

## In your court: Ogier's offshore dispute resolution review, March 2017

Newsletters - 05/04/2017

### In your court: Ogier's offshore dispute resolution review, March 2017

**Is the back door firmly shut? Royal Court carefully considers putting a Jersey company into English administration**

In the first case of its kind in almost 40 years, the Royal Court has issued two letters of request to the English High Court seeking judicial cooperation and recognition of the Viscount and her appointment as administrator of the *désastres* of a Jersey doctor and a Jersey-registered company in what is estimated to be a £1.3 billion cross-border insolvency case. The complex background includes prison sentences, an SFO investigation and historic proceedings in England and Isle of Man. Advocate Nicola Roberts and Leon Hurd explain how the Royal Court came to request recognition of the Viscount in England for the first time in decades.

[Read all about the first case of its kind in almost 40 years here](#)

**A worldwide freezing injunction sails towards the Cayman Courts - what to expect and what it means...**

A freestanding worldwide freezing injunction and disclosure order against a man once described as the seventh richest in the world raises interesting questions for Cayman courts. Senior associate Paul Murphy looks at the recent injunction and order by the Cayman Islands Court in support of an action in Florida against Eiki Batista, and considers the issues ahead of a likely challenge...

[Read the full briefing: A worldwide freezing injunction sails towards the Cayman Courts - what to expect and what it means](#)

**Tax consequences and mistakes - a Guernsey judgment on whether they're a matter for the**

## **courts or the insurers**

Sometimes mistakes as to tax consequences arising from incorrect or negligent professional advice are matters for the courts, and sometimes they are matters for indemnity insurers - the Gresh v RBC Trust Company case in Guernsey's Royal Court further clarifies the distinction. Senior associate Sandie Lyne and associate Michael Rogers explain the background.

Read the full briefing: [Escaping from mistakes as to tax consequences in Guernsey - Gresh v RBC Trust Company revisited](#)

## **Costs recovery for foreign lawyers in BVI - recent judgments add clarity**

The definition of what is and is not a lawyer is an important one from a costs order point of view in BVI. A flurry of judgments has addressed the point, and further decisions are likely to offer more clarity - senior associate Nicholas Brookes examines the position as of the Shrimpton case, which shone some welcome light last month.

Read the full briefing: [Recent decision clarifies recovery of foreign lawyers fees in the BVI](#)

## **Assurance that Cayman Courts will respect Segregated Portfolio Companies**

Segregated Portfolio Companies are well established corporate vehicles and continue to be popular options for international financial structures - partner Oliver Payne and associate Edwin Gomez from Ogier's Hong Kong dispute resolution team review recent judgments that demonstrate how the Cayman courts will respect SPC structures.

Read the full briefing: [Cayman Islands: Revisiting Segregated Portfolio Companies and the Segregation Principle](#)

## **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.

## **Disclaimer**

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](#)

## Meet the Author



Simon Davies

Partner

Guernsey

E: [simon.davies@ogier.com](mailto:simon.davies@ogier.com)

T: [+44 1481 737175](tel:+441481737175)

## Key Contacts



Brian Lacy

Partner

British Virgin Islands

Jersey

E: [brian.lacy@ogier.com](mailto:brian.lacy@ogier.com)

T: [+44 1534 514493](tel:+441534514493)



Oliver Payne 彭奥礼

Partner 合伙人

Hong Kong

E: [oliver.payne@ogier.com](mailto:oliver.payne@ogier.com)

T: [+852 3656 6044](tel:+85236566044)



Rachael Reynolds KC

Global Senior Partner

Cayman Islands

E: [rachael.reynolds@ogier.com](mailto:rachael.reynolds@ogier.com)

T: [+1 345 815 1865](tel:+13458151865)

## Related Services

Shareholder and Valuation Disputes

Corporate and Financial Services Disputes

Enforcement of Judgments and Awards

Fraud and Asset Tracing

Funds Disputes

International Arbitration

Dispute Resolution

Tax

Banking Disputes

Legal

## Related Sectors

