



Kobre & Kim's Claim Monetization & Dilution Team



Andrew Stafford KC
London
andrew.stafford@kobrekim.co.uk



Jef Klazen
New York
jef.klazen@kobrekim.com



John Han
Hong Kong
john.han@kobrekim.com



Nada Oteifi
Dubai
nada.oteifi@kobrekim.com



Richard Clarke
Dubai
richard.clarke@kobrekim.com



Timothy de Swardt
BVI
timothy.deswardt@kobrekim.com

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Recent Kobre & Kim Victory Enhances Creditors' Ability to Locate Assets in the Middle East

Kobre & Kim secured a ruling in the DIFC Court, which broadens creditors' tools to locate debtor assets, allowing examinations of directors and officers, including former and foreign-based individuals, and permitting inquiries into the means by which a debtor might satisfy a judgment, including potential asset transfers and causes of action. The decisions strengthen post-judgment discovery and reinforce the DIFC as a creditor-friendly venue for cross-border enforcement.

Debtor examinations have always been a powerful tool in the creditor's arsenal. But in some jurisdictions, the scope of examinations is curtailed to current directors and officers in the jurisdiction, preventing interrogation of those behind nominee holding structures or who are overseas.

Kobre & Kim recently secured a significant victory for creditors' rights in the Dubai International Financial Center (DIFC) Courts, obtaining rulings from both the DIFC Court of First Instance and Court of Appeal that confirm who can be ordered to give evidence about the debtor's means and other information to enforce a judgment or order.

Providing relief to creditors pursuing debtors who claim to have limited or no assets, the Court confirmed that directors and officers, including former or *de facto* officers (regardless of whether they are in the DIFC), may be ordered to attend court to give evidence.

The Court further authorized a wide-ranging enquiry into the means by which the debtor might satisfy the judgment debt, even if that meant potentially identifying assets in the form of causes of action against third parties or assets held on trust. This also represents a broader reach than comparable rules in some other common law jurisdictions. The Court's ruling highlights the importance of post-judgment examinations as a versatile enforcement tool, enabling creditors to trace funds, uncover asset transfers, and plan further recovery steps.

By extending the scope of post-judgment discovery to those with *de facto* control or prior knowledge of debtor assets, the decision reinforces the DIFC's role as an international creditor-friendly jurisdiction.

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About Kobre & Kim

Kobre & Kim is a global law firm that focuses on cross-border disputes and investigations, often involving fraud and misconduct. The firm:

- Formulates and executes cross-border strategies across global jurisdictions, including Dubai, Israel, Cyprus, PRC, Hong Kong, Korea, Brazil, Cayman, BVI, New York and Delaware.
- Focuses on helping clients realize value from their claims, developing investigative, enforcement and asset tracing/recovery plans in the pre-dispute stage to maximize future monetization.
- Often works with other law firms as special counsel to enforce high-value judgments, arbitration awards, and defaulted debt worldwide with our integrated team of former government prosecutors, Hong Kong solicitors, UK solicitors and barristers (including King's Counsel) and offshore lawyers.
- Maintains our independence as advocates ready to litigate against virtually any institution by avoiding repeat client relationships, and the conflicts of interest that come with them.