



Defence of Norwich Pharmacal and garnishee claims relating to the enforcement of an arbitral award

Cases - 04/12/2019

Ogier acted for Essar Global Fund Limited ("EGFL") and Essar Capital Limited ("ECL"), companies incorporated in the Cayman Islands, defending proceedings brought by Arcelormittal USA LLC ("AMUSA") for (a) Norwich Pharmacal relief; and (b) garnishee and freezing orders against EGFL relating to enforcement of a US\$1.5bn arbitral award obtained in the United States against Essar Steel Limited ("ESL"), a Mauritian subsidiary of EGFL.

AMUSA obtained Norwich Pharmacal relief ex parte in January 2019. EGFL and ECL then applied to set aside the ex parte Order and in March 2019, the Grand Court refused to set the Order aside, but reduced the scope of it. EGFL and ECL then appealed to the Cayman Islands Court of Appeal. The Appeal was heard in November 2019 and judgment is awaited.

The proceedings raise a number of important legal issues, including whether the Court has jurisdiction to grant Norwich Pharmacal relief in aid of foreign proceedings (which has been found not to be the case in England). EGFL successfully opposed the applications for garnishee and freezing / notification orders in May 2019.

The Ogier team acting for Essar was led by partner William Jones who was assisted by associates Victoria King and Nour Khaleq. Alongside Vernon Flynn QC and David Peters of Essex Court Chambers, Sue Prevezer QC of Brick Court Chambers and teams from CMS Cameron McKenna Nabarro Olswang LLP and Quinn Emanuel Urquhart & Sullivan, LLP in London.

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