00	3,955,090.00	2,183,509.00	1,835,094.00

RESTRUCTURING AND INSOLVENCY

We have expertise and a successful record across the full spectrum, including transactional, contentious and advisory areas, having acted for banks and other lenders, company directors, corporate debtors, corporate purchasers, creditors and other stakeholders, insolvency practitioners and turnaround investors.

Our areas of work include:

- Asset recovery
- Claims
- Clawback remedies
- Corporate rescue and turnaround
- Cross-border litigation
- Restructuring of debt and workouts
- Administration
- Schemes of arrangement
- Company voluntary arrangements

Case examples include:

- Acting for the court appointed receivers, general administrators and trustees of the insolvent estate of the late Boris Berezovsky. A complex, and involved number of claims, including one of fraud in excess of US\$100 million.
- Advising the Government of Niger on a sovereign debt. The debt structuring deal saw the total owed reduced from US\$183 million to US\$20 million.
- Acting for directors of a US telecommunications company in Chapter 11 bankruptcy proceedings, in excess of US\$100 million.
- Acting for opposing creditors in Hong Kong proceedings for the winding up of a local LNG company, including defending proceedings against the company's shareholders.



OUR TEAM

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