



## Mark Griffiths

Lawyer

### LONDON

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Mark Griffiths is an experienced commercial litigator who focuses his practice on cross-border insolvency disputes, particularly those involving fraud and resulting corporate investigations and asset recovery. Mr. Griffiths acts on behalf of a range of stakeholders, including financial institutions, funds, accounting firms, agents and market intermediaries, corporate executives, and high-net-worth individuals, in contentious debtor- and creditor-led assignments.

He has extensive experience conducting investigations in connection with debt recovery, wind-up proceedings, assignment of claims and retention of title (ROT) disputes.

*Legal 500* has recognized Mr. Griffiths as a “deep thinker” who is “adept at converting aspirations into a legally-robust plan.” In addition to insolvency-related disputes, he advises in arbitrations and litigations concerning shareholder claims, fund-related claims, product liability and competition, among others.

Before joining Kobre & Kim, Mr. Griffiths practiced at Mourant Ozannes. Earlier in his career, he worked at Orrick, where he co-founded the firm’s London insolvency and restructuring practice.

### Admissions

- Solicitor, England & Wales

### Education

- University of Bristol, LLB, *honors*

### Accolades

*The Legal 500*, Competition

### Select Engagements

#### Insolvency & Debtor-Creditor Disputes

Mr. Griffiths seamlessly manages contentious insolvency matters that span multiple jurisdictions, including for:

- Bank of America in various structured investment vehicle collapses and in representing the bank on creditors' committees in legal proceedings, such as formulating the restructuring and workout plan for the various vehicles in a receivership with Deloitte and Goldman Sachs.

# KOBRE & KIM

- The statutory creditors' committees of MF Global Holdings Limited and MF Global Finance USA Inc. in the insolvency of MF Global's UK entities, together with the realization of assets from the international subsidiaries of the MF Global Group. The matter involved liaising with the Chapter 11 trustee and his financial and legal advisers on the English aspects of the MF Global group's bankruptcy, including the UK administration process and developing a litigation and asset recovery strategy, as well as the mechanism for the distribution of assets to the ultimate parent company.
- The liquidators of a US \$550 million involuntary liquidation of a master-feeder hedge fund based in the Cayman Islands with a multinational investor base. The liquidation resulted in a number of potential claims, including fraudulent trading, misfeasance and other antecedent transactions and clawback claims.
- The board of directors of Renault in the GM bankruptcy related to a joint venture with Opel.
- The creditors in a number of complex issues in the provisional liquidation and restructuring of a Luxembourg fund.

## **International Judgment Enforcement & Offshore Asset Recovery**

Mr. Griffiths works on behalf of clients in high-profile fraud matters spanning Europe, North America, Africa and the Caribbean, often involving the recovering of debts in the context of misconduct and insolvency, including for:

- The German administrator of the Phoenix Kapitaldienst Investment Fund before the UK High Court in an international fraud involving a Ponzi scheme.
- Her Majesty's Revenue & Customs in investigating a US \$100 million fraud and undertaking corporate investigations and analysis resulting in the formulation of various clawback and antecedent claims, including a number of claims concerning dishonesty/fraud.

## **Publications & Presentations**

- Co-author, "Picard (Foreign Representative of Bernard L Madoff Investment Securities LLC) v FIM Advisers LLP: Disclosure of Documents and Whether the Court Should Make an Order under Article 21 of Schedule 1 to the Cross-Border Insolvency Regulations 2006" (*International Corporate Rescue*, Volume 8 (2011) Issue 3)
- Co-author, "BNY Corporate Trustee Services Ltd v Eurosail UK 2007-3BL and others [2010] EWHC 2005 (Ch): The High Court Clarifies the Balance Sheet Insolvency Test" (*International Corporate Rescue*, Volume 8 (2011) Issue 2)
- Co-author, "Cavell USA Inc. and another v Seaton Insurance Co and another: Interpretation of the Term 'Fraud' within an Agreement by the Court of Appeal" (*International Corporate Rescue*, Volume 7 (2010), Issue 6)

## KOBRE & KIM

- Co-author, "English courts are not obliged to enforce foreign judgments under UNCITRAL Model Law on Cross-Border Insolvency: Rubin and Lan v Eurofinance SA and others [2009] EWHC 2129 (Ch)" (*International Corporate Rescue*, Volume 7 (2010) Issue 1)
- Co-author, "Recent Application for Permission to Bring Judicial Review Proceedings Challenging the Validity of the Financial Collateral Arrangements (No.2) Regulations 2003" (*International Corporate Rescue*, Volume 6 (2009) Issue 1)
- Co-author, "Dealing with Tenants in Administration" (*International Corporate Rescue*, Volume 6 (2009), Issue 4)
- Co-author, "Moriarty v Various Customers of BA Peters plc (in administration) [2009] EWCA Civ 1604 and the Implications for Trust Assets in an Insolvency" (*International Corporate Rescue*, Volume 6 (2009) Issue 5)
- Co-author, "Schemes of Arrangement: IMO Car Wash Case" (*International Corporate Rescue*, Volume 6 (2009) Issue 6)
- Co-author, "Structured Investment Vehicles: A New Chapter?" (*International Corporate Rescue*, Volume 5 (2008), Issue 4)

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