



In Your Court - spotlight on Cayman: Ogier's dispute resolution review

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The Cayman Court continues to adjudicate a significant number of shareholder disputes ranging from multi-national conglomerates listed on international stock exchanges to closely held partnerships and small businesses.

The companies which are the subject of these disputes may or may not be financially distressed but the consistent complaints of shareholders invariably involve allegations of misconduct and mismanagement, unreasonable opacity, breach of the Articles, or abuse of powers by the company or its board.

Our briefing updates you on the recent developments in this significant area of practice in the Cayman Islands.

If you have any questions, please get in touch with our team.

[Read In Your Court - spotlight on Cayman: Ogier's dispute resolution review online](#)

Section 238 roundup: recent developments in Cayman Islands appraisals

Section 238 of the Cayman Islands Companies Act provides a mechanism by which shareholders can dissent from mergers and consolidations and have the fair value of their shares determined by the Grand Court of the Cayman Islands.

In this latest update in our series of section 238 roundups, we identify the key recent decisions and developments that have shaped the Cayman Islands appraisal landscape and look forward to what the future may hold for investors in this space.

Read more: [Section 238 roundup: recent developments in Cayman Islands appraisals](#)

Enforcement of foreign arbitral awards following Cayman Grand Court judgment

The Cayman Islands benefits from a statutory "self-contained procedural code" for the recognition and enforcement of foreign arbitral awards made in countries which are signatories to the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

This article considers how the statutory principles and practical considerations which must be taken into account when enforcing a foreign arbitral award under the FAAEA as reiterated in a recent judgment of the Grand Court of the Cayman Islands.

Read more: [Enforcement of foreign arbitral awards following Cayman Grand Court judgment](#)

Avenues of redress for stakeholders in Cayman incorporated companies facing the excesses of majority shareholders and/or their appointed directors

Appeals from the Grand Court of the Cayman Islands lie with the Cayman Islands Court of Appeal, comprising judges who have held high judicial office in the Commonwealth. The Judicial Committee of the Privy Council is the final Appellate Court for the Cayman Islands. As such, through its Court system, Cayman is able to provide the investment community with impartial, established and highly regarded judicial resources dedicated to resolving complex commercial disputes.

Read more: [Avenues of redress for stakeholders in Cayman incorporated companies facing the excesses of majority shareholders and/or their appointed directors](#)

Discovery Series: The Cayman Grand Court's approach to Discovery Protocols

The first in a series of articles into discovery protocols, Jessica-Leigh Knowles looks at the recent high-profile case surrounding the collapse of the Abraaj Group and how the Court approached the approval of discovery protocols and what the ruling may mean for future cases.

Read more: [Discovery Series: The Cayman Grand Court's approach to Discovery Protocols](#)

The rights of minority shareholders to bring claims for improper use of power by the company

Gemma Bellfield and Corey Byrne of Ogier Cayman recently instructed Tom Lowe KC and Tara

Taylor of Wilberforce Chambers on behalf of Tianrui (International) Holding Company before the Judicial Committee of the Privy Council for the hearing of an appeal which will determine several important questions of corporate law and shareholder rights.

Read more: [The rights of minority shareholders to bring claims for improper use of power by the company](#)

Interim remedies in shareholder disputes in the Cayman Islands

The Cayman Islands legal framework includes a number of robust remedies for oppressed minority shareholders. The most common of these remedies is the presentation of a winding up petition on just and equitable grounds, which is similar to the "unfair prejudice" action in other common law jurisdictions including England and Wales and Australia. The relief available to minority shareholders in such actions is not limited to a winding up order and appointment of official liquidators, but may also include alternative relief such as a buy-out order, or orders for the ongoing conduct of the company.

Read more: [Interim remedies in shareholder disputes in the Cayman Islands](#)

Lengthy Abraaj trial defending a multi-million dollar fraud claim draws to a close

Ogier's Cayman dispute resolution team was instrumental in the recent eight-week trial (held over three months) before the Cayman Grand Court, in *Abdulhameed Jafar v Abraaj Holdings and Others* FSD 203 of 2020 (NSJ). These proceedings arose from the dramatic collapse of the Abraaj group, a once-dominant Private Equity group in the Middle East.

Read more: [Lengthy Abraaj trial defending a multi-million dollar fraud claim draws to a close](#)

[Meet our Cayman Dispute Resolution team](#)

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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This client briefing has been prepared for clients and professional associates of Ogier. The information and expressions of opinion which it contains are not intended to be a comprehensive

study or to provide legal advice and should not be treated as a substitute for specific advice concerning individual situations.

Regulatory information can be found under [Legal Notice](#)

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