



## Martin Ouwehand

Call: 2002

### Barrister

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#### RECOMMENDATIONS

"He is very practical and commercially focused."

Insolvency, The Legal 500 UK Bar

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**Martin** has expertise and substantial experience in many areas of commercial litigation, specialising in contentious insolvency, company matters and shareholder disputes. He is extremely versatile, both as an adviser and an advocate, having acted for many different kinds of clients including SMEs, financial institutions, high net worth individuals and insolvency practitioners.

He is very experienced in cross-border matters, particularly from having practised offshore in Bermuda with a leading firm.

Martin is available, on an urgent basis, for all manner of interim applications including for injunctions, security for costs, summary judgment or striking out.

#### COMMERCIAL DISPUTES

Martin has substantial experience in commercial dispute resolution, and in a wide variety of contexts, from the point of giving initial advice all the way through the ongoing conduct of the matter to trial. He is very familiar with the challenges of working alongside legal advisers and expert advisors from different jurisdictions.

His cases include:

- Appearing as a junior in the High Court in a trial of preliminary issues arising out of substantial insurance related litigation
- Acting for the defendant auditors in a substantial claim brought by the liquidators of the Kingate Funds before

## QUALIFICATIONS

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- Bachelor of Laws (Honours)
  - Bachelor of Economics
  - Public Access
  - Barrister, England and Wales
  - Attorney, State of New York and Southern District of New York (non-practising)
  - Barrister and Attorney, Bermuda (non-practising)
  - Barrister and Solicitor, Victoria, Australia (non-practising)
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## ADMISSIONS

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- Barrister, England and Wales
  - Attorney, State of New York and Southern District of New York (non-practising)
  - Barrister and Attorney, Bermuda (non-practising)
  - Barrister and Solicitor, Victoria, Australia (non-practising)
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## POLICIES AND OTHER DETAILS

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Read Martin's [Privacy Notice](#), [Data Protection Policy](#) and [Disposal Policy](#).

VAT Registration Number: 225 6583 96  
Bar Membership Number: 43914

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the Bermuda Supreme Court for professional negligence arising out of the Madoff fraud

- Acting for the claimant in a Bermuda UNCITRAL international arbitration claim for breach of an executive employment agreement against a forestry company listed on the Hong Kong Stock Exchange
- Advising the claimant Bermuda law issues relating to an ICC international arbitration claim by lenders against a publicly listed holding company of substantial Brazilian operating companies
- Acting for the plaintiff in Bermuda proceedings seeking damages arising out of breaches of warranties as to the value of a life insurance business under a share sale agreement in the aftermath of the discovery of the Madoff fraud
- Acting for the claimant in English High Court proceedings for urgent relief restraining breach of non-competition covenants of a share sale agreement relating to a distributor of filtration products.

## COMPANY

Martin has substantial experience in relation to shareholder disputes, unfair prejudice claims, directors' duties and constitutional issues.

His cases include:

- Acting for the directors and majority shareholders of a Bermuda investment advisory company in respect of claims relating to a past shareholder's entitlement to deferred consideration and a claim by a minority shareholder
- Acting for a US hedge fund in an unfair prejudice claim in Bermuda against a Singapore publicly listed company arising out of the company's disposal of a significant interest in its most profitable subsidiary at an alleged undervalue
- Acting for a US hedge fund in an unfair prejudice claim in Bermuda against a Hong Kong publicly listed company concerning allegations of related party transactions involving transfer pricing
- Acting for a minority shareholder and former director in an unfair prejudice claim in Bermuda against the majority shareholder and director of a multinational supplier of music and audio equipment in a claim valued at over USD10 million.

## INSOLVENCY

Martin has considerable experience of a whole range of corporate and personal insolvency matters having acted for insolvency practitioners and debtors from a wide variety of backgrounds. He is also experienced in relation to schemes of arrangement.

He is very familiar with cross-border matters, particularly from his time offshore. He has worked alongside legal advisers and expert advisors from different jurisdictions, including the top firms in London, New York, Australia, Singapore and Hong Kong. This gives him a valuable understanding of the conduct and strategy of litigation in those other jurisdictions and an appreciation of the challenges facing clients and their foreign advisors.

His cases include:

- Advising and representing (as junior counsel) the foreign representative under the Cross-Border Insolvency Regulations 2006 in respect of a Caribbean property development company in High Court proceedings in relation to issues of security rights
- Advising in relation to English law and cross border issues arising out of a long running liquidation in Australia and complex substantial litigation on foot before the Western Australia Supreme Court
- Acting in Bermuda for a consortium of European banks in their enforcement of US\$74 million in loans outstanding under a facility with a Bermuda company, secured by intellectual property rights in films and leading to the appointment of joint provisional liquidators and proceedings under Chapters 15 of the US Bankruptcy Code
- Acting in Bermuda for the liquidators of a substantial fund involving major US bank counterparties and advising in relation to their administration of the estate including the implementation of a Scheme of Arrangement, the avoidance of transactions and the adjudication of claims governed by ISDA documentation
- Acting for the applicant trustee-in-bankruptcy in English High Court proceedings for urgent injunctive relief to restrain the dissipation of interests in an estimated £52 million, UK wide property portfolio in relation to a major fraud.

## **PUBLICATIONS**

Martin's publications include:

- Contributor to *Insolvency Litigation: A Practical Guide*, Sweet & Maxwell, (2<sup>nd</sup>) (Chapter 10 on Cross-Border issues)
- Ramsay Health Care Australia Pty Ltd v Compton [2017] HCA 28, Going Behind Judgments: The Australian High Court Reviews The Test, *Corporate Rescue and Insolvency Journal*, April 2018 (2018) 2 CRI 65
- 'Friends and Benefits': An Overview of the Apportionment of Contribution between Directors Guilty of Misfeasance, *Corporate Rescue and Insolvency Journal*, April 2016 (2016) 2 CRI 53
- The Availability of the Unfair Prejudice Remedy for Activist Shareholders of Public Companies, *Journal of International Banking & Financial Law*, March 2016 (2016) 3 JIBFL 146
- Scheme of arrangement jurisdiction—providing for a sufficient connection (*Re Codere Finance (UK) Ltd*) *LexisPSL Restructuring and Insolvency*, 24 February 2016
- Litigation remedies and rights: some key differences between Bermuda and the UK, *The Lawyer*, December 2013
- Bermuda - The Cambridge Gas in offshore restructuring and insolvency: not fit for all purposes, *Euromoney's Global Insolvency & Restructuring Review*, 2012/2013
- Litigation and Dispute Resolution: Bermuda, *Global Legal Insights (1st edition) 2012*
- Offshore, but not Off-Centre: The Determination of COMI under Chapter 15, *The Bankruptcy Strategist*, March

