



## Randall Arthur

Lawyer

### HONG KONG

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Randall Arthur, an experienced Hong Kong Solicitor Advocate, concentrates his practice on complex Hong Kong and cross-border commercial disputes involving Asia, in addition to matters related to international judgment enforcement, offshore asset recovery, insolvency, and financial products and services disputes.

Mr. Arthur represents clients in Hong Kong and other jurisdictions in complex fraud matters, with a particular emphasis on identifying and freezing assets in Hong Kong and obtaining other interim relief in aid of local and foreign proceedings. He has considerable experience in tracing, freezing and recovering assets that have been misappropriated as a result of business email compromises and cybersecurity breaches. He also advises on and manages the global enforcement of large judgments and arbitration awards.

In contentious insolvency and bankruptcy proceedings, Mr. Arthur acts on behalf of liquidators, receivers, creditors and trustees in assisting with investigations into corporate affairs, obtaining discovery orders, conducting examinations and recovering assets, including through clawbacks and third-party claims. In cross-border matters, he often represents multiple stakeholders in debtor-creditor disputes and advises appointment takers, directors and shareholders on insolvency administrations.

Mr. Arthur has also, on numerous occasions, acted for and against banks, investment funds and financial institutions in complex disputes, both before the Hong Kong courts and in Hong Kong-seated arbitrations.

Before joining Kobre & Kim, Mr. Arthur practiced in a Hong Kong litigation firm, focused on insolvency litigation, corporate dispute resolution, fraud and asset tracing, and international judgment enforcement.

### Admissions

- Solicitor, Hong Kong
- Solicitor Advocate, Hong Kong Higher Rights of Audience
- Solicitor, Supreme Court of South Australia
- Solicitor, High Court of Australia

### Education

- University of South Australia, GDLP
- University of Adelaide, Law, BA

### Accolades

*The Legal 500 Asia-Pacific*, Restructuring & Insolvency (Hong Kong)  
*The Legal 500 Asia-Pacific*, Dispute Resolution: Litigation (Hong Kong)  
*Chambers Asia-Pacific*, Restructuring/Insolvency (International Firms)(China)  
*Who's Who Legal*, Asset Recovery

## Select Engagements

### Insolvency & Debtor-Creditor Disputes

- Representation of a Singaporean subsidiary of the SK Group, one of the largest public conglomerates in South Korea, in a Hong Kong High Court action dispute with Hong Kong company NewOcean Petroleum Company Limited. The dispute concerns a bunker fuel supply transaction with the O.W. Group, one of the largest shipping fuel suppliers in the world, which is now subject to a high-profile group bankruptcy.
- Representation of a receiver appointed by the U.S. Federal Trade Commission (FTC) in aid of proceedings brought by the FTC arising from a complex mobile phone cramming scheme. This matter involved several-million dollars in misappropriated funds successfully traced into a bank account in Hong Kong and subsequently frozen for the purpose of repatriating the funds back to the U.S.
- Representation of the liquidators of a Singapore shipping company in obtaining an injunction in Hong Kong in aid of proceedings commenced in Singapore against the former director for breach of his fiduciary duties, in which significant assets were successfully frozen and ancillary disclosure orders against the director and banks were obtained.
- Representation of the liquidators of a subsidiary of a listed Hong Kong company and the litigation funder that has taken an assignment of causes of action vested in the company in pursuing several large causes of action, including against the listed holding company, arising from the alleged dissipation and misappropriation of the company's assets. This administration led to Hong Kong's first written decision on litigation funding in insolvency administrations.
- Representation of the receivers and managers of a Hong Kong logistics company, appointed following disputes resulting in proceedings in the PRC, Hong Kong and the UK.

### International Judgment Enforcement & Offshore Asset Recovery

- Representation of third-party companies and an individual with assets targeted for confiscation by UK authorities following a criminal fraud conviction.
- Representation of a Fortune 50 company in implementing a global insolvency and enforcement strategy against a company accused of funding and supporting a multibillion-dollar fraud.
- Representation of a Fortune 500 company defrauded of U.S. \$65 million+ in recovering the funds from bank accounts in Hong Kong and the PRC.

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- Representation of an African entrepreneur subject to European criminal proceedings based on allegations of corruption arising from a US \$1 billion project in Africa, in defending against attempted restraint of US \$30 million of the individual's assets by the Hong Kong Department of Justice.
- Representation of a large U.S. company, with operations in the PRC, in Hong Kong proceedings to freeze assets of defendants in aid of U.S. proceedings involving a fraudulent scheme to cause the company to sell rare earth metals at undervalue causing significant loss to the company.
- Representation of several defendants in respect of proceedings to enforce a U.S. and UK judgment in the sum of US \$2 billion against the defendants in Hong Kong, involving complex issues of jurisdiction and allegations of fraud and misappropriation of assets.

## **Commercial Litigation and Arbitration**

- Representing the Company's directors and shareholders in a complicated internal management dispute in a Hong Kong listed company in Hong Kong, Bermuda and the British Virgin Islands.
- A large company in Hong Kong acted in the case of suing all employees and competitors for business secret shipment and business exclusive use.
- In the case of a software license agreement, a subsidiary of a listed company in Australia filed an arbitration claim against a large bank on behalf of its subsidiary to recover the full amount, interest and incidental costs.
- Representing an Australian listed company in the case of a weekly complicated dispute involving a Singapore business invested jointly with a Hong Kong joint venture by an Australian listed company.

## **Corporate / Private Agency in Government Investigations and Audits**

- The Securities and Futures Commission and the Hong Kong Stock Exchange acted on behalf of the authors in cases of investigations against the Company, its employees, directors and non-standing directors.

## **Financial Products & Services Litigation**

- Representation of an Australian-listed company, together with Australian co-counsel, in relation to a US \$40 million contractual dispute with a large Asian Bank, which has recently resulted in arbitration proceedings in Hong Kong against the bank.

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- Representation of a subsidiary of a listed Australian company in arbitration proceedings against a large bank regarding a complex contractual dispute resulting in the client's receiving payment of the entire amount claimed, including interest and costs.
- Representation of a high-net-worth individual in relation to a dispute with a large bank arising from allegations that a bank employee misappropriated the individual's life savings.
- Advising a high-net-worth individual in relation to potential misselling claims against a large bank arising from the 2008 financial crisis.
- Representation of senior fund manager and investment fund in relation to complex breach-of-contract dispute against major financial institution arising from a private equity fund's creation.

## Professional & Community Involvement

- Hong Kong Law Society, Member
- Restructuring and Insolvency Faculty Executive Committee and Technical Committee, Member

## Publications & Presentations

- Speaker, "Hidden Treasures: Cross-Border Asset Tracing and Recovery" (Restructuring and Insolvency Faculty Seminar, Hong Kong, January 2017)
- Co-author, "Home is Not Always Best - Importance of Forum to Maximize Asset Recovery" (*INSOL World*, November 2016)
- Speaker, "Update on Insolvency" (Wolters Kluwer Annual CPD Fast Track Conference, October 2016)
- Co-author, "Enforcement of Foreign Judgments 2017 - Hong Kong" (*Getting the Deal Through*, August 2016)
- Co-author, "5 Steps for Victims of Email Fraud to Trace and Recover Stolen Assets" (*LegalTech News*, June 2016)
- Co-author, "BEC Scams: What to Do if You Fall Victim" (*AFP Exchange*, June 2016)
- Co-author, "Perspective: How to Strategize a Cross-Border Asset Recovery Investigation" (*Bloomberg BNA*, February 2016)
- Co-author, "Cross-Border Insolvency: When Foreign Companies File Under Chapter 11 or 15" (*Corporate Counsel*, November 2015)
- Speaker, "The Role of Insolvency Administrations in Global Asset Recovery" (C5 Fraud, Asset Tracing & Recovery Conference, Hong Kong, June 2015)
- Co-author, "Enforcement of Foreign Judgments - Hong Kong" (*Getting the Deal Through*, 2015)
- Speaker, "Cross Border Asset Tracing & Recovery" (InnoXcell Asia Symposium, Hong Kong, April 2015)
- Speaker, "Winding Up BVI Companies as a Tool in Fraud Cases" (C5 Fraud, Asset Tracing & Recovery Conference, Miami, September 2014)
- Co-author, "Asset Recovery - Hong Kong" (*Getting the Deal Through*, 2013)

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- Speaker, "The Big Freeze: Legal and Practical Issues in Obtaining Injunctions in Hong Kong in Aid of Foreign Proceedings" (C5 Fraud, Asset Tracing & Recovery Conference, Geneva, March 2013)
- Speaker, "Case Study: Complex Frauds in Hong Kong - Moulin and Akai" (C5 Fraud, Asset Tracing & Recovery Conference, Geneva, April 2012)
- Co-author, "Asset Recovery - Hong Kong" (*Getting the Deal Through*, 2012)
- Speaker, INSOL, Shanghai
- Speaker, INSOL, Singapore
- Speaker, Asia Legal Business conference
- Speaker, Asia Pacific Ron Mark Association (APLMA): Ron Restructuring and Workout Forum