



## Kobre & Kim's Claim Monetization & Dilution Contacts



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## Preparing for Enforcement at Least Six Months Before an Award or Judgment

**Enforcement success is often decided well before an award or judgment. While debtors move to shield assets, proactive creditors can gain the advantage by thoughtfully planning their pre-enforcement phase, mapping key jurisdictions, preparing discovery filings, and coordinating a sequenced enforcement strategy. Early, disciplined planning often transforms an award or judgment into a real recovery.**

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*This client alert summarizes an article by Michael S. Kim. [Click here to read the full article.](#)*

Enforcing an arbitration award or judgment is rarely straightforward, particularly when complex corporate and trust structures enable debtors to shield assets or when state immunity limits recovery options. Many claimants underestimate the amount that can be achieved before the award is issued. While debtors begin restructuring to avoid payment, well-prepared creditors are already positioning themselves to act swiftly and gain the upper hand.

First-time creditors often adopt a “wait and see” approach, threatening enforcement by taking no action until after issuance of the award or judgment. This is a mistake. Sophisticated debtors can move after an award to address vulnerabilities in their asset protection structures but are likely to have done so long before. By the time the award or judgment is issued, creditors are often left with additional challenges of unwinding these transactions.

### **#1: Build an Enforcement Roadmap Early On.**

- Map potential jurisdictions for recognition and enforcement,
- Identify assets that may be within reach and assess local immunity or ownership issues, and
- Prepare draft filings and discovery applications so that recognition and other interim actions can be filed immediately.

**#2: Go Beyond the “Asset Searches”.** Creditors should focus on generating judicial discovery leads. This includes gathering public data and ownership links that can later be developed through court-supervised discovery tools such as 28 U.S.C. § 1782 applications or Norwich Pharmacal orders. A coordinated legal-investigative plan will produce a stronger evidentiary base for enforcement actions.

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**#3: Coordinate, Don't Fragment.** Engaging multiple local counsel simultaneously can backfire. Uncoordinated filings reveal too much, too soon, allowing debtors to restructure assets and frustrate later efforts. Instead, coordinate a single, carefully sequenced enforcement strategy that begins in jurisdictions with strong discovery tools and favorable enforcement records. A poorly timed or inconsistent recognition attempt can leave a creditor with findings that harm proceedings elsewhere.

**#4: Preserve Assets Through Interim Protections, Insolvency Tools and Settlement Safeguards.** Judicial tools like injunctions, receiverships and provisional liquidations should not be overlooked, as they can help prevent assets from being moved into the hands of third parties. And where settlements are reached, creditors should not assume the finish line has been crossed. Obtaining third-party security, escrow arrangements, or consent judgments can protect against future defaults.

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The time before an award or judgment is not a waiting period; rather, it is the foundation of enforcement success. Creditors who begin early, integrate intelligence and discovery, and coordinate their legal actions across jurisdictions are far more likely to convert a hard-won paper award or judgment into real-world recovery.

## About Kobre & Kim

Kobre & Kim is a conflict-free global law firm focused on disputes and investigations, often involving fraud and misconduct. The firm's team:

- Acts on behalf of creditors to monetize high-value judgments and arbitration awards, with most of our matters involving awards and judgments with face values of over US \$100 million to several billion USD.
- Has extensive experience enforcing arbitration awards and judgments against sovereign governments and their related entities, understanding the unique issues and opportunities in such enforcement campaigns, and successfully recovering tens of billions of USD.
- Through its integrated global team, it can act in jurisdictions across North and South America, EMEA, Asia, and key offshore financial centers, strategically coordinating cross-border proceedings.