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## JEREMY BARTLETT SC

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### Admissions

2015	Called to Inner Bar
1999	Barrister, Hong Kong
1988	Solicitor, Hong Kong
1988	Solicitor, England & Wales
1986	Barrister and Solicitor, Victoria, Australia
1984	Barrister and Solicitor, New Zealand

### Academic / Memberships

1983 LLB, University of Auckland, G Davies Memorial Prize, JP Campbell Memorial Prize (highest aggregate advanced law subjects in final year) and Senior Prize in Law

Fellow of the Chartered Institute of Arbitrators

Member of INSOL International (International Association of Restructuring, Insolvency and Bankruptcy Professionals), HKICPA Restructuring and Insolvency Faculty and ACTAPS UK (Association of Contentious Trust and Probate Specialists)

### Practice profile

Jeremy Bartlett acts in a broad range of commercial litigation, including company and shareholder disputes, insolvency, international trade and shipping, conflict of laws, trusts and estates, defamation, employment/restraint of trade, professional negligence and securities regulatory matters. He has been a contributing editor to Hong Kong Civil Procedure.

Jeremy has acted in a variety of domestic and international commercial arbitrations under *eg* CIETAC, HKIAC, AAA and LPO (Solicitors Professional Indemnity) rules as well as in ad hoc arbitrations.

Jeremy has advised and appeared in court in relation to *Beddoe* orders and other applications for directions on behalf of trustees, executors and administrators. Mr Bartlett regularly advised and appeared in Court for the Administrators *pendente lite* in the Estate of Wang Teh Huei (the Nina Wang dispute).

Prior to joining the Bar he was a solicitor with Herbert Smith and from 1994 to 1999 an international equity partner with Coudert Brothers where he was Head of the Hong Kong Litigation Department and Co-Head of the firm's Asia Region Arbitration Practice Group (9 regional offices).

### Selected cases

- *Koninklijke Philips Electronics NV v Lazer Media* (HCA 19408/1999) (construction of jurisdiction clause, forum non conveniens)
- *Chan v Bermuda Trust* (CACV 284/1999) (test on failure to comply with unless order)
- *Hong Kong Shanghai Insurance Co Ltd v Hong* (HCMP 1893/2000) (declaration re entitlement to avoid insurance policy)
- *Re Grandfield Pacific Ltd* [2001] 3 HKLRD 243 (provisional liquidator's power to cease business of the company)

- *Re Leung Yat Tung* [2001] 2 HKC 168 (individual voluntary arrangement under s20 BO)
- *Bermuda Trust v Shum* (HCA 14421/1998) (final determination of estate duty, enforcement of Tomlin order)
- *Korea Data Systems Ltd v Chiang* [2001] 3 HKC 239 (requirements of proof of foreign law by expert evidence)
- *Koninklijke Philips Electronics NV v Ultram* (HCMP 4509/2000) (impact of Basic Law upon registration of foreign judgment under FJ(RE)O)
- *Re Chime Corp Ltd* (HCMP 4146/2001) (adequacy of undertakings as security)
- *Re Keview Technology (BVI) Ltd* (HCCW 1123/2001) (provisional liquidators' powers of corporate rescue)
- *Re Wah Nam Group Ltd* [2003] 1 HKLRD 282 (whether necessity for s166 CO meeting) (HCMP 2518/2002) (scheme of arrangement)
- *Re Luen Cheong Tai International Holdings Ltd* [2002] 3 HKLRD 611 (appointment of provisional liquidators)
- *Re Akai Holdings Ltd* (HCMP 3381/2002) (scheme of arrangement)
- *Re Luen Cheong Tai Construction Co Ltd* (HCCW 190/2002) (competing candidates to act as liquidator)
- *Re I China Holdings Ltd* (HCCW 1321/2002) (appointment of provisional liquidators)
- *Re Shun On Co Ltd* (HCCW 828/2000) (discovery and inspection in context of s.168A CO petition)
- *Phoon Lee Piling Co Ltd v HK Housing Authority* (CACV 303/2002) (recusal, contempt)
- *Re Baldwin Construction Company Ltd* (HCCW 340, 345, 346/2002) (whether expenses of a liquidation can be charged to assets of related company)
- *Re Peregrine Brokerage Ltd* [2004] 1 HKLRD (unclaimed trust property in liquidation)
- *AXA General Insurance v Cheung* (HCMP 5644/2001) (declaration re entitlement to avoid insurance policy)
- *Re Wing Fai Construction Company Ltd* (HCCW 735/2002) (injunction to restrain presentation of petition)
- *Re Kong Wah Holdings Ltd* [2004] 3 HKC 596 (concurrent liquidations, comity and protocols)
- *Re Cheery City Contractors Ltd* (HCCW 896/2003) (adjournment of petition for scheme of arrangement)
- *Re Jinro Ltd* (HCCW 1352/2001) (Euroclear system, immobilized securities, locus of petitioner, [2003] 3 HKLRD 459 (appointment of provisional liquidators), [2004] 2 HKLRD 221 (late amendment of petition, costs))
- *Re The Sun's Group Ltd* [2004] 3 HKLRD 65 (petition, disputed debt and cross claims), (HCCW 425/2003) (appointment of provisional liquidators prior to winding up order, conflict of interest in proposed appointees)
- *Re CSA Absolute Return Fund Ltd* (HCCW 712/2004) (re scheme of arrangement for Fund)

- *Re Express Builders Ltd* [2005] 1 HKLRD 92 (jurisdiction re fees of provisional liquidators post conversion of winding up)
- *PCCW-HKT v Telecommunications Authority* (HCAL 63/2004) (judicial review re local access charge)
- *Re Estate of Wang Teh Huei* (HCAP 8/1999, CACV 300/2003) (disclosure by Joint Administrators), (CACV 17/2004) (judicial recusal, with John Rowland QC), (CACV 275/2004) (application to remove Joint Administrators, with Christopher Moger QC)
- *SJ v Hui Yat Fai et al* (HCMP 5714/2001, CACV 187/2004) (restraint order under Organised and Serious Crimes Ordinance, with Michael Bunting SC)
- *Ming Shiu Chung v Ming Shiu Sum* (HCA 18407/1999) (discharge of receiver)
- *Golden Screen Ltd v Village Cinemas Australia Pty Ltd* (HCCW 368/2005) (s168A CO, strike out petition, conduct in the affairs of the company)
- *NV Koninklijke Sphinx Gustavsberg v Cooperatieve Centrale-Raffaëlen-Boerenleen-bank BA* [2005] 4 HKC 373 (letter of credit, rejection of documents, construction of UCP 500)
- *Noble Resources Pte Ltd v China Sea Grains and Oils Industry Co Ltd* (HCCT 23/2006) (termination of arbitrator's mandate)
- *Re Legend* [2006] 3 HKLRD 270 (petition disputed debt, locus of petitioner, with Michael Crystal QC), [2006] 3 HKLRD 289 (s.227A CO regulating order)
- *Re Goldlory* [2006] 3 HKLRD 331 (remuneration of liquidators)
- *Re Leung Yat Tung* (HCB 2019/2000, CACV 119/2006) (suspension of discharge from bankruptcy, discovery in context of public examination)
- *Re Tai Sun* (HCMP 401/2006) (removal of liquidator)
- *Re Zhuang PP Holdings Ltd* (HCCW 56/2005, CACV 288/2005) (stay of winding up proceedings, locus in cross claims)
- *Tr-View Ltd, Parkview (Suites) Ltd v HKSAR* (2006) 9 HKCFAR 695 (construction of Hotel and Guesthouse Accommodation Ordinance)
- *Prime Credit Leasing v Tan Cho Lung* [2006] 4 HKLRD 741 (challenge to registration of foreign judgment, conflict between FJ(RE)O and Basic Law)
- *Kuoni Travel (China) Ltd v Richards* (HCA 1265/2006) (restrictive covenant, misuse of client data, injunction)
- *Jade Base v Fan* (CACV 69 & 132/2006) (discharge of mortgage in error, assessment of damages)
- *Re Zhu Kuan (Hong Kong) Co Ltd* [2007] 4 HKLRD 1 (jurisdiction to charge expenses of one liquidation against assets of another)
- *Total Energy Ltd v Standard Chartered Bank* [2007] 1 HKLRD 871 (letter of credit, ICC UCP for Documentary credits, with Adrian Huggins SC)
- *Morgan Stanley v Legend International* [2007] HKCFAR 62 (CFA appeal as of right in winding up petition)
- *Lee, Fred (Trustee in Bankruptcy) v Leung Chin Yeung* [2007] 1 HKC 164 (Official Receiver challenge to Trustee's objection to discharge from bankruptcy, statutory interpretation) and [2007] 4 HKLRD 825
- *Newmark Capital Corp Ltd v Coffee Partners Ltd* [2007] 1 HKLRD 718 (stay in favour of arbitration, estoppel by convention, conflict of laws)

- *Re Kansa General International Insurance Co Ltd* [2007] 1 HKLRD 897 (terminating scheme of arrangement)
- *Alan Hoo v Benjamin Lung* [2007] 3 HKLRD 169 (contractual dispute)
- *Re Cyberworks Ltd* (HCCW 1113/2002) (s.221 CO examination, production of documents)
- *Re Orient Power Holdings Ltd* [2008] 2 HKLRD 494 (private receiver appointment as liquidator) and [2009] BCC 452
- *Re Wah Nam Group Ltd* (HCCW 166/2000) (s.221 CO examination)
- *Great Strategy Properties Ltd, Summit Mass Ltd v Shung Tan* (HCA 245/2008) (receiver's action over property in PRC)
- *Sime Winner Holdings Ltd v Tan* (HCA 793/2005) (breach of fiduciary duty, variation of injunction)
- *SFC v "C" "D" "E" "F"* (HCMP 727/2008, CACV 319/2008) (s.213 SFO, injunction insider dealing, service out of jurisdiction, stay)
- *Ironwood Capital Ltd v KTH Capital Management Ltd* (HCA 2836/2004, HCA 76/2005, CACV 34/2007) (summary account)
- *SMSE v KL* [2009] 4 HKLRD 125 (leave to appeal post-CJR, stay pending appeal), [2009] 5 HKLRD 770 (subpoena duces tecum, ancillary property)
- *Re Wing Fai Construction Co Ltd* [2010] 3 HKC (misfeasance, striking out pleadings, dismissal for want of prosecution, impact of CJR)
- *Kam Hing v People's Insurance* [2010] 4 HKLRD 630 (marine insurance)
- *Tam v Choi* (2011) 14 HKCFAR 1 (s168A petition with Anderson Chow SC)
- *Cityability v Lee* (HCMP 1481/2009) (contempt of court, recusal, with Mark Strachan QC)
- *Cyber-Port Ltd & PCCW Ltd v HK Cyberport Development Holdings Ltd* (HCA 746/2010) (contractual dispute, with Benjamin Yu SC)
- *Re Starbay International Ltd* [2012] 1 HKLRD 508 (conversion from compulsory to voluntary winding up, Official Receiver's entitlement to ad valorem fees)
- *Singamas Management Services Ltd v Axis Intermodal (UK) Ltd* [2011] 6 HKC (Part XI CO, place of business in Hong Kong)
- *East Asia Satellite Television Holdings Ltd v New Cotai* (various actions and petitions concerning the Macau Studio City casino joint venture) [2011] 3 HKLRD 734 (CACV 160 & 161/2010) (s.168A CO, inducing breach of contract, reflective loss, multiple derivative claims in the conflict of laws context)
- *Re Decade Technology Ltd* (HCCW 463/2010, HCMP 1941/2011) (just and equitable winding up, leave to appeal)

For a full list of the cases in which Jeremy Bartlett has appeared as Counsel please visit the Judiciary Website at <http://legalref.judiciary.gov.hk/lrs/common/ju/judgment.jsp> and use the "Advanced Search" function.