

# Ilona Groark

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Over 15 years' cross-border experience at leading global and offshore law firms. Qualified to practice Cayman Islands and English law.

Advises clients in complex, ultra-high value cross-border disputes typically with a Caribbean nexus and invariably in circumstances where there are allegations of fraud or misconduct and a need to safeguard or recover assets across multiple jurisdictions.

Acts for and against court-appointed officeholders, trustees, large international corporations, institutional investors, general partners, investment managers, and other financial professionals. Has extensive experience in obtaining time-sensitive freezing injunctions and deploying aggressive on- and offshore discovery strategies in support of domestic and foreign-proceedings.

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## Professional qualifications and training

- Admitted as an attorney in the Cayman Islands, 2017
  - Accredited Mediator, Regent's University, 2016
  - CEDR Advanced Mediation Advocacy Training, 2012
  - Higher Rights of Audience, 2009
  - Solicitor of the Courts of England and Wales, 2007
  - Legal Practice Course, Distinction, BPP Law School, 2005
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**Education** MA(Cantab), Law, Downing College, University of Cambridge

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## Employment record

- **Kobre & Kim (Cayman)**, 2020 to date, Associate – Principal (pending Government approval)
  - **Ogier**, Cayman, 2018 to 2020, Senior Associate
  - **Priestleys Attorneys-at-Law**, Cayman, 2017 - 2018, Associate
  - **Herbert Smith Freehills LLP**, London, 2005 - 2015, Trainee - Associate - Senior Associate
  - **Royal Bank of Scotland Plc** (secondment), 2012 - 2013, Legal Counsel
  - **Review of Civil Litigation Costs** (secondment), 2009, Judicial Assistant to Lord Justice Jackson
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## Key professional experience

### Acting for court appointed officials – in both solvent and insolvent entities

- Assisting the **joint liquidators of Point Investments, Ltd.**, a Bermudan company alleged to be the alter ego of Robert Brockman, with protecting and realising assets (including using Ch 15 to obtain the release of US government liens over property, and obtaining recognition in Switzerland).
- Assisting the joint official liquidators of **Madison Asset LLC**, a Cayman Islands company involved in the South Bay Holdings / Biscayne Group fraud run through a complex web of offshore (and onshore) companies, in investigating company's prior conduct, extent of claims and identification of injured parties. Attained *Berkeley Applegate* relief.
- Assisting the **joint administrators of 19 Nortel EMEA entities** in relation to various negotiations, disputes and claims between the Nortel estates, including the entitlement to over US\$7.5 billion in sale proceeds generated by the Nortel Group in insolvency. This

included trans-national proceedings held in the Federal Bankruptcy Court in Delaware and in the Ontario Superior Court of Justice. Managed a team of over 100 individuals, across three law firms, to complete disclosure and/or to review documents in preparation for witness depositions and trial.

- Assisting the provisional liquidators of **OneTradeX**, a Cayman broker, in identifying and safeguarding client assets.
- Assisting various Cayman Island liquidators in obtaining sanction for proposed claims and funding and in formulating claims for pursuit against US defendants.
- Assisting the voluntary liquidators of Lavle Holdings, a Cayman entity, in obtaining court supervision of the liquidation and recovery of value from IP assets.

#### **Acting for stakeholders and victims**

- Acting for creditors in seeking the appointment of official liquidators and, where necessary, provisional liquidators, to help maximise return of outstanding debts owed.
- As a non-shareholder or creditor, seeking to intervene in and restrain just & equitable winding-up proceedings in Cayman which client considers are being pursued in breach of contract.
- Successfully opposing the Chapter 15 recognition application of the joint provisional liquidators of Cayman Islands company **Global Cord Blood Corporation** on the basis that they were not appointed for the purpose of effecting a reorganisation.
- Assisting a **Sheikh** in maximising his returns on an investment made in a company whose resources were being depleted through a dispute with another investor.
- Assisting the **Danish Tax Authority**, in its efforts to recover monies paid out pursuant to an alleged fraudulent scheme perpetrated by Sanjay Shah.

#### **Acting for directors**

- Attained exoneration, and indemnity costs, for **Harvey Boulter**, a high net worth individual, in the Grand Court of the Cayman Islands from allegations of fraud in the signing of declarations of solvency for two companies with the **Porton Group**. Currently acting in related proceedings in England brought by the liquidators of **Enigma Diagnostics**.

#### **Financial products & services litigation**

- Trusted advisor to the **Royal Bank of Scotland Plc (RBS/the Bank)**:
  - Represented **RBS and its directors, Fred Goodwin, Johnny Cameron, Guy Whittaker and Sir Tom McKillop** in respect of regulatory investigations and shareholder litigation in the UK and the US following the near collapse, and government bail-out, of the Bank in 2008. Ran a successful defence of the claims brought in the group litigation per the Financial Services and Markets Act 2000, which led to a pre-trial settlement.
  - In order to further the Bank's long-term strategic aims, successfully defended a speculative action brought by aggressive fund managers relating to RBS' role in arranging, underwriting and subsequently acting as agent in respect of a complex, multi-tiered securitisation for Dunedin Property (*Torre Asset Funding Ltd & Anor v RBS* [2013] EWHC 2670 (Ch)) (in-house role).
  - Part of the team that provided advice on, and ultimately settled, the LIBOR investigations with the FCA in the UK, the DOJ and CFTC in the US and other regulators in jurisdictions in which the Bank operated. Key liaison between external attorneys and senior executives of the Bank (in-house role).

#### **International judgment enforcement & offshore asset recovery**

- Bringing to Ogier an instruction on behalf of the **Kuwait Port Authority** to recover assets of over US\$85 million that appear to have been unlawfully dissipated from a Cayman

Islands fund.

- Obtained a worldwide freezing injunction for **Raiffeisen Bank International AG**, and successfully resisted a jurisdiction challenge by one of the defendants in respect of claims of conspiracy and the Fraudulent Dispositions Law, as part of the Bank's strategy to enforce guarantees granted in support of loans made to the MFC Group.
- Assisted **TalCo (the largest state-owned enterprise in Tajikistan)** with asset protection and recovery after it appeared that its director and joint venture partners had been defrauding it and had failed to pay third party creditors. This involved obtaining injunctive relief in the Commercial Court and pursuing claims for over US\$500 million against relevant parties, together with acting in concurrent proceedings in the BVI and arbitrations subject to the LCIA Rules and the Swiss Rules.

### **Offensive investigations**

- Spearheaded an investigation into the whereabouts of missing assets of an **Eastern Bloc bank** and devised a plan of action to seek recovery of those assets.

### **Law reform**

- **Judicial Assistant to Lord Justice Jackson** during his independent review of the rules and principles governing the costs of civil litigation in England & Wales. Role included: (a) drafting sections of the Preliminary Report; (b) monitoring, and preparing reports on, the pilots on costs management run (i) in the Mercantile and TCC Courts in Birmingham and (ii) in defamation proceedings; (c) meeting with stakeholders and interested parties as Jackson LJ's proxy; and (d) drafting amendments to the Civil Procedure Rules and working with the Ministry of Justice to ensure the amendments were passed.
  - Subsequently acted as a principal adviser to the Jackson Review EW-UTBMS Code Set Development Project, which developed the electronic forms and the accompanying set of codes for costs assessment in English litigation.
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### **Memberships**

- **Honorary Overseas Member of COMBAR.**
  - **Member of the Communications Sub-Committee of RISA Cayman**, and previously a member of the **Events Sub-Committee.**
  - **Member of RISA, INSOL, IWIRC and 100 Women in Finance.**
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### **Personal professional achievements**

- Invited to become an Honorary Overseas Member of COMBAR, February 2023.
  - Chambers Associate to Watch, 2023.
  - Listed by Legal 500 as key lawyer for Kobre & Kim (Cayman).
  - Invited to attend the Potential Partner Development Centre, June 2014.
  - Profiled in The Lawyer as one of the most talented and promising legal practitioners, April 2010.
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### **Outside interests**

- **Competitive tennis player:** Trained full time in Spain for a year. Won three international tournaments and reached an ITF Seniors 35+ world ranking of 45 in singles, 9 in mixed doubles and 16 in doubles. Represented the Cayman Islands at the Island Games in Gibraltar in 2019 and selected for the 2023 Games in Guernsey.
- Former Director of the **Tennis Federation of the Cayman Islands** and continues to support the development of tennis in the Cayman Islands.
- Recent discoverer of **Pickleball.**