



KENNY LAU 刘辉明

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Kenny is a Director and the co-head of the firm's Fraud & Asset Recovery and Restructuring & Insolvency practice groups.

Kenny has special expertise in the field of asset tracing and recovery, and restructuring and insolvency. He has substantial experience in the enforcement of both local and foreign judgments and arbitral awards. He has successfully argued for and obtained numerous interlocutory orders before the Singapore High Court to aid in asset preservation and tracing. These include worldwide freezing injunctions, proprietary injunctions, bankers trust orders and pre-action disclosure orders. Kenny also regularly acts alongside insolvency practitioners and international firms in high-value and complex cross-border fraud litigation, asset recovery and contentious restructuring and insolvency briefs.

Prior to joining Providence, Kenny served as a Justices' Law Clerk in the Supreme Court of Singapore for 2 years, where he assisted several Justices of the High Court, Justices of Appeal, and the Chief Justice of Singapore on a wide range of matters which included corporate and commercial law, construction law, international arbitration, probate & administration, and public international law. He then joined one of the leading law firms in Singapore, where he acted in corporate and commercial disputes before joining Providence.

Kenny graduated as the valedictorian of his class from the Singapore Management University School of Law and he represented the University in a wide array of moot court competitions, both domestic and international. This included the inaugural 2011 Attorney-General's Cup, the 2012 Asia Cup, the 2013 Willem C. Vis International Commercial Arbitration Moot, as well as the 2014 Phillip C. Jessup International Law Moot Court Competition. Notably, Kenny's team advanced to the World Championship Round of the Jessup Moot, also clinching a series of memorial prizes along the way, which marked Singapore Management University's best ever showing in the competition. Kenny was ranked in the top 20 individual oralists in the world.

Kenny is fluent in English and Mandarin.

PROFESSIONAL EXPERIENCE

Representative Corporate & Commercial Litigation Experience

- Representing and advising a high net-worth individual with assets worth over US\$1 billion on claims relating to conspiracy and misrepresentation.
- Acting for an investment company in respect of claims pertaining to fraudulent misrepresentation, unlawful means conspiracy and breach of contract with regards to a financing agreement secured by stocks in a Canadian listed company, with a claim sum of more than CAD 69 million.
- Acting for a high-net-worth individual in respect of claims against Credit Suisse brought in the Singapore international Commercial Court for breaches of duties owed by the bank to its customer, with a claim sum of more than US\$10 million.
- Acting for a French company in respect of claims for breach of contract, conspiracy, and misrepresentation in respect of the sale and purchase of nitrile gloves, with a claim sum of more than €5 million.
- Acting for a Canadian company in an application before the Singapore High Court to set aside a jurisdictional award rendered by a tribunal in the ICC International Court of Arbitration.
- Acting for a high net-worth individual and successfully arguing for the setting aside of service of Singapore court documents outside of jurisdiction before the Singapore High Court.

Representative Fraud & Asset Recovery Experience

- Acted in the enforcement of a multimillion-dollar Korean judgment in Singapore, and successfully obtaining worldwide freezing injunctions against the judgment debtor and 4 other third-party affiliates. This case concerns the novel issue of third-party injunctions against foreign entities, which has hitherto not been considered in any reported Singapore judgment. The case also involved multi-jurisdictional elements, including concurrent enforcement and recovery proceedings in the USA, HK and the BVI.
- Acting in the enforcement of a Swiss judgment amounting to more than €26 million, arising out of foreign matrimonial proceedings.
- Acting in the enforcement of arbitral awards rendered in a London-seated arbitration, amounting to more than US\$12 million.



PROFESSIONAL EXPERIENCE

- Acting for a US incorporated special purpose vehicle in resisting the enforcement of judgments obtained in the Mauritius Supreme Court in the sum of over US\$90 million.
- Acting for the founders and directors of an Indian listed company in the resisting of the enforcement of personal guarantees in claims totaling over US\$80 million.
- Acting for a decentralised web foundation in a contractual claim for the recovery of cryptocurrencies loaned to a service provider, in claims totaling more than US\$40 million.
- Acting for a private equity firm in the enforcement of real estate bridge loans in claims totaling over S\$30 million.
- Acting for the Singapore arm of the second-largest electronics manufacturer in Taiwan in obtaining a judgment and freezing injunction against an errant employee in the sum of over US\$5 million, flowing from the employee's misappropriation of the company's properties.
- Obtaining a proprietary injunction against a Singapore financial institution which was the appointed custodian for shares held in an Indonesian listed company.
- Representing the beneficiaries of a Labuan trust in obtaining an interlocutory status quo injunction to prevent the dissipation of assets by the trustees from a bank account situated in Singapore holding proceeds of over S\$10 million.
- Acting for a Singapore software solutions company in applying for a banker's trust order in connection with suspected fraudulent payments.
- Acting for a US director and shareholder of a Singapore company in applying for disclosure of the company's financial statements and records.
- Acting for a Singapore global commodities trading firm in resisting the enforcement of a corporate guarantee, and successfully negotiating a favourable settlement for the client.

Representative Restructuring & Insolvency Experience

- Acting for and advising the BVI liquidators of Six Capital Investments Limited in recovery actions with respect to debts of over US\$140 million and in seeking and obtaining recognition of the BVI winding up proceedings in Singapore under the UNCITRAL Model Law on Cross-Border Insolvency.



PROFESSIONAL EXPERIENCE

- Acting for and advising the joint and several liquidators of Hin Leong Trading (Pte) Ltd in one of the largest and most complex liquidations in Singapore, with a debt profile in excess of US\$4 billion. The ongoing liquidation involves complex, multi-party litigation and mediations involving many of Singapore leading lawyers and insolvency practitioners.
- Acting for a Cayman Island venture capitalist fund in the recovery of debts owing under syndicated loan transactions totaling over US\$50 million. The case involved the enforcement of a share charge, obtaining summary judgments against the corporate and personal guarantors, resisting a stay of Court proceedings, resisting substantive claims brought by the debtor in the SIAC, and resisting the scope of recognition of US Chapter 11 proceedings before the Singapore High Court under the UNCITRAL Model Law on Cross-Border Insolvency.
- Acting for and advising St Joseph's Church (Victoria Street) as creditor in the restructuring of Shanghai Chong Kee Furniture & Construction Pte Ltd, a prominent engineering and construction company in Singapore, with a total debt size of approximately S\$33 million. The matter concerns an application by Shanghai Chong Kee for a moratorium pursuant to section 64 of the Insolvency, Restructuring and Dissolution Act 2018.
- Acting for the liquidators of a Malaysian company to resist recovery actions taken by United Overseas Bank in respect of a loan agreement, with a claim sum of more than US\$180 million.
- Acting for the liquidators (from Ernst & Young and KordaMentha) of Griffin Real Estate Investment Holdings Pte Ltd in successful recovery actions for claims totalling more than S\$50 million, and successfully obtaining a freezing injunction against the judgment debtor. The case concerned novel issues pertaining to tracing and the account of profits by a knowing recipient.

Representative International Arbitration Experience

- Acting in a multi-party SIAC arbitration with a claim value of over A\$400 million involving claims of breach of contract, misrepresentation, and breaches of fiduciary duties in respect of the forced sale of shares in an Australian listed company to institutional lenders.
- Acting for an investment firm in an SIAC arbitration and successfully resisting the setting aside of loan agreements entered into on the grounds of economic duress and penalty clauses.



MEMBERSHIPS, QUALIFICATION, **EDUCATION & PUBLICATION**

Memberships

- Law Society of Singapore - Member
- Singapore Academy of Law - Member

Publications

- Singapore Academy of Law, *"The Contours and Limits of Transnational Issue Estoppel [2021] SAL Prac 22"* - Co-author
- IBA International Litigation News, May 2019, *"The high-water mark in the enforcement of exclusive jurisdiction clauses in Singapore"* - Co-author
- IBA International Litigation News, May 2019, *"Singapore Court of Appeal adjudges on the effect of non-exclusive jurisdiction clauses and what constitutes a submission to jurisdiction"* - Co-author
- European International Arbitration Review, 2017, Volume 6, Issue 1, *"The Incidence of Iura Novit Arbiter in Singapore Arbitration Law"* - Co-author
- ICC Dispute Resolution Bulletin Issue 2, 2017, *"High Court Issues Guidance on Court Discretion to Stay Arbitral Proceedings Pending a Jurisdictional Challenge"* - Author
- Singapore Academy of Law, Singapore Law Watch Commentaries, July 2014, *"Inherent Jurisdiction and Inherent Power"*- Author
- Singapore Academy of Law, Singapore Law Watch Commentaries, May 2014, *"The Test for Apparent Bias"*- Co-author

