

drafted and then ignored if that does not fit with an argument that a party wishes to advance.

Claims against Counselor and Sobaldo

9. This claim by the Wife relates to the Monetary Assets previously held at UBS in Switzerland by Cotor. In December 2016 all those assets were transferred into bank accounts held by Liechtenstein trusts of which Counselor and Sobaldo are trustees. The Wife's case is that the purpose of those transfers was to put the Monetary Assets beyond her reach, and she relies on the following:
 - a) all the Identified Assets were transferred into Liechtenstein trusts in the weeks immediately before trial in December 2016. This took place in a context where the Husband's lawyer had described a strategy of moving assets to a jurisdiction which did not enforce English judgments (as is the case in Liechtenstein);
 - b) following judgment and the initiation of proceedings by the Wife in Liechtenstein, the trustees took further steps to move the assets into yet further Liechtenstein trusts to make them harder to trace and recover;
 - c) Haddon-Cave J held that the Husband has engaged, and continues to engage, in an "*elaborate and contumacious campaign to evade and frustrate the enforcement of the judgment debt against him*". The Husband is said to have described the English court's judgment as being "*worth as much as toilet paper*";
 - d) The Liechtenstein criminal courts have repeatedly concluded that there is a concrete suspicion of fraudulent bankruptcy and money laundering in respect of these transfers.
10. Counselor and Sobaldo have presently offered no defence on the merits of the Wife's claims. They contend that they are unable to plead to the facts because of Liechtenstein secrecy laws and assert that there should be a stay of these proceedings and/or the court's powers should not be exercised extra-territorially in this case.

Claims against Temur

11. The Wife's claims relate to two matters. First, the Husband (including his companies and trusts) transferred some of the Monetary Assets to Temur, namely and as asserted in the Wife's Particulars of Claim (a) US\$50 million transferred on 25 August 2015 at a time when a scheme to transfer the Monetary Assets to the United Arab Emirates had been abandoned; and (b) US\$10 million between May and June 2016 in the months leading up to trial. Second, the Moscow Property was transferred to Temur in 2018 at a time when the Wife was seeking to enforce the judgment abroad. The transfer was carried out in April 2018 by Sunningdale Ltd ("Sunningdale"), a Cypriot company beneficially owned by the Husband, transferring its interest in the Moscow Property to Solyanka Servis LLC, a Russian company. In June 2018 Sunningdale transferred its interest in Solyanka Servis to Temur.
12. The Wife contends that Temur played a key role – essentially as his father's lieutenant – in the Husband's strategy of evasion, in particular, by devising and executing the schemes.
13. In his Defence, Temur admits that the English court has jurisdiction to determine the Wife's claims and that he has received over US\$106 million from the Husband (and his companies) in addition to (unparticularised) "*generalised financial provision*", although he does not admit the provenance of these funds. He also accepts that the relevant intention for the purposes of s.423 of the IA and s.37 of the MCA is that of the Husband which he says is outside his knowledge. However, Temur contends that, in late 2013, the Husband told him that he would make available funds so that Temur

could invest in the financial markets for his sole financial benefit. Temur denies receiving any direct distributions from the identified Liechtenstein Trusts.

14. The Wife asserts that, for the reasons set out in her Particulars of Claim, the court can infer that at least a purpose of gifting well over US\$100 million to Temur was to put those assets well beyond her reach. She points to the Husband, with Temur's assistance, having been engaged since about October 2014 in concerted efforts to ensure that all his assets were not amenable to enforcement. She also maintains that Temur has received monies, directly or indirectly from the Liechtenstein trusts in circumstances where, since those trusts were established, the Husband has received very substantial sums from those trusts (known to exceed US\$113 million since 2017) and he has, in turn, transferred well in excess of US\$25 million to Temur since 2017.
15. In his Defence relating to the Moscow Property, Temur admits that this was ultimately beneficially owned by the Husband. He contends that, in June 2018, he purchased Solyanka Servis (and thus the Moscow Property) from his father for RUB 50 million (that is, less than £600,000). He admits that the transfer of shares was registered in the Russian state register. However, he offers no explanation as to why the shares were sold to him at an apparent fraction of their true value in 2018, at a time when the Wife was actively seeking to enforce the judgment abroad.
16. Temur now contends that he failed to pay the purchase price for Solyanka Servis in July 2018 thereby rendering the purchase agreement "forfeit". The shares, however, remain at present registered in his name. A very short time after the Wife issued her Particulars of Claim in January 2020, Sunningdale – the company controlled by the Husband - suddenly commenced proceedings in Moscow against Temur to recover the shares for his default of payment. Temur states that he will not defend this claim. The Wife contends that this litigation is a transparent and collusive attempt by the Husband and Temur to move the shares out of Temur's ownership so that this court cannot grant effective relief now that a claim has been brought against Temur in this jurisdiction.

Temur's Counterclaims

17. Temur has included two counterclaims in his Defence. The first seeks an injunction to prohibit the Wife from instructing any lawyers funded, directly or indirectly, from monies paid by Burford Capital on the grounds, it is asserted, that the Wife's funding arrangements with Burford Capital are contrary to the public policy against champerty. The second is a claim for misuse of private and/or confidential information insofar as the documents provided to the Wife's lawyers by Mr Henderson relate to the personal, financial or business affairs of Temur. Temur seeks (i) an order prohibiting the Wife from using such documents in proceedings, (ii) an injunction to prohibit publication of such documents, and (iii) an order for delivery up of such documents.

The Wife's Litigation Funding: Strike Out and Disclosure Applications

The Wife's Relationship with Burford Capital

18. This litigation by the Wife to enforce her financial remedies order is being funded by Burford Capital, a well-known and London-listed professional third-party funder. Burford Capital are founding members of the Association of Litigation Funders ["the ALF"] and are thereby committed to the Code of Conduct endorsed by the Civil Justice Council. The precise terms of the Wife's arrangement with Burford Capital are not known. However, on 22 January 2018 the Wife entered into a Deed of Assignment (otherwise known as the Security Assignment) with Burford Capital which contains a number of provisions which may be of relevance to the contentions advanced by the parties. The Deed of Assignment is in my bundle. I note that the Wife instructed PCB Litigation