

KENNY LAU

Counsel

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Qualifications & Admissions

LL.B (*Summa cum Laude*), Singapore Management University.
Advocate and Solicitor, Supreme Court of Singapore.



INTERNATIONAL ARBITRATION | SINGAPORE LITIGATION



CURRICULUM VITAE

Areas of Practice

Kenny has significant experience in handling complex commercial and corporate disputes, having advised and represented a wide range of clients which include multinational corporations, financial institutions, and high net-worth individuals. Kenny also regularly acts alongside international local and law firms in high-value and complex international litigation and arbitration.

Kenny has special expertise in the field of asset tracing and recovery, and 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.

Prior to joining Providence Law Asia LLC, 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.

Kenny was selected as a Justices' Law Clerk after graduating as the valedictorian of his class from the Singapore Management University School of Law. During his university days, Kenny represented Singapore Management University in a wide array of mooting 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.

Main areas of practice:

- Asset Tracing and Asset Recovery
- Commercial Litigation & International Arbitration
- Compliance, Investigations and Business Crimes

Representative Case Experience

Asset Tracing & Asset Recovery

- Acting 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 involves multi-jurisdictional elements, including concurrent enforcement and recovery proceedings in the USA, HK and the BVI.
- Acting for the liquidators of a Singapore company in recovery actions against former directors / affiliated entities involving fraud of over US\$140 million and assisting in the criminal investigations with the Singapore Commercial Affairs Department.
- Acting for the liquidators of a Singapore company involving recovery actions totaling S\$50 million, and successfully obtaining a freezing injunction against the judgment debtor. The case concerns novel issues pertaining to tracing and the account of profits by a knowing recipient.
- 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 in the successful enforcement of personal and corporate guarantees against directors and affiliated companies in claims totaling over US\$6 million, and successfully resisting an application for the stay of the Singapore court actions in favour of arbitration.
- 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 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 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.

Commercial Litigation & International Arbitration

- Representing and advising a high net-worth individual with assets worth over US\$1 billion on claims relating to conspiracy and misrepresentation.
- 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 a Singapore company and its directors against claims of, *inter alia*, minority oppression and breach of directors' duties in the Singapore High Court.
- 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 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.
- 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.
- Acting for a former executive of Standard Chartered Bank in an SIAC arbitration involving claims for outstanding sums owing under an employee termination agreement, and successfully negotiating a favourable settlement for the client.

Compliance, Investigations and Business Crimes

- Advising a leading global investment firm on employment-related matters as well as conducting an investigation into the firm's subsidiaries for transactions made in several foreign jurisdictions.
- Advising a Singapore petrochemical company on matters relating to liquidated damages clauses and claims alleging inducement of breach of contract.
- Acting in an investigation into Singapore Post Limited's US\$168.6 million acquisition of TradeGlobal Holdings, Inc.

Publications

- Co-wrote an article – "The high-water mark in the enforcement of exclusive jurisdiction clauses in Singapore" (May 2019) IBA International Litigation News
- Co-wrote an article – "Singapore Court of Appeal adjudges on the effect of non-exclusive jurisdiction clauses and what constitutes a submission to jurisdiction" (May 2019) IBA International Litigation News
- Co-wrote an article – "The Incidence of Iura Novit Arbitrator in Singapore Arbitration Law", (2017) European International Arbitration Review (EIAR) Volume 6, Issue 1.
- Case commentary – "High Court Issues Guidance on Court Discretion to Stay Arbitral Proceedings Pending a Jurisdictional Challenge", (2017) ICC Dispute Resolution Bulletin Issue 2.
- Case commentary – "Inherent Jurisdiction and Inherent Power", (July 2014) Singapore Academy of Law, Singapore Law Watch Commentaries.
- Co-wrote a case commentary – "The Test for Apparent Bias", (May 2014) Singapore Academy of Law, Singapore Law Watch Commentaries.