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| <b>Nationality/ Date of Birth</b> | Singaporean<br>9 September 1970  |

### **Educational/Professional Memberships**

Sean Yu graduated with First Class Honours from the University of Bristol in 1992.

He was admitted to the English Bar (Middle Temple) in 1993 and to the Singapore Bar in 1994.

He was a Justices' Law Clerk with the Singapore Supreme Court from 1993 -1995 before entering private practice.

Sean Yu is a Fellow of the Insolvency Practitioners Association of Singapore (from 2006).

He is also a Fellow of the Chartered Institute of Arbitrators (from 2008) and is currently the Vice-Chairman of the Board of its Singapore Branch.

### **Current Position**

Sean Yu is a General Partner of WongPartnership LLP, Singapore.

He is the Head of the Banking & Financial Disputes Practice, the Joint Head of the Restructuring & Insolvency Practice and a Partner in the Financial Services Regulatory and the Malaysia Practices in the firm.

### **Professional Experience**

Sean Yu's main areas of practice are banking & trade finance disputes, insolvency & restructuring, corporate fraud, investigations & asset recovery, financial services regulatory, commercial & corporate disputes, shareholder litigation, tort & contractual claims and domestic & international arbitration.

Sean Yu has appeared in several Singapore High Court matters and the matters of significance which he has been involved in include acting for:

- Goldman Sachs in defending a Singapore High Court action by a prominent Singaporean businessman, Mr Oei Hong Leong, to recover 3.18 billion yen (S\$38 million) in investment losses;
- A large Wall Street financial institution in relation to Singapore High Court proceedings concerning claims brought by a Singapore finance company relating to the distribution of credit-linked structured notes and which were related to class action claims filed in the New York courts by retail investors of the structured notes.
- Directors of a Singapore limited company relating to regulatory issues arising from a high-profile accounting irregularities scandal;
- A Singapore-listed company in a minority oppression action commenced in the Singapore High Court, concerning a S\$80 million electrical products company which resulted in a successful buy-out of his client's

minority interests;

- An international private equity firm in a shareholders dispute, arising from a US\$260 million leveraged buy-out of a technology company. Several related Singapore High Court suits against his client were successfully dismissed. The proceedings also included the successful dismissal of an appeal to the Privy Council with respect to a decision from the Mauritius courts;
- An international investment bank in relation to regulatory investigations concerning a high-profile aborted takeover of a listed company;
- The members of a voluntary committee in successfully defending a Singapore High Court suit filed to challenge the privatisation of a state-lease housing estate;
- An international plantation company in a successful US\$5 million restitutionary action in the Singapore High Court;
- A prominent club in a high-profile litigation for the recovery of loans in excess of S\$58 million in the Singapore High Court;
- An international bank in a S\$8 million professional negligence claim in the Singapore High Court;
- A syndicate of international banks concerning the enforcement of a US\$600 million loan facility to an under-sea cable joint venture;
- The majority shareholder in a high-profile minority oppression action concerning a S\$100 million family company before the Singapore High Court;
- Leading an independent regulatory investigation of accounting irregularities in a Singapore listed company, on appointment by the company's audit committee;
- An international private bank on cross-border enforcement and regulatory issues concerning a US\$240 million facility to a Taiwanese entity;
- A leading operator of budget hotels in Asia Pacific in its dispute against its franchisee and which involved court proceedings in Thailand and the Philippines;
- Liquidators and creditors in various insolvencies and work-outs in Singapore and the region (including the B\$6 billion liquidation of the Amedeo conglomerate of companies in Brunei);

Sean Yu has appeared as lead counsel in several matters before the Singapore Court of Appeal including:

- *Roberston Quay Investments Pte Ltd v Steen Consultants Pte Ltd* [2008] 2 SLR(R) 623 which was a landmark decision affirming the continued applicability of the test of remoteness of damage in *Hadley v Baxendale* in Singapore;
- *Poh Soon Kiat v Desert Palace Inc (trading as Caesars Palace)* [2010] 1 SLR 1129 where he acted for the successful appellant in resisting the enforcement of a foreign judgment for a gaming debt;
- *South East Enterprises (Singapore) Pte Ltd v Hean Nerng Holdings Pte Ltd* [2013] 2 SLR 908 where he successfully acted for a court bailiff in resisting a claim for breach of statutory duties in the execution of a Writ of Seizure & Sale;
- *Intrading Ltd v ANZ Bank Ltd* [2014, unreported] where he acted for the bank respondent in successfully resisting a claim by a customer for breach of duties as a private banker.

## Arbitration Experience

Sean Yu is presently on the Panel of Arbitrators of the Singapore International Arbitration Centre, the Korean Commercial Arbitration Board and the Kuala Lumpur Regional Centre for Arbitration.

Sean Yu has appeared in several international arbitration matters, which included acting for:

- The claimants as co-counsel in an ongoing ad hoc arbitration for breach of a purchase agreement concerning shares in Indonesian coal mining companies with claims valued over US\$250 million;
- The claimants, a Middle Eastern telecommunications company, as lead counsel in a SIAC arbitration against an Indian conglomerate for claims over US\$50 million relating to a failed joint venture in India;
- An Indonesian company claimant as lead counsel in a successful SIAC arbitration against a major Indian Bank concerning a joint venture dispute in relation to a bank licensed and operating in Indonesia;
- The ASTRO group of companies in an international arbitration in Singapore concerning a complex dispute relating to a proposed joint venture for satellite pay television services in Indonesia. He led the team which instructed counsel in the successful SIAC proceedings which culminated in awards totalling over US\$200 million and in the proceedings relating to the contested enforcement of the awards in Singapore and in Hong Kong. The matter also involved concurrent proceedings in Indonesia, with claims totalling over US\$1.75 billion;
- An oil and gas group listed on the London AIM as co-counsel in an SIAC arbitration commenced against it by a global oil and gas major for breaches of a Farmout Agreement and for misrepresentation with claims over US\$250 million;
- An international energy firm as co-counsel in a SIAC arbitration in connection with disputes concerning a power generator and water desalination facility in Pakistan, and with claims totalling US\$40 million;
- An Indonesian wheatmill as co-counsel in an international arbitration involving a US\$10 million contractual dispute;
- An international private equity firm in a complex shareholders dispute concerning its investment in Metalform Asia Pte. Ltd., a technology company. Metalform Asia Pte. Ltd. was acquired under a US\$260 million leveraged buy-out with the founding owners retaining a minority stake. A SIAC arbitration with claims over US\$50 million brought against the private equity firm was successfully resisted.

## Publications

Sean Yu was a contributing editor to Singapore Civil Procedure 2007.

He contributed a chapter on Documentary Credits in the 2011 edition of *Halsbury's Law of Singapore on Finance and Banking*.

He is a member of the Law Reform Committee of the Singapore Academy of Law and has been part of numerous law reform initiatives including co-authoring papers on "[Reforms to the law of restitution on mistakes of law](#)" (2001), "*The Reform of the Law concerning Choice of Law in Contract*" (2003), "*The remuneration of Corporate Insolvency Practitioners And certain related matters*" (2005), "*The Review of the Limitation Act*" (2007) and "*Litigation Funding in Insolvency Cases*" (2014).

## Languages

English, Bahasa Melayu & Bahasa Indonesia (spoken and written)  
Cantonese (spoken)