

STEVEN JAMES WHITE

SUMMARY

- Partner in the Dispute Resolution team of Appleby Bermuda (a 12 strong, 2 partner, Band 1 Chambers Global 2021 ranked practice)
- England and Wales and Bermuda qualified barrister with extensive offshore litigation experience
- Leads the Trusts Disputes team and is a key member of the Insolvency and Restructuring team
- Specializes in complex commercial litigation, including fraud and asset tracing, enforcement actions and minority shareholder claims, restructuring and insolvency, and trusts disputes
- Accomplished advocate, with extensive first instance and appellate experience
- Recommended in Chambers Global (ranked in Band 3 for Dispute Resolution), the Legal 500 Caribbean (as a ‘Next Generation Partner’) and Who’s Who Legal 2020 (as a ‘Future Leader’)
- Described by sources in those directories as “*a very effective advocate*”, “*exemplary in dealing with cases*”, “*smart, creative and responsive...He has excellent judgment and is easy to deal with*”

BAR ADMISSIONS

Oct 2015	Bermuda Bar and Supreme Court of Bermuda
Nov 1998	Bar of England & Wales (currently non-practising)

EDUCATION

1997-1998	Inns of Court School of Law, London Bar Vocational Course/Graduate Diploma in Law
1996-1997	University of Law (formerly College of Law), York Common Professional Examination
1993-1996	University of Manchester History Hons BA (2:1)
1988-1993	Cranleigh School, Surrey 3 A Levels (A,A,C), 1 A/S Level (B), 2 S Level Distinctions and 11 GCSEs

MEMBERSHIPS

INSOL and RISA (Bermuda), Chancery Bar Association, Chartered Institute of Arbitrators (ACI Arb – passed accelerated route to Fellowship, March 2020, peer review pending), Inner Temple

CAREER HISTORY

Feb 2018 to Present - Appleby, Bermuda – Partner, Dispute Resolution

Steven joined Appleby in 2018 as Counsel and was promoted to Partner in April 2019. He manages and leads high value, often complex litigation, usually with a cross border element, and involving teams of associates and other partners. He leads the five strong trusts disputes team. He is involved in the firm’s education and training and is a pupil supervisor. Alongside the cases below, he has made a significant contribution to the team’s marketing, including delivering seminars, leading

work pitches, and frequent business development trips to the US, UK and Europe. He is responsible for leading and planning business development for the trusts disputes team. Steven has built a roster of clients including international and local companies, trust companies, office holders, high net worth individuals, foreign law firms and insolvency practitioners.

Insolvency and Restructuring

- *Floatel International*. Advised and represented a large oil and gas sector company, together with Appleby's Corporate team, onshore and leading counsel, in relation to what was originally a proposed scheme of arrangement but eventually progressed to a high value, complex group wide multi-national debt restructuring exercise following the presentation of winding up proceedings.
- *Titan Petrochemicals Group Ltd*. Advising and representing a creditor of Titan, a Hong Kong listed company, with a convertible bond debt of HK\$96.6 million in a rare contested two day winding up petition where Titan alleged, post presentation, that the statutory demand debt was disputed on substantial grounds and raising arguments of fraud and dishonest assistance.
- *Centaur Ventures*. Advised and represented a creditor appearing on a petition with respect to a \$100 million unpaid loan debt and successfully persuaded the Court to appoint the client's choice of provisional liquidators, as opposed to the appointees sought by the petitioner, a company affiliated to Centaur Ventures and controlled by the same director.
- *Global Cloud Exchange (GCX)*. Successfully advised and represented an ad hoc group of bondholders holding \$350 million of bond debt in respect of Bermuda winding up proceedings and the debt restructuring of GCX and its affiliates in a US Chapter 11 Plan.
- *Portico International (formerly Ports)*. Successfully represented Portico in an application to delist and privatize the Hong Kong listed company through a scheme of arrangement which valued the takeover at \$573 million.
- *Seabras 1 Bermuda*. Provided Bermuda law advice in relation to parallel liquidation proceedings when the Company and its US subsidiary filed for Chapter 11 protection, which was opposed by the shareholder and gave rise to novel issues of corporate governance.
- *Diamond Wealth Holdings*. Advised and represented Diamond Wealth, a creditor of Peace Map Holding Ltd, a Hong Kong listed company, with a debt value of HK\$405,850,000 and successfully appeared before the Court to obtain a winding up order.
- *GTL International*. Advised and represented GTL (in replacement for Harneys) in relation to a restructuring in a light touch provisional liquidation and sale of the Company's shareholdings in its subsidiaries. The terms of the liquidation left the power of sale with the board of directors.
- *Greek investment fund*. Provided Bermuda law advice to the investment fund and drafted proceedings to restrain the presentation of a winding up petition. Subsequently successfully negotiated the position and provided advice on debt settlement options and a possible scheme.

Commercial Litigation

- *Griffin Line General Trading v Centaur Ventures*. Advised and represented the plaintiff in a \$100 million debt recovery action which included a worldwide freezing injunction application, contested set aside hearing, contempt proceedings for failure to provide ancillary disclosure and proceedings to set aside a transfer at undervalue of Centaur's main asset.

- *Chalmers Holdings*. Advised and represented the plaintiff in proceedings to rectify the share register of a \$18.5 million Bermuda company with branch businesses in the Arabian Gulf involving a proprietary injunction, parallel anti-suit proceedings in the Isle of Man, and contested summary judgment proceedings.
- *S v L*. Advised and represented a committee of redeeming investors in parallel proceedings coordinated between Bermuda and Cayman to enforce \$189 million in arbitral awards against an investment fund. Simultaneous enforcement, freezing and disclosure orders successfully obtained. Acted as lead Bermuda partner managing a team of five and liaising with onshore counsel and Appleby's litigation team in Cayman.
- *Douglas Kelley (as liquidating trustee) v Steve G. Stevanovich & Ors*. Represented a Bermuda corporate service provider in a largely successful 'fishing expedition' challenge to vary an order for examination and disclosure following a request for judicial assistance from the US Bankruptcy Court as part of the recovery process in the \$3.65 billion Petters' Ponzi scheme.
- *Sturgeon Central Asia Balanced Fund*. Represented and advised an investment fund with an AUM of \$48 million in applications for leave to appeal to the Privy Council against a winding up order on just and equitable grounds.
- *Share rectification*. Advised and represented a US corporation seeking to rectify the share register of a Bermuda company, as a precursor to commencing unfair prejudice proceedings to recover its multi-million dollar investment in a medical startup company. The case concerned applications for strike out and stays on forum *non conveniens* grounds.

Trusts Disputes

- *Wong v Grand View Private Trust Company et al*. Representing a defendant in the largest value trusts dispute in Bermuda history with a value in excess of \$10 billion and involving issues of undue influence, want of authority, foreign law (BVI, Taiwan and Bermuda firewall issues) and mixed charitable and non-charitable purpose trusts. Lead partner and managing a four strong team and working closely with leading counsel, Stephen Midwinter QC, and onshore counsel, in a 5-month virtual trial due to conclude in September 2021.
- *B Trust*. Represented a leading trust company in proceedings to appoint a new trustee over a trust with assets worth several billion dollars, where the client believed it had retired previously. The issues at first instance and on appeal included the power of the Court to appoint a new trustee, indemnity and exoneration of client and multiple trustees du son tort, and the public interest element of trust appeals.
- *A Trust*. Acting for a HNW beneficiary in hotly contested *Public Trustee v Cooper* 'blessing proceedings' concerning an application for approval for a company controlled by the *A Trust* to make a very substantial investment of trust funds. Led at trial by Jonathan Hilliard QC.
- *FA and FB Trusts*. Representing a Protector in the first removal proceedings to be heard before the Bermuda Courts. Preliminary issue concerned the extent of express indemnity clauses and contemporaneous reimbursement where no allegation of fraud or dishonesty is made.
- *Beddoe proceedings*. Representing the trustees of a significantly sized family trust on a *Beddoe*

application to seek the Court's approval not to submit to the jurisdiction of the English Court in divorce proceedings and challenge a preservation order. In parallel, advising on a complex, multi-jurisdictional s.47 restructuring of the trust prior to winding up. Coordinating a team of five Appleby lawyers across three jurisdictions and working closely with leading counsel.

Aug 2014 to Jan 2018 – Cox Hallett Wilkinson, Bermuda – Counsel, Litigation

Joined as a senior associate and promoted to Counsel in June 2017. Mixed commercial, insolvency and restructuring and trusts disputes practice. Usually acting as lead lawyer on own files, often managing a small team of associates. Conducted numerous cases before the Supreme Court of Bermuda, Court of Appeal and various statutory tribunals. Highlights:

- Successfully representing an investment fund in various strike out, share rectification and just and equitable winding up proceedings over a four year period (led at trial in the third set of proceedings by Stephen Atherton QC).
- Acting for an Indonesian company in a \$100 million dispute over control of a Bermuda company with rights to develop a geothermal power station. Successful after a two week commercial trial. Represented the client in resisting an appeal, and later successfully obtained leave to appeal to the Privy Council.
- Successfully acting for the JPLs in the light touch *Energy XXI* winding up proceedings in obtaining prospective recognition of a Chapter 11 Plan and a permanent stay in the face of opposition from an Equity Committee appointed by the US Bankruptcy Court.
- Representing a reinsurance company on appeal against regulatory action by the Bermuda Monetary Authority in the first ever sitting of the Insurance Appeal Tribunal.
- Successfully representing a major telecoms company at first instance and on appeal against the Minister of Finance in relation to the setting aside of a TIEA production order for material non-disclosure by the Minister and requesting Treaty State.
- Acting for a shareholder attempting to obtain a NOBO list ahead of a general meeting of a Bermuda company, listed on the New York stock exchange, and prior to a takeover bid. Led by Michael Todd QC.
- Successfully representing a Swiss law firm to discharge a freezing injunction obtained over \$50.5 million held in their client account as ancillary to a shareholder derivative action.
- Successfully acting for a supporting creditor in the *Opus Offshore* winding up petition where there were competing petitions and applications for provisional liquidators.

2003 to June 2014 - New Park Court, Chambers of Robert Smith QC, Leeds & Newcastle

Barrister and tenant at Chambers & Partners Band 1 ranked common law regional set (now door tenant, non-practising), as part of the commercial, chancery and employment practice groups. Longstanding member of the Chancery Bar Association and North Eastern Circuit. Various preferred counsel on the Attorney General's Civil Panel (Regional) Panel and the Equality and Human Rights Commission Panel. Appeared in a large number of cases in the County Court, High Court, Court of Appeal and Employment Appeal Tribunal.

PRIOR EXPERIENCE

2000 to 2003 - General Healthcare Group Ltd, London – Legal Advisor

1999 to 2000 - Bloody Sunday (Saville) Inquiry, London - Judicial Assistant

1998 to 1999 - Chambers of Michael Beckman QC, Chichester, West Sussex – Pupil barrister

to Clifford Darton QC

RECENT PUBLICATIONS

Enforcement of Judgments and Arbitral Awards, also Trends & Developments, Chambers Global Guides (2020, 2021)

Covid 19: Holding the line – Standstill agreements and Moratoria – Appleby Offshore Business Update (June 2020)

Case Note: Energy XXI and Recognition by way of Permanent Stay of parallel Bermuda and US Chapter XI proceedings, INSOL Quarterly (October 2016)

Dispute Resolution in Bermuda, Global Legal Insight Guides, 5th and 6th editions (2016, 2017)

RECENT & REPORTED CASES

Wong v Grand View PTC et al [2021] Sc (Bda) 46 Com (9 June 2021)

T. Doctoroff v Crown Global Life Insurance Ltd et al [2021] SC (Bda) 44 Comm (7 June 2021)

Griffin Line General Trading LLC v Centaur Ventures Ltd [2020] Bda LR 43

Wong v Grand View PTC et al [2020] Bda LR 45

Re FA and FB Trusts [2019] Bda LR 87

S v L [2019] Bda LR 83

Douglas Kelley (as Trustee of the PCI Liquidating Trust) v Steve Stevanovich & Ors (Costs) [2019] Bda LR 9

Douglas Kelley (as Trustee of the PCI Liquidating Trust) v Steve Stevanovich & Ors [2018] Bda LR 89

Re A Trusts [2018] Bda LR 53

Munoz-Vargas v Sun Life Assurance [2018] Bda LR 36

Capital Partners Securities Co Ltd v Sturgeon Central Asia Balanced Fund Ltd [2017] Bda LR 78

Re Sturgeon Central Asia Balanced Fund Ltd (Costs of Withdrawn Petition) [2017] Bda LR 106

Re Sturgeon Central Asia Balanced Fund Ltd (Costs) [2017] Bda LR 96

East Asia Company Ltd & Bali Energy Ltd v PT Satria Tirtatama Energindo [2017] Bda LR 97 (Appeals)

Re Opus Offshore Ltd [2017] Bda LR 14

Peniston (East Bank Consultants) v Ferigo (Ruling on Stay) [2017] Bda LR 24

PT Satria Tirtatama Energindo v East Asia Company Ltd & Bali Energy Ltd [2016] Bda LR 98

Re Energy XXI Ltd [2016] Bda LR 90

East Bank Consultants v Ferigo [2016] Bda LR 100

Minister of Finance v AP (2016) 89 WIR 264 (Appeals)

Minister of Finance v AP [2016] Bda LR 34

AA v Bermuda Monetary Authority, Royal Gazette Notices, 2 November 2016

Majuro Investment Corporation v Timis & Ors [2015] Bda LR 112

Speechley & Ors v Allott & Ors [2014] EWCA Civ 230, All ER (D) 89 (Mar)

Zaman & Ors v Kozee Sleep Products Ltd [2011] IRLR 196

Shaw & Co v Atkins [2009] All ER (D) 57 (Mar)