



## International Judgment Enforcement & Offshore Asset Recovery

Kobre & Kim currently acts as enforcement counsel on the two largest international arbitration award enforcement projects in the world. As the only firm able to deliver the full spectrum of global asset recovery services, our team has been featured on the cover of *The Wall Street Journal* and recognized repeatedly in legal industry publications as one of the most highly regarded judgment enforcement/asset recovery firms.

---

### **The Premier Integrated Solution for Both Creditors and Debtors.**

Kobre & Kim currently acts as enforcement counsel on the two largest international arbitration award enforcement projects in the world. As the only firm able to deliver the full spectrum of global asset recovery services, our team has been featured on the cover of *The Wall Street Journal* and recognized repeatedly in legal industry publications as one of the most highly regarded judgment enforcement/asset recovery firms.

Our team includes several former U.S. Department of Justice and U.S. Securities and Exchange Commission lawyers with deep experience in international asset investigations and forfeiture, including extensive knowledge in regard to varying confidentiality and banking secrecy laws.

Our lawyers also include English barristers and solicitors (English Queen's Counsel among them) with a track record litigating in various offshore jurisdictions. In addition, our offshore team has significant experience both attacking and defending sophisticated offshore trusts and structures, as well as detangling the complex asset protection schemes sometimes used to hide assets from creditors, especially in the context of cross-border insolvency litigation.

### **Alternative Fee Arrangements.**

In many cases, our clients can take advantage of our success-based alternative fee arrangements. We offer a variety of arrangements including those in which we advance all the expenses of collection (including international travel and local counsel fees) and are paid our fees only from funds recovered from the debtor.

### **Judgments and Arbitration Award Broker-Dealer Services.**

We leverage our expertise and network of contacts to assist parties that wish to buy or sell large-value judgments or arbitration awards. We assist by conducting a risk-adjusted present value analysis, identifying suitable bidders, organizing an auction or private two-party transaction, and negotiating the sale terms.

### **Representative Engagements:**

# KOBRE & KIM

## • Creditors:

- Representation of ConocoPhillips in implementing a worldwide enforcement strategy in relation to a US ~\$2 billion International Chamber of Commerce (ICC) arbitration award and a US \$8.7 billion International Centre for Settlement of Investment Disputes arbitration award against the Republic of Venezuela and its national oil company, Petróleos de Venezuela, S.A. (PDVSA). In respect to the ICC award, our team assisted ConocoPhillips to achieve a settlement with PDVSA for the full value of the award plus interest, less than four months after it was rendered.
- Representation of Process & Industrial Developments Ltd., an international engineering company from the BVI, to enforce a US \$9 billion arbitration award against the Federal Republic of Nigeria.
- Representation of DuPont in enforcing a US \$920 million judgment against Kolon Industries, a South Korean conglomerate operating in Eastern Europe, Turkey, Austria, the U.S. and Asia, which involved multijurisdictional asset research and litigation.
- Representation of Chevron in the successful enforcement of an investment treaty arbitration award against the Republic of Ecuador for US \$100 million+, involving enforcement proceedings throughout the world. The project culminated in Ecuador paying Chevron 100% of the original award plus interest and the president making a public announcement that the payment was due to the aggressive enforcement campaign against it.
- Representation of The Blackstone Group, a large U.S. private equity firm, in pursuing US \$130 million+ debt collection against Tamir Sapir, an Eastern European billionaire with alleged ties to Russian intelligence/organized crime.
- Representation of NTT DoCoMo Inc., the predominant mobile telephone provider in Japan, in the enforcement in the United States of a US \$1.2 billion London Court of International Arbitration (LCIA) arbitration award against Tata Sons Ltd., the holding company for India's top business conglomerate Tata Group.
- Representation of the Commonwealth of the Northern Mariana Islands in enforcing judgments of US \$120 million+ against assets and defendants in multiple jurisdictions including Florida, New York, Ireland, the Cayman Islands, Hong Kong, and Singapore. Our work in this matter was profiled on the front page of The Wall Street Journal (September 10, 2011).
- Representation of the bankruptcy estate of a Hong Kong company in relation to tracing and recovery of US \$200 million+ allegedly transferred from the company, involving work in both the British Virgin Islands and the Cayman Islands, including pursuing injunctive relief against Hong Kong-based company directors from Grand Court of the Cayman Islands.
- Asset tracing and recovery efforts on behalf of an African bank of £15 million+ stolen in an elaborate fraud scheme perpetrated on the bank by a purported commodities importer, involving investigations or legal actions in London, New York, Nigeria, and Ghana.
- Representation of a Russian bank in designing and implementing a cross-border asset tracing and recovery strategy to satisfy various Russian and Swedish judgments held by the bank, including investigating and identifying assets against which recovery could be sought in Cyprus and other jurisdictions.
- Representation of a Ukrainian real estate development company in an action in the British Virgin Islands regarding the recognition and enforcement of a London Court of International Arbitration (LCIA) arbitration award obtained in London and related issues of payment on a call option agreement.

# KOBRE & KIM

## • Debtors/Trustees and Protectors:

- Representation of a Kazakhstan-based joint venture in the oil & gas industry in developing strategies to protect against potential arbitration award enforcement efforts in the U.S., Bermuda, UK and Luxembourg.
- Defense of a Cayman Islands trust in a high-profile case, *In re Any and All Funds or Other Assets, in Brown Brothers Harriman & Co. Account #8870792 In The Name of Tiger Eye Investments Ltd.*, involving attempted asset freeze and forfeiture of US \$400 million+ by the U.S. and Brazilian governments in connection with allegations of money laundering and tax evasion. The U.S. Court of Appeals for the DC Circuit ruled in favor of our client and declared that the assets in question should be unfrozen immediately.
- Representation of the former ruling family of an African country in defending against attempted asset seizures of US \$1 billion+ by a consortium of governments in litigations across Europe.
- Representation of a European company as judgment debtor in defending against attempts by a Brazilian bankruptcy trustee to enforce a US \$100 million+ judgment via a Chapter 15 proceeding in a U.S. Bankruptcy Court.
- Representation of a securities brokerage firm in connection with allegations by the U.S. Securities and Exchange Commission (SEC) of unlawful trading in restricted stock through an offshore structure in the Turks & Caicos Islands and issues of non-U.S. confidentiality legislation.
- Representation of a partner in an offshore limited liability partnership in Bermuda in connection with an alleged forfeit of partnership interests arising out of admitted misappropriations, involving US \$500 million in controversy.