



Many of our engagements involve matters in which our clients face significant public attention. The following is a list of news stories about the firm, our clients, cases and the results we have achieved.

Harvey Boulter Awarded Indemnity Costs In Dispute with Liquidators of Enigma Diagnostics

June 2, 2022

On May 17, 2022, the Honourable Justice David Doyle, CBE, in the Financial Services Division of the Grand Court of the Cayman Islands, awarded Harvey Boulter indemnity costs incurred in his successful defense of proceedings raising serious allegations of fraud brought by the liquidators of Enigma Diagnostics Limited.

In the judgment, Justice Doyle found Enigma advanced the case in a manner that was “unreasonable to a high degree” and “outside of the norm.” Justice Doyle also found that the Enigma liquidators did not make full and comprehensive enquiries before commencing the proceedings and therefore it was unreasonable to have made allegations of fraud. He also found that Enigma initially attempted to rush the court into granting relief without giving Mr. Boulter a proper opportunity to be heard; did not initially plead proper particulars of fraud (indicating that even the subsequent particulars were inadequate, and which he later found were “somewhat unsatisfactory ‘kitchen sink/scattergun’ approach”); and unreasonably sought to recall Mr. Boulter for further cross-examination after he had been released after many hours of questioning.

In his earlier written ruling of March 24, 2022, Justice Doyle dismissed Enigma’s case against Mr. Boulter, finding in every instance that he was not satisfied that Enigma had proved Mr. Boulter had behaved fraudulently. In one instance, Justice Doyle concluded that the allegations were “pretty flimsy.” In another, he found that the allegations were “vague and generalized” and came “nowhere near jumping the hurdle in respect of fraud.”

Ultimately Justice Doyle found Mr. Boulter to have conducted himself honestly and properly.

Peter Tyers-Smith, partner at Kobre & Kim, provided the following comment: “We are pleased the Court recognized that these serious claims against Mr. Boulter were not only fundamentally deficient but that they were unreasonably pursued.”