OMNI BRIDGEWAY

Fourth Indonesia-Netherlands Legal Update 2022

A Primer on Dispute Funding & Recovery

26 September 2022

IMF Bentham, Bentham IMF, ROLAND ProzessFinanz adopted the global name Omni Bridgeway in 2020.

DISCLAIMER: Any deal structures, pricing, models, and terms provided herein are for illustration only, subject to change, and intended to give a general understanding of the way in which Omni Bridgeway may structure its transactions. Actual transactions and deal terms may vary based on the facts and circumstances of specific investments. Claimants and law firms may not rely on this introductory presentation; any specific funding deal will be governed solely by the terms agreed to and set forth in an executed contract.

Agenda

- Introduction to Omni Bridgeway
- Third Party Funding
- Enforcement and recovery funding
- Questions

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About Omni Bridgeway

The global leader in managing and financing legal risks

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Global expertise – disputes, arbitration, enforcement & recoveries

1 | Non-recourse financing of domestic or international arbitration, litigation (individual claimant or group litigation) and enforcement and recovery action.
2 | Reflects locations of parties, disputes, proceedings, enforcement actions.

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Third Party Funding

Three-step finance

1. Preliminary Discussions
   - Non-Disclosure Agreement
   - Initial Assessment
2. Indicative Terms
   - Further due diligence if needed
3. Approval, Offer and Funding Agreement

Funding information

Investment Criteria

- Good prospects
- Economically viable
- Recoverability

Key Features

- Any stage funding – investment at outset, during arbitration or award enforcement
- Seed funding for proving up claims – public examinations, counsels advice, other expert reports
- Alignment of interests to ensure probability of success is high

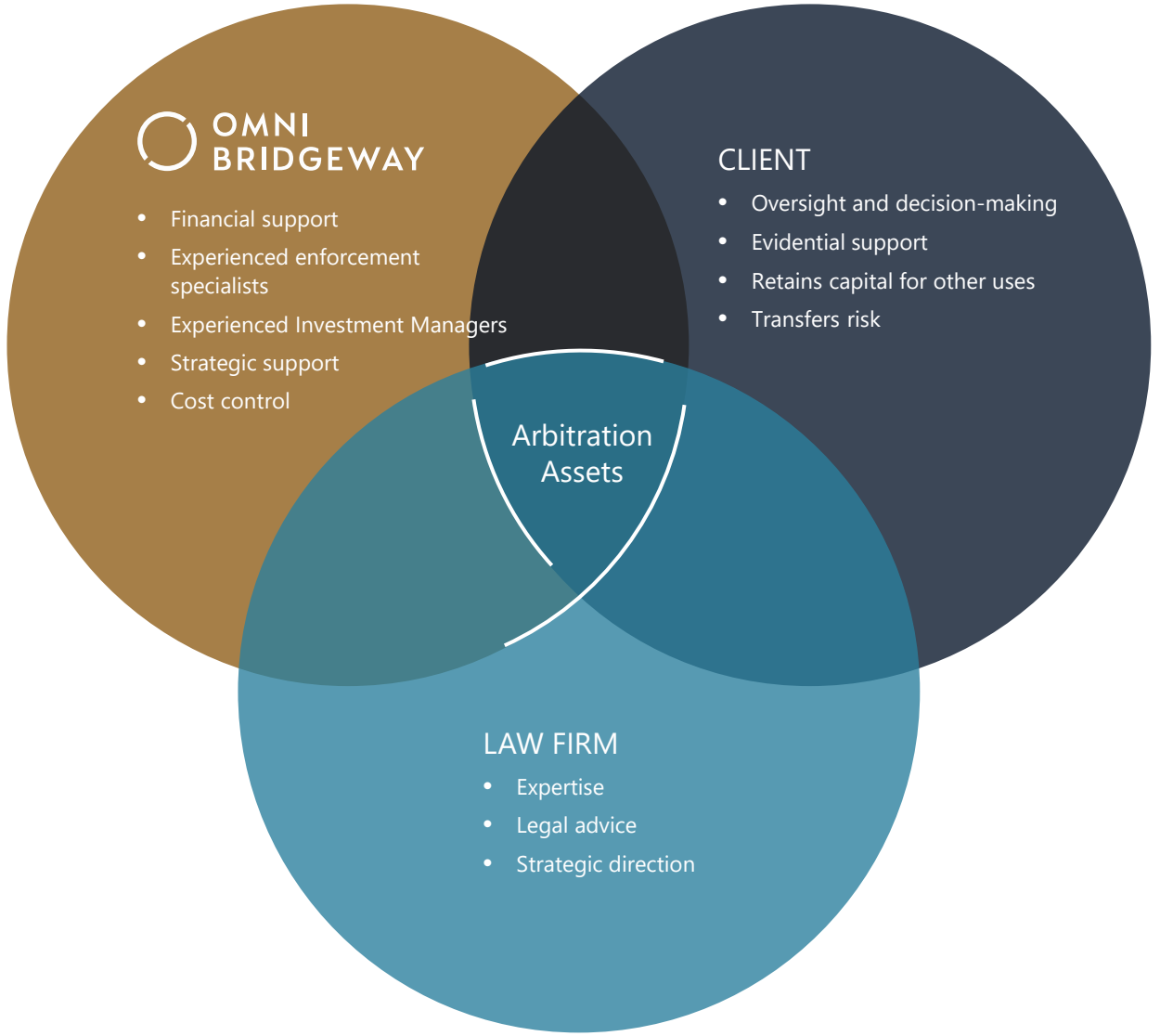
Key elements of Funding Agreement

- Costs to be funded – including adverse costs and security for costs orders
- Omni Bridgeway's return on investment and priority of payments from any recoveries
- Extent of Omni Bridgeway's ongoing involvement, including settlement
- Conflict management procedures
- Confidentiality and privilege

Working together

We collaborate with professional advisers to tailor finance packages for clients by:

- working efficiently and collaboratively from day one, towards mutual objectives throughout the funding relationship
- maintaining strong and clear communication
- understanding the professional adviser's brief and the client's imperatives



"The best funders we've ever worked with... very good adviser and... sounding board."
PARTNER, LEADING LAW FIRM

"They're really diligent. They master their brief. Engage on a case in a way that's informed. [We] Feel like partners."
PARTNER, LEADING LAW FIRM

"It genuinely feels like a team working on a project together."
PARTNER, LEADING LAW FIRM

"The sophistication and experience... having funded many difficult and complicated cases before, was great."
PARTNER, LEADING LAW FIRM

Who uses our finance and strategic expertise?

- Companies
  - Multi-nationals and conglomerates
  - Listed entities and SOE's
  - SME's
  - PE firms
  - In-house counsel, financial controllers
  - Across industries (financial services, construction / infrastructure etc.)
- Law firms, barristers, accountants, insolvency practitioners
- Individuals
- Group claimants

…all turn to Omni Bridgeway to pursue legal rights and recover monies owed to them.

Sophisticated solutions

Dispute finance

Single-case

Capital for legal fees or expenses to support a single case or arbitration. Includes working capital, debt satisfaction and other items.

Portfolio

Capital for legal fees to support multiple cases or arbitrations of a law firm or company.

Multi-party

Finance for an action against a defendant by group (or its representative/s) with the same or similar claims (non-US).

Defence-side funding

Funding the defendant (as opposed to claimant).

Working capital

Up-front finance for law firms and corporates (with optional claims management services) with a limited recourse return from the prosecution of pre-identified legal claims.

Enforcement

Finance and management to enforce a client's existing legal rights.

Claims monetisation

Purchase of (full/partial) legal rights from counterparty, monetising the legal asset (e.g. portion of favourable judgment/award while appeal pending), becoming owner of asset with rights to prosecute/ recover.

Downside risk management

Indemnity for the downside risk of litigation, including potential case and adverse costs.

Enforcement and recovery funding

The road to recovery and obstacles to avoid

Achieving a favourable judgment or arbitral award feels like success until it isn't honoured.

When debtors hide assets or prolong proceedings, Omni Bridgeway's experienced enforcement and asset recovery specialists help recover monies owed to you.

Common pitfalls

- Ignorance of time limitation issues and the different national rules that apply
- Waiting for the award debtor to pay and trusting "promises" to do so in the near future
- Waiting with enforcement actions until the setting-aside or annulment proceedings at the place of arbitration are concluded
- Pursuing recognition and enforcement in only one jurisdiction at a time (as opposed to adopting a comprehensive enforcement strategy)

How we deliver results for clients

Multi-faceted strategies to create leverage…

- Asset enforcement
  - e.g. High value/low impact or low value/high impact
- Non-asset / financial leverage
  - e.g. Trade relations, financial ratings
- Diplomacy
- Legal
  - e.g. Impact on other arbitrations

Across Jurisdictions

- Ex-parte versus inter-partes jurisdictions
- Time limitation considerations
- Sequencing of jurisdictions based on arbitration friendliness for recognition
- Timing of asset seizures between jurisdictions

The value of 30+ years' experience

- Public and proprietary databases
- Politics and publicity
- Regional customs & cultures
- Networks & connections
- Decades' experience successfully negotiating with Heads of State / government officials

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Questions?