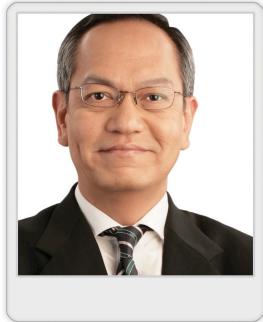


CURRICULUM VITAE



Herman JEREMIAH

Partner

Litigation & Arbitration

herman.jeremiah@rodyk.com

+65 6885 3614

Profile

Herman Jeremiah is a partner in Rodyk & Davidson LLP's Litigation & Arbitration Practice Group.

His areas of practice include banking and finance litigation, insolvency litigation, high value contractual disputes resolution, international arbitration, general litigation in insurance, employment disputes and competition law.

Herman represents both foreign and local financial institutions and his clients Citibank, Maybank, Rabobank, RBS NV (part of the Royal Bank of Scotland Group), Standard Chartered Bank, Unicredit Bank, United Overseas Bank and several Swiss headquartered private banks. He advises his clients on their disputes with their borrowers, guarantors, other security providers and customers. The cases he has litigated raised varied issues relating to trade finance facilities, multi currency loans, share finance trading, mortgages and other forms of securities, letters of credit, performance bonds, standby off take contract, collateral management agreement and bills of exchange. Other issues he has handled involve governing law, jurisdiction, and appropriate forum as well as issues relating to agency, authority and accessory liability. Some of these claims have proceeded to the Court of Appeal.

In insolvency litigation, Herman has acted in receiverships, judicial management and schemes of arrangement and worked with companies in distress as well as with several notable insolvency practitioners.

Herman has represented auditors sued for negligence by liquidators, represented their interests in an advisory capacity as well as represented practising accountants in relation to practice monitoring reviews and representations to the Public Accountants Oversight Committee.

Herman has also acted in investment, shareholder and partnership disputes.

Herman has represented various clients' interest in several notable cases such as the Barings debacle, the Asia Pulp & Paper default, the fraud by an employee of Asia Pacific Breweries, a software

implementation dispute between a major Singapore utility subsidiary and its service provider, and a dispute between a national airline and its IT service provider.

In international arbitration, Herman's experience includes representation in SIAC arbitrations in respect of matters as varied as standby offtake agreement, joint venture disputes and airline software solutions.

Herman is a Fellow of the Chartered Institute of Arbitrators (CIArb), Fellow of the Singapore Institute of Arbitrators and Fellow of the Insolvency Practitioners Association of Singapore.

Accolades

Asialaw Profiles 2012 - Dispute Resolution
Chambers Asia 2012 - Restructuring/Insolvency
Asia Pacific Legal 500, 2012 - Dispute Resolution
Asia Pacific Legal 500, 2012 - Restructuring and Insolvency
Asia Pacific Legal 500, 2012 - Projects And Energy
Asia Pacific Legal 500, 2012 - International Arbitration
Chambers Asia 2011 - Restructuring/Insolvency
Asialaw Profiles 2011 - Dispute Resolution
Asia Pacific Legal 500, 2010/2011 - International Arbitration
Asia Pacific Legal 500, 2010/2011 - Projects and Energy
Asia Pacific Legal 500, 2010/2011 - Dispute Resolution
Chambers Asia 2010 - Restructuring/Insolvency
Asia Pacific Legal 500, 2009/2010 - Dispute Resolution
Practical Law Company 2008 Recommended Lawyer for Restructuring and Insolvency

Experience

Arbitration

Acted for a US listed pharmaceutical company in a joint venture dispute [2012 – 2013].

Acted for a foreign bank against a PRC state owned subsidiary in respect of a standby off-take contract (an international arbitration) [2009 – 2012].

Acted for a foreign creditor in respect of enforcement proceedings on an arbitration award in the Singapore Courts. Reported in *Denmark Skibstekniske Konsulenter A/S I Likvidation v Ultrapolis 3000 Investments Ltd* [2010].

Acted for a foreign national carrier in its dispute with a notable German systems provider (an international arbitration) and for the same client in another related arbitration in respect of a claim by an Indonesian joint venture entity.

Acted for an owner in respect of a claim by the main contractor in a building dispute (a domestic arbitration).

Acted for a shipbuilding yard in a claim by its main contractor in respect of dredging works (a domestic arbitration).

Banking & Finance Litigation

Acted for a bank in a claim against a collateral manager. Reported in *ABN Amro Bank v CWT* [2011]. Matter proceeded to the Court of Appeal [2011].

Acted for a major bank for a fraudulent misrepresentation and wrongful dismissal claim. Reported in *Fermin Aldabe v Standard Chartered Bank* [2010].

Advised a major German bank in relation to a claim against the subsidiary of a listed company, whose employee had through deceit procured a substantial loan from the said bank (and also 3 other banks) and in relation to the sub-participation by another bank in the said loan.

Acted against an investment manager in respect of its breach of duty to funds held by joint owners and for accessory liability. The ancillary issue in respect of the procurement of evidence with the assistance of a foreign court being reported in *Kea Meng Kwang & Anor v Merrill Lynch Investment Managers (Asia Pacific Ltd)* [2006].

Represented a major German bank creditor in the Asia Pulp & Paper collapse.

Advised and strategised for a foreign bank in respect of potential litigation against one of its overseas branches by various parties and in respect of regulatory issues.

Acted for the case on the service of Singapore process in Malaysia and its attendant risks. The High Court judge's decision in favour of the bank was affirmed by the Court of Appeal, reported at *BNP Paribas v Philip Ling* [2002].

Acted for the bank in an action against the customers for dishonest assistance in the breach of the fiduciary duties of the bank's employee and on agency principles. The case applied and to some extent extended the principles in the seminal decision of Lord Nicholls in the Privy Council decision of *Royal Brunei v Tan*. The decision of the trial judge against the bank after some 20 days of trial was reversed by the Court of Appeal on agency principles, despite findings of fact made by the 1st instance judge. Reported in *BNP v Nancy Tan & Tan Shee Chin* [2000, 2001].

Acted for the case on exclusive jurisdiction clauses in banking documents, appropriate forums for dispute resolution and the factors that determine it. The first instance judgment in favour of the bank was affirmed by the Court of Appeal, reported at *Malayan Banking Berhad v Measurex Engineering Pte Ltd & Measurex Corporation Berhad* [2001].

Acted for a major French bank in their claim involving a multicurrency loan for the purpose of margin financing. The case raised questions of the lender's duty to the client in relation to advice on the risks attendant in borrowing of foreign currencies and the bank's duties in general. The first instance judgment in favour of the bank after a 31 day trial was affirmed by the Court of Appeal. Reported in *BNP v Wuan Swee May* [1999].

Acted for a major Dutch bank (suing in the name of its then customer) in a trial against the Industrial and Commercial Bank of China ("ICBC") which had defaulted on its payment obligation under a letter of credit. Judgment was given against ICBC, a PRC bank with a branch in Singapore. The issues raised included the relevance of a Chinese Order of Court on the obligations of a PRC bank with a presence in Singapore, the obligations of an issuing bank in a transferable letter of credit, whether fraud on the documents is still a defence when the goods in the underlying contract have been delivered and accepted by the beneficiary of the letter of credit [1997].

Acted for various parties in the Barings' debacle:- a major foreign bank in relation to the recovery of a sum of US\$25 million paid under a standby letter of credit in favour of SIMEX and a Japanese subsidiary of a major foreign bank in relation to the recovery of the trust money paid by the client to Baring Futures (Singapore) Pte Ltd.

Acted for the case on performance bonds, reported at *Kvaerner Singapore Pte Ltd v UDL Shipbuilding (Singapore) Pte Ltd* [1993].

Commercial Litigation

Acting for Edith Cowan University in an action by Management Development Institute of Singapore for breach of contract, conspiracy and defamation [2012]

Acted for a company listed on the secondary board in the Singapore Exchange against a Canadian listed company in its joint venture dispute in respect of a power project in Andhra Pradesh, India. The clients were successful in their claim and in resisting the appeal by the Canadian party. Managed and strategised the clients' representation in respect of legal proceedings in Ontario, Canada in connection with the enforcement of the Singapore judgment in Canada as well as in insolvency proceedings of the Canadian party with a view to maximising recovery for the clients. Also managed and strategised the representation of the clients in respect of proceedings in India.

Acted for consultants against claim by a large utility in respect of the implementation of a customer care system/software.

Acted for a subsidiary of a Malaysian listed entity in respect of its dispute with a Singapore service provider. Reported in *T2 Networks v Nasioncom Sdn Bhd* [2007].

Acted for the auditor in an advisory capacity in respect of its adversarial dealings with its clients, in respect of the auditor's statutory obligations and in the review by the regulators.

Acted for a major insurer in respect of its prospectus liability policy dispute with its insured.

Acted for auditors in a negligence action by a company in liquidation.

Acted in various shareholder disputes [1996, 2004 to about 2006],

Acted for the case which led to the 1st reported Singapore Court of Appeal decision on security for costs applications for plaintiffs resident outside the jurisdiction of Singapore. Reported at *Creative Elegance (M) Bhd v Puay Kim Seng* [1999].

Competition Law

Acted for an elevator manufacturer in respect of a CCS investigation into a complaint.

Acted for a major Singapore insurance company in respect of a CCS investigation into a complaint made by a private education organisation

Insolvency

Acting for various parties in the MF Global Singapore (provisional liquidation) [2011, 2012]

Acted for lender in the judicial management of Renewable Holdings Pte Ltd. a principal subsidiary of China Enersave Limited (a limited company) and for the lender in the scheme of arrangement of China Enersave Limited.

Acted for creditor banks in the judicial management of SGX-listed Jurong Technologies Industrial Corpn Ltd and its operating subsidiary.

Acted for a lender in the debt restructuring of the Jaya Holdings Group of companies, the holding company which is listed.

Acted for the Security Trustee of the group of lenders in the enforcement of the security over shares in a substantial listed company, Sincere Watch Limited, when the ultimate parent company (Peace Mark) of the borrower was put into liquidation. We acted in the sale of that security in Sincere Watch Limited to a consortium of buyers for S\$113 million.

Acted for the common interests of several creditors of China Aviation Oil (Singapore) Corporation Ltd in respect of the scheme of arrangement between the said company and creditors as well as in the judicial management proceedings against the said company brought by another creditor.

Acted for a large US MNC on a proprietary claim against Citiraya Limited.

Acted for an interested party in the Accord Customer Care and Solution Ltd matter.

Appointments

Fellow, Singapore Institute of Arbitrators

Fellow, Insolvency Practitioners Association of Singapore

Fellow, Chartered Institute of Arbitrators

Member, Inquiry Panel Committee appointed by the Honourable Chief Justice pursuant to section 84 of the Legal Profession Act

Teaching Fellow of the Singapore Institute of Legal Education For 2011 and 2012

Member, Insolvency Practice Committee 2010, 2011 and 2012, The Law Society of Singapore

Membership Officer, Section on Insolvency, Restructuring and Creditors' Rights (SIRC) of the International Bar Association, 2010 and 2011

Memberships

Member, International Bar Association (Arbitration, Section on Insolvency, Restructuring and Creditors' Rights, Litigation and Anti-trust committees)

Publications

Co-Author, "DSK v Ultrapolis [2010]SGHC108 – A Lesson In Delay Tactics?", *Rodyk Reporter - Litigation Brief*, June 2010 (Singapore: Rodyk & Davidson, 2010)

"The "Client" In Legal Advice Privilege: Singapore Courts Consider Three Rivers", *Rodyk Reporter - Litigation Brief*, September 2006 (Singapore: Rodyk & Davidson, 2006)

Co-Author, "Guide To Office Raids", *Rodyk Guides*, April 2006 (Singapore: Rodyk & Davidson, 2006)

Co-Author, "Competition Law Guide - Q&A", *Rodyk Guides*, 1st issue January 2006 (Singapore:Rodyk & Davidson, 2006)

Co-Author, "Competition Law Guide - Q&A On The Competition Act 2004", *Rodyk Guides*, December 2005 (Singapore: Rodyk & Davidson, 2005)

Seminars

Singapore Legal & Compliance Roundtable – hosted by Pictet & Cie (Asia) Ltd – 29 February 2012

A Hands On Workshop On Drafting Arbitration Clauses – Old Wine In A New Bottle – Mumbai IHC Congress, 01 February 2012

A Hands On Workshop On Drafting Arbitration Clauses – Jakarta IHC Congress, 13 April 2011

ICC Dispute Resolution Seminar – Mediation and ADR in Banking and Financial Disputes, Jakarta, 21 February 2011

Avoiding Arbitrary Choices In The Arbitration Process: Managing The Arbitral Process with a Focus On China & Indonesia – Mumbai IHC Congress, 01 February 2011

International Arbitration For The IHC - More Than Just Having An Arbitration Clause, Jakarta, 25 May 2010

How To Get The Best Results In International Arbitration For Your Company - Without Breaking The Bank, 12 May 2010

Arbitration & International Dispute Resolution (In House Congress, Jakarta), 26 May 2009

Legal Professional Privilege In Singapore And Some Aspects Of Litigation Management, 07 October 2008

The Impact Of *Skandinaviska Enskilda Banken AB (Publ) v Asia Pacific Breweries*, 22 August 2008

Crossing The Line: In House Counsel And Privilege, 20 June 2008

Corporate Authority, 24 April 2008

Judicial Management, 28 March 2008

Resolving Business Disputes Via Arbitration, 13 November 2007

Resolving Business Disputes Via Arbitration, 05 November 2007

Lunchtime Talk For Clients On Recent Banking Issues, 13 August 2007

Corporate Governance & Corporate Counsel: Does the Buck Stop Here?, 08 February 2007

Competition Law: An Overview of S47 of the Competition Act (Cap 50B) and Market Definition, 18 January 2007

Litigation Talk: Duties Of Practising Accountants, 04 December 2006

Workshop On Legal Professional Privilege, 27 July 2006

Investing In Indonesia: Legal & Regulatory Framework Resolving Indonesian Investment Disputes, 25 May 2006

Why Arbitrate Or Not, 04 May 2006

Competition Law Updates, 01 March 2006

Education

LLB (Hons) National University of Singapore, 1987

Professional Qualifications

Advocate & Solicitor (Singapore), 1988

Diploma in Trial Advocacy Skills, National Institute of Trial Advocacy, Southern California Regional Programme, Los Angeles, California, United States of America, 2006

Date Of Admission To The Singapore Bar

16 March 1988

Employment

2002 to the present - Rodyk & Davidson LLP

1997 to 2002 - HelenYeo & Partners

1988 to 1997 - Haridass Ho & Partners