

- a. The Husband contracted to purchase the Vessel in his own name in February 2014. He assigned his interest in the Vessel to an Isle of Man company called Tiffany Limited [“Tiffany”];
- b. After the marriage ended in 2014, the Vessel was – as found by Haddon-Cave J in April 2018 – to be the subject of a “*dummy sale... to Avenger*”, a Panamanian company, using funds derived from the Husband’s own bank account. The transfer of monies to Avenger and the payment of those monies to Tiffany was a deliberate mechanism by which the Husband tried falsely to pretend that the Vessel was owned by a Panamanian company rather than a company incorporated in the Isle of Man where enforcement was possible (see the judgment of Haddon-Cave J in December 2016);
- c. In March 2015 the Husband purported to assign his shares in Avenger to a Bermudan law discretionary trust. This transfer was subsequently set aside by Haddon Cave J under s. 423 of the IA 1986;
- d. The trial before Haddon-Cave J proceeded on the basis that Avenger owned the Vessel. However, on the second day of the trial – 30 November 2016 - the Vessel was secretly transferred by Avenger via another Panamanian entity known as Stern Management Corporation to Qubo 2 (a Liechtenstein Anstalt of which WalPart is the sole director). The Vessel was also re-registered from the Cayman Islands to the Marshall Islands. Haddon-Cave J described this series of transactions as a “*rapid series of further surreptitious steps to attempt to place his yacht further beyond the reach of enforcement*”;
- e. The Husband’s lawyer and ‘man of business’, Mr Kerman of Kerman & Co, was cross-examined on 16 December 2016 pursuant to a witness summons. This process revealed that two Liechtenstein Anstalts, Qubo 1 and Qubo 2, had recently been established and had taken ownership of (at least) the Artwork. Haddon-Cave J joined Qubo 1 and Qubo 2 to the English proceedings and concluded that they were no more than the Husband’s ciphers and alter egos. He made Qubo 1 and Qubo 2 jointly and severally liable for the sum of £350 million and granted freezing orders against them. On 28 December 2016 the Liechtenstein Court granted payment orders against Qubo 1 and Qubo 2 (thereby effectively enforcing the English order) as well as making its own freezing orders. Both English and Liechtenstein orders were served on Qubo 1 and Qubo 2 on 29 December 2016. However, at this time, the Wife did not know that the Vessel had been transferred to Qubo 2;
- f. On 8 March 2017 – apparently in response to the English and Liechtenstein orders made against Qubo 1 and Qubo 2 – Qubo 2 transferred the Vessel to Straight, another Liechtenstein Anstalt of which Counselor is the sole director. In 2018 Haddon-Cave J concluded that the transfer was in breach of both the English and Liechtenstein freezing orders. I note that this is disputed by Counselor since a criminal complaint has been made in Liechtenstein against the wife’s Liechtenstein lawyer, Mr Arnold, for providing a declaration in proceedings in the Marshall Islands in which he stated that the transfers were in breach of the freezing orders. In any event, as Ms Dilnot submitted, the Wife does not need to rely on Haddon-Cave J’s finding. On any view, the transfer was undertaken by