

AGENDA

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11:00AM - 12:15PM BENEFICIAL OWNERSHIP & VALUE RECOVERY: DON'T GET OWNED B'

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OffshoreAlert Conference

Investigations

April 15 - 17, 2018 / The Miami Beach EDITION

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TUESDAY APRIL 17

DESCRIPTION

In any asset recovery action, ownership and title are paramount concerns.

Because questions of title and ownership are often layered in multiple corporate shells and complex trust structures, the question of who ultimately owns an asset raises significant issues for parties on all sides of a dispute.

This session will look at the impact of beneficial ownership in various asset recovery scenarios, including:

- Insolvency claw-back actions, i.e. defining direct vs. indirect transfers based on beneficial ownership;
- The ability to pierce a trust;
- Use of beneficial ownership as a sword/shield when acting as a plaintiff/defendant;
- Corporate veil piercing in the context of closely-held or family owned entities;
- Contrast between civil and common law as relates to the above issues; and
- Choice of law/venue/forum non conveniens.

SPEAKERS



Sandrine Giroud
Partner, LALIVE SA



Lincoln Caylor
Partner, Bennett Jones



Gonzalo Zeballos
Partner, BakerHostetler



Stéphane Bonifassi
Lawyer, Bonifassi Avocats

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