COLLAS CRILL

# Dalemont Ltd v Senatorov and others

NOVEMBER 2015

Collas Crill acted for the first and third defendants in this multijurisdictional matter, where there were proceedings issued in Russia, Cyprus and the BVI.

In Jersey, the plaintiff sought to enforce Russian judgments obtained against the first defendant and amounting to some US$44m against the second defendant, a Jersey foundation, on the grounds that it was controlled by the first defendant and also that the transfers into the foundation should be set aside as being intended to defraud creditors. The case raised new points of law, namely whether the corporate veil of a foundation could be pierced, and whether the transfer of assets not vested in the judgment debtor would be amenable to a set-aside claim of this kind.

There were interlocutory issues about jurisdiction, the scope of disclosure orders ancillary to freezing orders, and as to the entitlement of a defendant to give live evidence. Indeed the trial, initially scheduled for April, was adjourned on the basis that the Plaintiff had obtained an order in Russia preventing Mr Senatorov from leaving that jurisdiction, meaning the only option would have been videolink evidence. However, the Russian court could not be persuaded to lift the travel ban and so the trial was relisted to go ahead in October.

Ultimately it did not proceed and the matter was settled on a global basis.

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