



ORARO & COMPANY
ADVOCATES

Asset Tracing & Recoveries (White Collar) Brochure



Introduction to Oraro & Company Advocates

Oraro & Company Advocates is a market-leading African law firm established in 1977 with a strong focus on **dispute resolution** and **corporate & commercial law**. With a dedicated team of 12 partners, 1 director, 13 associates and 41 support staff, the firm is highly respected for its dispute resolution practice in Kenya, and its strong bench of litigators.

We provide specialist legal services both locally and regionally in **Arbitration, Banking & Finance, Corporate & Commercial, Conveyancing & Real Estate, Dispute Resolution, Employment & Labour, Infrastructure, Projects and PPP, Restructuring & Insolvency** and **Tax**. Over the years, we have represented both local and foreign clients, governments, regulators, and not-for-profit organisations from target industry sectors including construction, education, energy, financial services, manufacturing & industries and the public sector.

We provide both local and cross-jurisdictional legal services, either directly or through the extensive relationships that we have established with leading firms across the globe, which enable us to offer cross-jurisdictional legal advice in a seamless manner while maintaining the highest professional standards.

The firm has a robust team of lawyers and has over the years been consistently ranked by **Chambers Global, IFLR 1000** and **Legal 500** as a top-tier firm in Kenya.

Oraro & Company Advocates prides itself in its **deeply rooted client relationships** by providing quality legal services through its **partner-led approach**, drawing from **local knowledge** and **global perspectives**.

"A very reputable firm"

Chambers Global 2019

Our Asset Tracing & Recoveries (White Collar) Expertise

Our Asset Tracing & Recoveries practice area is a recognised leader in advising both contentious and noncontentious complex tracing and recovery of assets and in restructuring & insolvencies. The practice area is led by a team of Partners with specialist know-how and deep experience in offering strategies for obtaining effective and time-critical legal remedies to secure and recover assets, including freezing injunctions, disclosure orders and protection of assets. For instance, we are currently acting for a commercial bank under receivership in a claim that seeks the tracing and recovery of approximately USD 340 million which was defalcated from a Bank. We obtained a mareva injunction/freezing order, which is currently in force to preserve the subject matter of the suit. We also successfully defended the client against a claim by the shareholders seeking to be enjoined in this suit despite stiff opposition.

With a good reputation in handling complex banking disputes debt recovery and asset tracing, the practice area has represented clients in various courts in the land including the Court of Appeal and the Supreme Court. Our Asset Tracing & Recoveries practice closely with a broad range of stakeholders including banks, financial intermediaries, distressed companies, creditors, private equity sponsors, and governments. As a full service law firm, the practice area is able to call upon lawyers from a wide range of related specialist areas including tax, employment and labour, banking & finance and restructuring & insolvency.

"They're very pleasant to work with. They have a very collegiate atmosphere and a great work ethos."

Chambers Global 2019

Our Key Competencies

Our practice area encompasses the full spectrum of contentious matters, including:

- Asset tracing
- Bankruptcy, financial restructuring and insolvency
- Dispute resolution and litigation
- Financial services and regulation
- Freezing and disclosure orders
- White-collar crime, including anti-bribery, money laundering and extradition
- Regulation and compliance
- Risk advisory, including preventative strategies and policies

“They have a fast turnaround time, good individuals and thorough quality of work.”

ILFR 2018

Our Market Recognition



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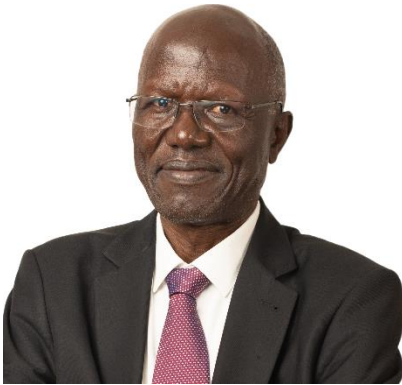
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Our Experience

- Acting for the Central Bank of Kenya in the recovery of funds in the “Goldenberg” related cases, in excess of USD 1 billion.
- Representing Kenya Deposit Insurance Corporation (the receiver manager for Chase Bank) as lead counsel. We also obtained a mareva injunction/freezing order, which is currently in force to preserve the subject matter of the suit. This is a recovery action as well as the tracing and recovery of assets worth USD 70 million from individuals and companies alleged to have defrauded Chase Bank Limited (Chase Bank (a mid-sized Kenyan bank)), leading up to its receivership.
- Representing Imperial Bank Kenya Limited (Under Receivership) in a claim that seeks the tracing and recovery of approximately USD 340 million which was defalcated from a Bank. We obtained a mareva injunction/freezing order, which is currently in force to preserve the subject matter of the suit. We also successfully defended the client against a claim by the shareholders seeking to be enjoined in this suit despite stiff opposition.
- Representing a leading regional bank in a claim of USD 52 million arising from a facility of USD 300 million advanced to the defendants to fund the construction of the Nairobi – Mombasa oil pipeline. We obtained a mareva injunction/freezing order, which is currently in force to preserve the subject matter of the suit and secured an admission of liability for USD 25 million from the defendants with the balance being referred to an independent expert for determination.
- Representing an accused person for actions done while executing duties when acting as a senior official in the Government of Kenya (**GoK**). The accused was charged with abuse of office and conspiring to defraud the GoK. The saga has come to be known as the Anglo-leasing saga. The matter is worth USD 33 million.
- Advised a major American private equity fund on their legal options and remedies against former directors and shareholders of a leading East African civil engineering and construction company with a view of recovering an arbitral award of USD 312.7 million from the London Court of International Arbitration (**LCIA**).
- Advising a multinational company on how to exercise its rights of subrogation with respect to recovery of monies insured by a third party whose parent company based in the UK was undergoing administration.
- Advising an insurance company on its potential claim of approximately KES 1.1 billion for impaired assets against three insolvent companies, where it invested in notes and commercial paper.

Key Asset Tracing & Recoveries Lawyers

George Oraro SC, Senior Partner



George (goraro@oraro.co.ke) is the Senior Partner at Oraro & Company Advocates. With over 42 years of experience, he is held in high esteem for his arbitration, mediation and litigation expertise in Kenya. He specialises in administrative and judicial law, banking & commercial litigation, corporate & commercial law, employment and labour disputes, international trade and tax disputes.

He has practised in the International Criminal Court, LCIA, International Chamber of Commerce (**ICC**), the Supreme Court of Kenya, Court of Appeal, the High Court, Employment & Labour Court, and various Tribunals.

In 2012, George was conferred with the rank of Senior Counsel for his exemplary service to the legal profession. Similarly, Chambers Global 2019 Guide ranked George a top-tier lawyer, noting that he has a "*brilliant legal mind*" and that he has "*attention to detail and extensive knowledge of law across jurisdictions.*" In the past, he was also appointed to serve as a Commissioner of Assize to assist in expediting and determining criminal and civil matters.

Aside from his legal practice, George has served as a board member for the Capital Markets Authority in which he was instrumental in the development of the legal and regulatory framework for the Capital Markets in Kenya. He was also a member of the Nairobi Securities Exchange Technical committee. In 2015, George became the first Honorary Consul for the Republic of Lithuania.

Noella Lubano, Partner



Noella Lubano is a Partner recognised as a dispute resolution expert having acted for well-noted clients in some of Kenya's published contentious matters. She specialises in commercial litigation, employment, oil and gas, public procurement, banking, pensions and shareholder disputes but is well-regarded for asset tracing, insolvency matters and both local & international arbitration. Noella has acted for several local and international clients including one of the biggest fraud cases in the country in a claim seeking the tracing and recovery of approximately USD 340 million which was fraudulently siphoned from a Kenyan bank.

She is ranked by Chambers Global 2019 as an "Up and Coming" lawyer in Dispute Resolution with the guide noting that Noella is *"a good strategist"* with *"an extensive knowledge of ICC arbitration and an investigative approach."*

Noella holds a master's degree (**LLM**) from the University of Cape Town and a Bachelor of Laws (**LLB**) from the University of Nairobi.

Noella is an eloquent speaker. She has spoken on various topics in International Arbitration at the International Arbitration Conference in Nairobi, Kenya in 2019, Addis Ababa, Ethiopia in 2018, and Kigali, Rwanda in 2017. She has also shared her legal insights across the globe including the United Kingdom, Nigeria, Ireland and Austria.

Geoffrey Muchiri



Geoffrey (geoffrey@oraro.co.ke) is a Partner in the dispute resolution practice group who specialises in arbitration, alternative dispute resolution and litigation. With over 12 years of experience, Geoffrey has represented and advised local and international clients in admiralty and maritime law, banking and commercial litigation, insurance, medical malpractice, oil and gas transactions but is well regarded for his restructuring and insolvency expertise.

Geoffrey has an LLM from the University of Birmingham, United Kingdom in Commercial Law and an LLB from Nagpur University, India and a Diploma in Law from the Kenya School of Law.



ACK Garden Annex, 6th Floor, 1st Ngong Avenue
P.O. Box 51236 - 00200, Nairobi, Kenya.

T: +254 709 250 000

legal@oraro.co.ke

www.oraro.co.ke