

Disputes and claims

No one case of litigation or arbitration is the same, and so is the business involved therein. “Aesthetics lie in the intricacies”.

Extreme focus on technicals and conducting a deep dive into the business rationale of a transaction are key factors in unleashing the turnaround effect when resolving a dispute or claim.

So when faced with a dispute or claim, we work with you, leveraging our sector experiences to craft a tailored approach and provide impartial and pragmatic advice, during the stages from pre-transaction / pre-trial preparation to being testified as an expert witness.

In today’s environment, disputes seldom revolve around a single aspect of expertise and knowledge. Instead, they often demand a multi-dimensional, cross-disciplinary approach. We provide insights from both technical and pragmatic perspectives, with a view to empowering a better judgement.

You may need advice on litigation, arbitration, mediation, expert determination and regulatory matters. Our specialist team is experienced in providing technical insights, establishing facts, analysing, interpreting, summarising and presenting complex financial and business-related issues.

Our strength comes from a team of professionals experienced in dealing with disputes and claims involving technical matters of forensic accounting, valuation and economics; and we work with industry specialists across the global PwC network to respond to your needs. Whether you are already in or contemplating a dispute, we work closely with you to plan the best response and deal with it effectively. If matters do go to trial, our team can help you every step of the way.



**Our
expertise**



1. Damage analysis and quantum of damages

More often than not, contractual parties come across unfortunate situations where there is a need to commence a claim (or defend a claim) because of different interpretations of terms, breach of terms, or default in payments. Damage analysis is an important step for the parties to decide whether to commence a claim as well as negotiate a settlement, and for the court or arbitral tribunal to decide on a judgement or an award. Our team is experienced in economic, financial and forensic analysis and linking factors (such as economic, legal, tax and regulatory matter etc.) to quantifying damages.

2. M&A transaction disputes

Expertise is often required to assess the interdependencies of each claim. For example, the breaches of various warranties could lead to separate heads of claims, whether it is related to business's operational defects, unexplained financial arrangement, accounting misconceptions or hidden guarantees, a detailed analysis of causal relationships amongst those could double or halve the claimed amount. On the other hand, various heads of claims may have different implications on earn-out arrangement, agreed purchase price, or additional considerations compensating for previously undiscovered issues, each of which requires qualitative as well as quantitative assessments.

Depending on the situations, the claims often involve an outcome (e.g., underpaid or overpaid prices) derived from disagreement or different interpretations on terms or Information asymmetry in a particular stage of the deal. So it requires an expert who is able to deploy economic analysis with the considerations of counterfactuals and a but-for world. The analysis and modelling serves as an important tool for the parties to understand the markets, commercial situations, how they evolved and interacted with the transaction rationale and resulted cash flows. Our experts are experienced in understanding and identifying those key drivers of the market situations and inferring on the outcomes in a counterfactual world.

Our team is experienced in serving clients at different stages of the deal cycle from advising on disputed matters evolving around transactions and assessing economic benefits, to navigating ways to resolve post-deal disputes and quantifying losses.





3. Partnership and shareholder disputes

It often involves issues around reverse takeover of ownerships or controls, disagreement on prospective profit distribution plans and the actual or historical distribution, disputed valuation of shares in a placement transaction or conversion of warrant / convertible loans. Our team of seasoned professionals possesses the essential expertise to analyse and articulate the key issues involved in every unique case.

4. Valuation of companies and shares

Fair value determination of the subject company's shares is a key part of dissenting shareholders' claims. Our team has significant involvement in ongoing matters advising a party in a dispute as a valuation expert and/or providing a commentary on the valuation provided by the counterparty and/or the underlying methodologies.

5. Cyber disputes and investigations

Cyber-attacks have become a frequent cause of business interruption. We have seen victims suffer from phishing attacks and malware attacks which resulted in loss of income, disruption to business and theft of corporate and financial information.

Our team is experienced in conducting digital forensics to investigate cyber-related incidents. In data-leakage cases, our advanced tools and experience can help clients to quickly assess the impact of the incident through data discovery and categorisation, in order to help assess and respond to queries from third-party stakeholders such as regulators, customers and business partners. In cases that result in the theft of funds, we help by performing detailed digital forensic investigations to understand how the attack occurred and controls were bypassed. Finally when these incidents escalate into a dispute between parties as to who is at fault – which is common in payment diversion incidents – we have experience providing expert witness services for use in court or arbitration proceedings.

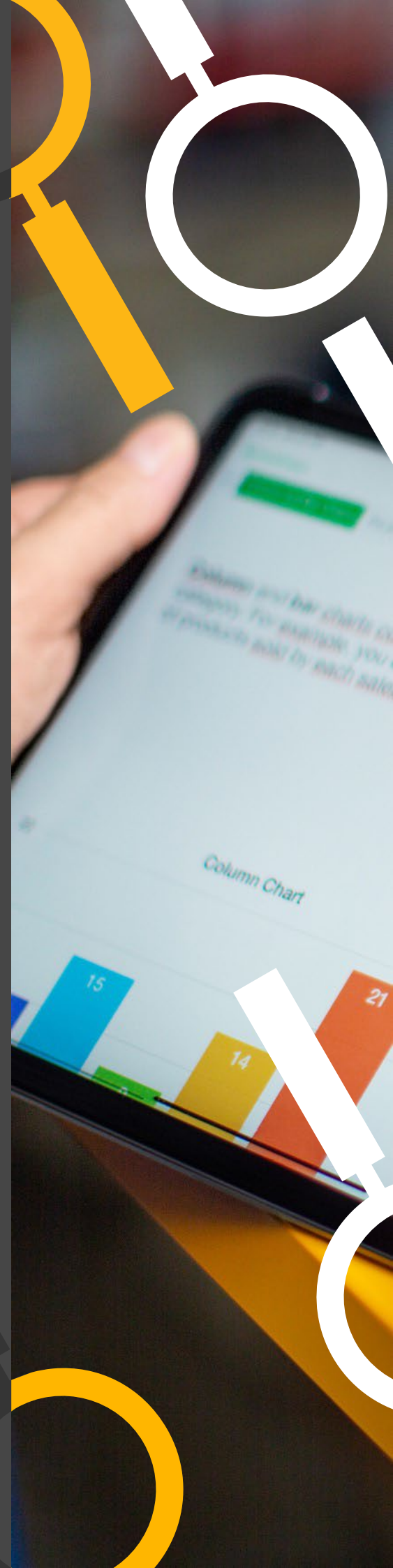
6. Cryptocurrency disputes and investigations

The cryptocurrency market is very dynamic and there is no unified inter-governmental approach to the regulation of cryptocurrencies and other crypto assets. Investors remain wary of the added complexity brought about by crypto asset transactions, for example, commercial disputes over transfers of cryptocurrency or the operation of smart contracts.

Our experienced team can assist you with cryptocurrency or crypto asset-related disputes including corroborating ownership, tracing transactions and coordinating among relevant stakeholders in case of a dispute.

7. Intellectual property disputes

On top of our extensive experience in intellectual property (IP) valuation, we provide IP-related advice for commercial transactions, and quantify losses as a result of IP infringements or improper usage of IP assets.





**Contact
us**



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