



Deputy Managing Partner | Advocate & Solicitor (Singapore)

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KEY PRACTICE(S)

International Arbitration

Corporate, Commercial & Civil Litigation

Criminal Practice

Corporate & Commercial Advisory

QUALIFICATIONS

University of Tasmania, LL.B.

Asian Legal Business Southeast Asia Law Awards 2020 (Young Lawyer of the Year)

ALB Asia's 40 Under 40 Lawyers (2021)

MEMBERSHIPS

Member, Law Society of Singapore

Member, Singapore Academy of Law

PUBLICATIONS

- 'Can the Court reduce the quantum of a Mareva injunction in the event of the Applicant's non-compliance with the Supreme Court Practice Directions?' (Lexology, October 2023.)

Gerard's main areas of practice include fraud and asset recovery (including crypto assets), commercial disputes, financial services law and regulation. Gerard assist clients with international trade and cross border matters, particularly matters in China and Thailand. Some of the recent reported judgments where Gerard had acted as lead counsel include *Chen Mingxing and others v Zhang Jian and others* [2021] SGHC 03, *Simran Bedi v Montgomery, Mark A* [2022] SGHC 67, *Wong Leng Si Rachel v Wu Su Han Olivia* [2022] SGHC 151 and *Re Hodlnaut Pte Ltd* [2022] SGHC 209. Gerard has also co-authored the annotations of three statutes, namely the Hire-Purchase Act, the Sale of Goods (United Nations Convention) Act, and the Terrorism (Suppression of Financing) Act. These annotations have been published under the Annotated Laws of Singapore by LexisNexis Singapore.

Gerard is frequently instructed on complex matters by reputable organizations and regularly argues before the Singapore Courts as lead counsel. In particular, Gerard acted for 154 Claimants in a representative action where the Claimants are claiming approximately S\$47 million in a multi-jurisdictional scam. Gerard had successfully argued for a world-wide Mareva Injunction order against eighteen defendants in the said suit.

Clients of Gerard have stated that "he has an eye for detail", "is technically and commercially astute" and "can grasp complex industry practices quickly".

In 2020, Gerard was shortlisted as a Finalist in the Asian Legal Business Southeast Asia Law Awards for the category of Young Lawyer of the Year and also featured as one of Singapore's 21 Most Influential Lawyers Aged 40 and Under, by the Singapore Business Review in 2020. In 2021, Gerard was recognized by Asian Legal Business as one of Asia's 40 Under 40 Lawyers. The aforesaid list featured the region's best lawyers under the age of 40. The lawyers on the list were selected from over 400 applicants from international and domestic firms across 10 jurisdictions: Singapore, Hong Kong, India, Indonesia, Japan, Korea,

- ‘Can Crypto Assets be held on Trust and if so, what type of property are they? The General Division of The High Court of Singapore clarified these issues in the landmark case of ByBit Fintech Limited V Ho Kai Xin & Ors. [2023] SGHC 199’ (Lexology, July 2023.)

- ‘High Court rules crypto asset holder has legally enforceable property right in landmark decision’ (Business Times, July 2023.)
- ‘Navigating the Labyrinth: Cryptocurrency Enforcement’ (Law Gazette, October 2022.)
- ‘Cryptoexchange, Hodlnaut, Placed Under Interim Judicial Management: Key Takeaways from Re Hodlnaut Pte Ltd [2022] SGHC 209 (“Re Hodlnaut”),’ (Lexology, September 2022.)

SPEAKING ENGAGEMENTS

- Panel Discussion on the Law on Cryptocurrency and guidelines for legal proceedings and negotiating to agree to be a business alliance between the two companies hosted by Legal Spirit, Bangkok, (Panelist/Speaker).
- Stablecoins: its future and legal challenges, AB Maximus, December 2023 (Course Instructor).
- Introduction to Blockchain, Investigations & Asset Recovery of Cryptocurrencies, LS Horizon, October 2022, (Panelist/Speaker).

Malaysia, Philippines, Thailand & Vietnam. The lawyers were selected based on the quality and complexity of their work, recommendations from clients and colleagues, and their potential for future growth.

Gerard is very passionate about serving the community and regularly takes on matters on a pro bono basis with the support of the firm.

WORK HIGHLIGHTS

CIVIL AND COMMERCIAL DISPUTES

- Gerard acts for 154 Claimants in a representative action. A representative action is unique in nature and uncommon in Singapore. The Claimants are claiming approximately \$47 million in a multi-jurisdiction scam. The alleged scam involved the setting up of sham and façade companies. These companies were used to induce investors to invest in the same with promises of guaranteed exorbitant interest returns (around 70% to 120%) on invested sums. Gerard successfully argued for a world-wide mareva injunction order against eighteen defendants in the said suit.
- Gerard acts for the husband of Madam He Ying (the “Deceased”). In summary, the Deceased swam in the swimming pool of a Hotel and drowned shortly after entering the said pool. A Coroner’s hearing was held, and the summarized facts and findings can be found in the [Link](#)
- Gerard acts for one of the largest logistics and petrochemical service providers in South East Asia in respect of a conspiracy claim against several employees of a subsidiary. More recently, Gerard argued for a prohibitory injunction against the said employees.
- Acted as Singapore Counsel for the insurers of one of the largest commodities warehouse operators in the world involving various issues of law and several multinational claimants in various jurisdictions. The total estimated claims made by all claimants is approximately USD 500 million.
- Acted as Singapore Counsel to one of the largest light works supplier and designer in Thailand against a SGX listed company and its subsidiary, in respect of a complex cross jurisdictional contractual dispute. In the said matter, Gerard argued to resist a stay of proceedings application made by a listed company, in favour of arbitration and/or forum non conveniens.
- Acted as Counsel for a creditor seeking to support the winding up of a company. The winding up of the said company was complex in nature due to, among other things, the cash flow complexities and immediate asset realisation of the company used to prove or disprove the insolvent nature of the company. Further, the said

- Introduction to Blockchain – Investigations and Asset Recovery of Cryptocurrencies, Blumenthal Richter & Sumet (BRS), September 2022, (Panelist/Speaker).
- creditor represented by Gerard was also the director of the company it sought to wind up.
- Acted for a key shareholder in respect of a cross claim against a company listed on the OTCQX (New York). The total value of the cross claim amount to approximately USD 30 million.
- Gerard acts as co-lead counsel for the Plaintiff in a High Court case wherein four defendants were sued for fraudulent misrepresentation and conspiracy for inducing the Plaintiff to invest in a company which turned out to be a sham. Judgment has already been obtained against the 1st Defendant. The matter is still ongoing against the other defendants.
- Gerard acts as lead counsel in a Singapore High Court case for a group of foreign investors (the “Suit”). The said investors’ case is that they had paid monies to two individuals to, among other things, purchase shares in a Singapore public listed company on their behalf. The two individuals later became the Chairman and Executive Director, as well as CEO and Executive Director of the public listed company. The said investors have commenced action against the two individuals and four others to seek, among other things, the return of their shares in the public listed company. The matter involves, among other things, potential breaches of trust. Recently, Gerard successfully obtained an interim injunction to restrain the Defendants (save for one) from, among other things, selling the shares which the said Defendants purportedly hold on trust for the Plaintiffs in the public listed company and/or diluting the Plaintiffs’ purported shareholding in the said company pending the trial of the action (the “Injunction Decision”). The said Defendants have applied for leave to appeal against the Injunction Decision (the “Leave to Appeal”). The Leave to Appeal application and the Suit is still ongoing.
- Gerard acts as lead counsel in the High Court for a private investor against a director of a filmmaking company. The said company has produced several reputable movies. The matter pertains to investments and purchase of shares of the said company and the alleged misrepresentations made in respect of the financial status of the company.
- Gerard acts as lead counsel for a substantial shareholder of a Singapore-listed company in a shareholder dispute. In this dispute, the controlling shareholder (and also chairman of the said company) is alleged to have engaged in various high-value interested party transactions. Issues include whether there was minority oppression and breach of directors’ duties by some of the members of the Board of the said company.

SHIPPING LITIGATION

- Acting for an LNG carrier in respect of the grounding by the said carrier of the reef at the Eauripik Atoll in the Yap State of the Federated States of Micronesia.
- Gerard acted for the Plaintiff in the Singapore High Court in a dispute against a Timor-Leste insurance company over gasoil cargo valued at approximately USD 1.5 million. The cargo was to be shipped from Singapore to Karabela Port, Timor-Leste. During the course of the voyage, the vessel carrying the cargo was hijacked by pirates in the waters off the coast of Tanjung Berakit, Indonesia. The disputed claim involved allegations of conspiracy and that the piracy act was staged. Further allegations raised were that the Plaintiff failed to comply with the Marine Insurance Act and lacked insurable interest. Clients successfully obtained judgment for the full claim amount

FINANCIAL REGULATORY COMPLIANCE & ADVISORY

- Advised a US Treasury Bond proprietary trader in respect of allegations of Wash Trading and Market Manipulation which also involved investigations conducted by the Securities and Exchange Commission (New York).
- Assisted with a matter which was a highly publicised corruption scandal in South America involving the first ever FCPA resolution involving a Singapore company and an unprecedented global settlement between three jurisdictions.
- Assisted in the Defence of a proprietary trader who was charged by the SGX Disciplinary Tribunal. The said trader was alleged to have contravened SGX-ST Rule 13.8.1, market manipulation and creation of false market (the “rule”). Issues raised include the definition of “layering”, whether “iceberg orders” amount to market manipulation especially when such orders are applied on penny stocks with little movement and whether such an act contravenes the said rule.
- Assisted in a matter involving a reputable securities broker seeking to recover trading losses made and disputed by the Defendant. Issues raised include whether a trading limit imposed is for the benefit of the broker or the customer.
- Assisted in the internal Investigation of an employee of a client, a Forex Trader who purportedly performed several “wash trades” contravening Part I paragraph 6 of the Blue Book. Issues include whether a private and confidential agreement between two individuals to perform what seems to be a “wash trade” like transaction, contravenes the Blue Book.

- Advised a wealth manager facing internal disciplinary proceedings in respect of a complaint made regarding the failure to comply with section 58 of the Financial Advisers Act (Cap. 110)
- Advised a trader facing internal disciplinary proceedings in respect of an internal complaint of alleged insider trading.

CORPORATE PRACTICE

- Assisted in a complex share pledge between a mining company and a consortium of 11 banks for the re-financing of eight oil rigs.
- Conducted due diligence for a company seeking to list itself on the London Stock Exchange.
- In early 2020, Gerard was appointed as lead counsel by one of the largest automotive manufacturers to advise on regulatory and general corporate matters in Singapore.
- Gerard acts for one of the largest lighting companies based in Bangkok on general corporate matters.