Global experience and expert opinion: the intelligent connection

Fraud Investigation & Dispute Services
Dealing decisively with disputes

Our professionals can help you resolve complex commercial disputes. By advising on the financial aspects of contracts and deals that often give rise to disputes, we can also help you reduce the risk of future problems before the deal is even signed. We can support you in effectively presenting your position on financial and commercial matters in international arbitrations and court proceedings. We are able to provide robust independent views that bring together deep forensic accounting knowledge, sector insight and our extensive cumulative experience of advising on matters in most dispute resolution forums. Ultimately, we help you safeguard the value of your business.

Enlightened thinking makes sense of complexity

We use insights drawn from our international network to help resolve complex disputes effectively.

Our global Fraud Investigation & Dispute Services team has extensive experience providing expert evidence and advice for use in dispute resolution. This includes acting in commercial litigation, international arbitration and expert determinations for clients in all major industry sectors and across multiple jurisdictions.

Bringing our forensic accounting, forensic data analytics and e-Discovery capabilities to the challenges you face, we can support you through all stages of a dispute: from the initial identification of an issue, through negotiation, mediation, the provision of expert reports, to arbitral and court hearings.

We can also advise on financial matters, including the extent of potential damages suffered, and explain complex financial issues in a manner accessible to non-financial audiences in courts and tribunals.

International arbitrations

- 791 arbitration requests
- 2,222 parties involved
- 57 countries
- 76.5% over US$1m

Commercial sense, competitive analysis

Clients rely on our deep forensic accounting expertise to demonstrate damages suffered, or financial evidence indicating causation, in disputes arising from matters such as:

- Breach of contract
- Breach of bilateral investment treaties
- Insurance claims
- Shareholder disputes
- Transaction disputes
- Professional negligence
- Intellectual property disputes
- Regulatory changes.

Source: International Chamber of Commerce 2015.
We resolve disputes and minimize disruption to your business

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<th>You need to...</th>
<th>We will help you by...</th>
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<td>Quickly understand the scale of losses or damages suffered</td>
<td>• Providing you with an independent preliminary view or assessment of damages that might have been suffered. We will do this either by reviewing and challenging the assumptions within models of loss prepared by others, or by developing models of loss ourselves</td>
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<td>Present your case effectively to a court or tribunal</td>
<td>• Bringing our extensive experience of presenting complex financial matters and commercial issues in a manner that is accessible to non-financial experts. Our expert evidence – both written and testimony – is frequently subjected to the scrutiny of courts and arbitral tribunals, and its preparation is a core capability of our team</td>
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<td>Obtain additional financial evidence in support of your case</td>
<td>• Using our extensive experience of advising on commercial disputes, we will support your legal advisors in their preparation of disclosure requests for financial and commercial information. For example, we will identify what financial evidence might exist; what alternative information could potentially indicate a position; and how you might be able to justify requesting particular information</td>
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<td>Determine independently and objectively the quantum of damages suffered by your business or in the transaction performed</td>
<td>• Using our experience in assessing the cost of investment, valuation of assets at relevant dates, loss of profits and emerging damages, we can help you to determine the financial consequences of a claim and defense by developing reliable and consistent calculations</td>
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<td>Limit value leakage from corporate deals before closing</td>
<td>• Having our Sale and Purchase Agreement Advisory Team advise you, before a transaction, on the structure of the accounting clauses and purchase price mechanisms. This will limit the potential of other parties to the deal to manipulate or revisit the amount subsequently payable</td>
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<td>Minimize value leakage from corporate deals after closing</td>
<td>• Assisting with the preparation of compelling and persuasive submissions, after a transaction, to an independent expert if a dispute is referred for expert determination. Providing a view on the potential outcomes to support your wider negotiation and dispute strategy</td>
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<td>Jointly appoint an independent expert to determine a dispute with another party</td>
<td>• Acting impartially and transparently as the independent expert, while managing the determination process between you and the other party. We will allow both parties to make their case and challenge the other party’s case. We will also help ensure the expert can challenge both sides to avoid repetition appropriately and independently, to reach a determination that is justifiable to their boards and shareholders</td>
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In addition, our Sale and Purchase Agreement Advisory Team can advise on the structuring of your deal, including purchase price mechanisms and the preparation of completion accounts. This will help you minimize value leakage from the transaction and help ensure you are better positioned in the event of any subsequent dispute.
Intelligence connected

Providing expert evidence in a multibillion dollar case in the English High Court

Our work involved preparing an expert report covering the tracing of funds relating to hundreds of alleged investments by the claimant, and interpreting the apparent commercial purpose of transactions based on historic and incomplete documentary records. We also helped the legal team identify relevant financial documents for disclosure and provided them with ad hoc financial and accounting advice. The case, which involved the input of team members across multiple jurisdictions, ultimately resulted in a satisfactory settlement for our client.

Establishing the true ownerships of assets in various jurisdictions

This case involved a dispute between the shareholders of a joint venture company over the true ownership of assets held by the company in South Africa and various offshore jurisdictions. One shareholder alleged that the other had caused the company to enter into transactions, corporate disposals and a complex restructuring, over a number of years, that improperly diluted the value of its interest in the joint venture. Our work involved recreating the corporate history, despite the absence of up-to-date books and records and key documents surrounding certain transactions. This involved our South African and UK teams and resulted in a satisfactory outcome for our client.

Bilateral investment treaty claim relating to mining assets

A team of valuation and forensic professionals provided expert witness support in an arbitration relating to expropriation of assets in the Commonwealth of Independent States.

The work focused on feasibility studies and corporate forecasts, as the assets were expropriated before development of significant phases of the related mine had commenced. We modeled the assets under various scenarios and valuation dates, including the impact of a series of acts and omissions by the local government that effectively resulted in a gradual “creeping expropriation” of the assets.

Financial services – LIBOR manipulation claim

We provided independent expert support to a global banking client in their defense against claims arising from their alleged manipulation of LIBOR submissions and other related matters.

We worked closely with the client’s legal advisors to prepare a detailed expert report on the potential impact of their alleged manipulation on the LIBOR rate, and on the quantification of the potential damages suffered by the claimant. Following the submission of our expert report, the matter settled satisfactorily for our client.

Completion accounts dispute under a sale and purchase agreement

Our client had recently sold its European food manufacturing business to a US corporation, which was disputing the draft completion accounts prepared by our client and seeking a large reduction in the purchase price. Our work involved forensically investigating each of the items in dispute, considering their merits under the terms of the sale and purchase agreement, and gathering the facts and evidence for each item. We provided commercial and strategic advice and support to our client throughout the extended commercial negotiations, which enabled many disputed items to be settled between the parties in our client’s favor. Although a number of disputed items were referred to an Independent Expert for determination, we further assisted our client in preparing clear and robust submissions to the expert, who ultimately awarded 90% of the items in dispute in our client’s favor.
Global expertise, local knowledge, relevant skills

The EY Fraud Investigation & Dispute Services practice gives you the people, tools and insights you need to protect your business from financial and reputational risks.

Multidisciplinary professionals
- Over 3,800 professionals worldwide
- Forensic accountants, technologists, former law enforcement and intelligence agency professionals
- Working in 70 countries
- Across 27 industries

Understanding how regulations, laws and compliance issues vary by country and region

Cross-sector specialists - including:
- Financial Services
- Life Sciences
- Extractive Industries
- Government & Public Sector
- Construction & Infrastructure

Market-leading breadth and depth of insight into complex, international business processes

Thought leadership

Europe Middle East, India and Africa Fraud Survey
Offering powerful insights into perceived levels of fraud, bribery and corruption risks across 38 countries

Corporate Fraud – The Human Factor
Providing new perspectives on the many different types of “fraud trail” and where “following the money” might lead in future

Managing Bribery and Corruption Risk – Sector Analysis
Managing bribery and corruption risk across life sciences, oil and gas, extractive industries, and construction and infrastructure sectors

Talk to us

Find out how we can help you protect the financial and reputational value of your business. We will react quickly and efficiently to prevent, detect and resolve any threats you face, however complex.

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About EY

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About EY's Fraud Investigation & Dispute Services

Dealing with complex issues of fraud, regulatory compliance and business disputes can detract from efforts to succeed. Better management of fraud risk and compliance exposure is a critical business priority – no matter what the industry sector is. With over 3,800 fraud investigation and dispute professionals around the world, we can assemble the right multidisciplinary and culturally aligned team to work with you and your legal advisors. We work to give you the benefit of our broad sector experience, our deep subject matter knowledge and the latest insights from our work worldwide.

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ED None.

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