



## How Forensic and Financial Tools and Experts Can be Used to Assist with Jurisdictional and Causation Topics? \*

### Summary

**\* Please note that this summary of the panel was AI-generated and therefore has not been fully vetted for accuracy.**

The session at Washington Arbitration Week focused on the role of quantum experts in international arbitration, particularly in cases involving allegations of fraud and bribery. Key participants included experts with extensive experience in both U.S. federal courts and international arbitration. They discussed the importance of crafting internally consistent damage assessments, often using the "but for" scenario to analyze what would have happened if the alleged misconduct had not occurred.

A notable case referenced was *Nigeria v. P&ID*, which highlighted how underlying economic trends and the absence of financial justification could indicate potential fraud. The experts emphasized the necessity of early involvement of financial experts to construct a robust case and to identify any jurisdictional issues or causal relationships that could affect damages.

The conversation also touched on the challenges of obtaining relevant documents in international arbitration compared to U.S. litigation, underscoring the need for targeted document requests and strategies to manage evidence effectively. The importance of maintaining independence between quantum experts and causation experts was highlighted to avoid overlapping opinions that could confuse the tribunal.

Overall, the session underscored the complexities of quantifying damages and the critical role of financial analysis in establishing causation and liability in arbitration cases.

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### Topics

WAW

### Category

WAW



## Full Transcript

00:06:15

And here by the science

00:06:30

of international and 15 years

00:06:41

experience in the US federal

00:06:53

court. So, let's just begin

00:07:25

with an h and Q

00:07:27

is? but then also with

00:09:13

regard to whether or not,

00:10:14

On what Mac had to

00:10:21

say, cuz it was very

00:10:22

comprehensive adjust zooming in for

00:10:24

a moment on, but for

00:10:27

world. So damages or Quantum

00:10:31

Experts of course in Apalachin



00:10:34  
damages will rapidly, they should

00:10:37  
craft and internally consistent. But

00:10:40  
for scenario, what would have

00:10:44  
occurred as the alleged bad

00:10:46  
at not happened, by the

00:10:53  
allegedly asphalt party, and so

00:10:56  
in crafting that, but for

00:10:58  
real, this kind of bacterial

00:11:00  
and discern in in many

00:11:05  
instances actually was Underlying Trends

00:11:17  
in the industry itself in

00:11:19  
the macroeconomy, maybe in the

00:11:21  
region after it becomes clear,



00:11:24

more often than one might

00:11:26

imagine what the Bad Axe

00:11:29

was because there was some

00:11:31

sort of pre-existing Trend and

00:11:33

then suddenly there's a, there's

00:11:35

a stat change in what

00:11:37

seems to have been earning

00:11:39

some damages or liability, even

00:11:52

just a long-term relationship and

00:11:55

frequently reveal, what the bad

00:11:58

acts like have been. Conversation.

00:12:53

Weather. Yeah, I definitely agree

00:13:09

with everything that's been said



00:13:10

so far I'll just note

00:13:12

that sometimes it doesn't always

00:13:14

ask or think to ask

00:13:17

you further. but I think

00:13:50

those are the two most

00:13:50

common are allegations of bribery

00:13:53

or fraud and then also

00:14:04

sort of fun Never. I

00:14:30

think I understand. Talk about

00:15:31

specific examples. And in a

00:15:33

moment it is that sometimes

00:15:36

it becomes clear to the

00:15:38

quantum expert that there's, there's



00:15:43

an absence of an underline,

00:15:44

you can Ahmed justification of

00:15:47

financial justification, one investment and

00:15:51

as investment as the name,

00:15:55

and it becomes clear in

00:15:57

such instances that maybe there's

00:15:59

something else, but like fraud,

00:16:04

On allegations of bribery and

00:16:07

stored. I'll take it off

00:16:17

with a Libras example which

00:16:21

was Nigeria versus P90 in

00:16:25

final insensible of that very

00:16:28

long and complicated case you



00:16:31  
can read all about it

00:16:31  
in a magazine in an

00:16:40  
enforcement action in the UK

00:16:44  
psych ward. And I was

00:16:47  
an expert on behalf of

00:16:48  
Nigeria and Adnan fluid in

00:16:51  
on the tration, be earlier,

00:16:53  
and it became very clear

00:16:55  
to me in examining the

00:16:57  
sordid investment in the National

00:17:01  
Gas processing facility in Nigeria.

00:17:05  
Which lack energy, underlying economic

00:17:08  
or financial purpose that there



00:17:11

must have been something else

00:17:12

afraid like bribery and fraud.

00:17:14

And that's turns out there

00:17:17

was widespread and has always

00:17:20

told them in the industrial

00:17:22

scale bribery and fraud. And

00:17:25

so is that I kind

00:17:27

of very, very interesting. Very

00:17:32

quickly in examining the Rodriguez

00:17:42

in fraud that earlier in

00:17:47

the case history, I would

00:17:50

not invade my favorite commission's

00:18:04

that are being paid to



00:18:05  
individuals who didn't really seem

00:18:07  
to have the qualifications to

00:18:09  
receive has happened, right before

00:18:12  
the bid was accepted in

00:18:14  
the tender process and so

00:18:15  
that's where they found the

00:18:28  
people in Singapore. Hopefully, it's

00:18:37  
a rather different types of

00:18:51  
putting back together. We hear

00:19:02  
and understand all of these

00:19:11  
different things when you put

00:19:13  
it together. All right? There

00:19:15  
can be an almost Never



00:19:30  
important. Find. Oh, by the

00:20:19  
way street. Trace the van

00:21:22  
still ongoing and they made

00:21:59  
the European bit and Arbor

00:22:03  
Health attorneys. I need to

00:22:24  
take a voice memo. Yes,

00:23:15  
I guess. But are you

00:23:26  
need to plug in USB

00:23:28  
as well? It catches the

00:24:14  
whole number. Irrelevant. Restarting. Us

00:26:20  
parents. But they didn't want

00:26:22  
to bring the case to

00:26:24  
it up. We're hopeful that



00:26:29  
the Tribune. Take that into

00:26:31  
consideration. days of the award,

00:26:35  
what she Sometimes the evidence

00:26:47  
is clear. So, you need

00:27:24  
to write these. Use your

00:27:29  
imagination and some pants. a

00:27:43  
show that there are revenues

00:27:46  
in the near here. You

00:27:50  
should be part of the

00:28:03  
overall. Are you where you

00:28:05  
can say, no. Bankruptcy. Not

00:28:17  
necessarily show. Work through Somerset.

00:28:34  
This is what you would



00:28:35

expect to see. Who was?

00:28:58

Latest word shares of the

00:29:00

company. Third party, looking Bank.

00:29:16

Electrically. According to the Mystic,

00:29:18

the first recording of the

00:29:20

shares was the one who

00:29:22

has the chairs. Who internal

00:29:32

routine practice. Not exactly. Now,

00:29:42

that's great because the other

00:29:44

party was not pooping. The

00:29:47

parents was not. Interesting, lead.

00:29:51

The party. Who passed with

00:29:53

all this year was able



00:29:55

to borrow What are those

00:30:04

chairs at the economic value

00:30:05

or not? Eventually. They decided

00:30:18

it was actually a when

00:30:30

they got the several years

00:30:33

later, but at these practices

00:30:45

for taxing purposes, they're just

00:30:50

normal. But at the end

00:30:57

of the day, So we

00:31:04

can talk about jurisdiction, what

00:31:10

are some ways that you

00:31:11

could assist? Sure, I'll start.

00:31:20

I think we've done these



00:31:22  
types of respondents claimed. The

00:31:32  
law is a result of

00:31:33  
the alleged action by the

00:31:35  
respondent, and you want to

00:31:37  
show that? It's not. So

00:31:40  
we do a lot of

00:31:41  
it. Around. Why there was

00:31:46  
the loss called is and

00:31:48  
what it called is it.

00:31:49  
So I never responded. So

00:31:51  
you can also do the

00:31:51  
same thing but you're looking

00:31:52  
to try to minimize the



00:31:54

loss or to even completely

00:31:56

new damages by showing. I

00:31:58

lost that would suffer nothing

00:32:00

to do with the alleged

00:32:01

actions. Then as you know

00:32:03

you're doing it financial analysis,

00:32:04

you're looking at causes of

00:32:05

bankruptcy. Earlier about whether funds

00:32:09

are being transferred out of

00:32:11

the business to a offshore.

00:32:12

I'm in the bathroom, the

00:32:14

cause of the bankruptcy or

00:32:16

the law. Yeah, I think



00:32:22

I mentioned that the bankruptcy

00:32:24

temple on the flip side

00:32:25

from the respondent side to

00:32:26

break that causal chain. But

00:32:28

then on the flip side,

00:32:28

from the the claim inside

00:32:30

in terms of establishing, it's

00:32:34

equally important to be reviewing

00:32:36

the same. Documents it is.

00:32:38

Mara saying you don't showing

00:32:40

the what's going on. In

00:32:42

the act, the financial impact,

00:32:44

within the time. And day



00:32:50

by day, you can have

00:32:51

an accent. Help food is

00:41:53

coming through. You consider export

00:42:01

prices vs, domestic prices. In

00:42:17

this matter, measured. Actually reduced

00:42:24

their exports more and more.

00:42:32

First, you have to estimate

00:42:33

the domestic prices exports over

00:42:47

sales ratio for both the

00:42:48

claimant and the rest of

00:42:51

the industry. Another one is

00:43:09

in the electricity sector in

00:43:11

Europe. And Jason unbundling. Weather



00:43:32  
in typical electricity. So did

00:43:36  
you tell me the report

00:43:37  
on the issue and all

00:43:40  
the electricity sector and a

00:43:47  
matrix of wouldn't, what kind

00:43:48  
of legal? I'm on the

00:44:00  
way. In America. Will always

00:44:24  
point to one or two

00:44:26  
examples of we're acting, as

00:44:30  
a Quantum expert board, was

00:44:38  
titled westwater versus Turkey. My

00:44:46  
client was the Republic of

00:44:48  
Turkey in regarded the position



00:44:53

of uranium mining licences by

00:44:56

the Republic of Turkey. And

00:45:00

in attempting to quantify images.

00:45:03

Of course, looked at the

00:45:05

flow of funds, and the

00:45:06

purchases of equipment and other

00:45:08

things. And it became very

00:45:10

clear calculation what the trajectory

00:45:16

of investment and production of

00:45:17

of the mines, would be

00:45:18

would rather further into the

00:45:21

future than the clean. It

00:45:24

was and so it became



00:45:30

station in similarly, in an

00:45:39

ICC matter, which was Midas

00:45:43

the, the Midas affiliate -

00:45:46

automobile repair shop in Portugal

00:45:50

versus a local, former franchisee.

00:45:59

Again, my industry expert over

00:46:14

the liability expert of that.

00:46:17

What happened, what happened in

00:46:19

this instance was the local

00:46:21

franchisee laid out on its

00:46:24

own and create that. Look

00:46:26

at the website, I did,

00:46:28

like the logo looks just



00:46:29

like mine and say, you

00:46:32

know, any of you put

00:46:33

in Portugal and it goes

00:46:36

to the new their website

00:46:38

rather than all these, the

00:46:40

pattern of the fact pattern

00:46:43

in The Narrative of the

00:46:45

case. That is the case.

00:47:00

It's there is no separate

00:47:09

expert and so even if

00:47:11

it's not an explicit part

00:47:13

of the instruction, it may

00:47:14

be in effect at the



00:47:17

back part of almost in

00:47:22

the office. Sometimes the causation

00:47:25

is very much tied to

00:47:27

the financial performance that you're

00:47:29

already analyzing as result of

00:47:31

your pontoon work. So they

00:47:34

slow hand in hand and

00:47:35

so you may not call

00:47:37

it at all dacion Alice's

00:47:38

or your assessment of causation

00:47:41

factors. You are inherently doing

00:47:44

that already. When you're pooping

00:47:46

out here, Like, you may



00:48:04

be sitting there and then

00:48:06

having a meeting to talk

00:48:07

about the financial documents because

00:48:09

you want to know what

00:48:11

is the damages that your

00:48:12

claimant can, you know, reliably

00:48:14

reason to favor. How can

00:48:15

you on your mind or

00:48:16

lower the damages? If you

00:48:18

don't respond during the course

00:48:20

of that conversation, that could

00:48:27

be useful for other things.

00:48:28

So if you're not thinking



00:48:30

it is very Broad and

00:48:32

holistic way with your he

00:48:38

was noticing it but then

00:48:39

if you don't talk with

00:48:41

the lawyer fees or anywhere

00:48:42

that they weren't really, you

00:48:43

don't openly discussing these issues,

00:48:46

may be the relevance of

00:48:47

that in the usability of

00:48:48

that type of Could go

00:48:51

missing in that. The same

00:48:52

for all these other ones

00:48:53

you're looking at these financial



00:48:55  
documents. If there's no Just

00:48:58  
patient of discussion of potential

00:48:59  
misrepresentation or that this could

00:49:03  
be an issue in the

00:49:03  
case. They could be very

00:49:10  
well. Best position to identify

00:49:12  
those with not looking for

00:49:13  
then you may have to

00:49:16  
wait till later to make

00:49:34  
case may turn out. What

00:50:01  
up, what all did you

00:50:02  
place it? Build on on

00:50:12  
what Matt said. I think



00:50:14

in my experience you have

00:50:20

Financial to help them with

00:50:23

whatever, we can help them

00:50:25

with. And then the other

00:50:26

ones that are like no

00:50:26

jurisdiction in causation are legal

00:50:28

to the last minute to

00:50:35

bring us in because you

00:50:37

made, We may miss the

00:50:39

boat on something so it

00:50:41

usually doesn't save cost. Many

00:50:44

people that get it right

00:50:46

at the beginning. We can



00:50:47

have a strategic plan, requested,

00:50:50

documents and and so on

00:50:52

and let you know if

00:50:54

there's something to pursue or

00:50:55

not and let us help

00:50:58

with both to the client

00:51:02

and also for the document

00:51:05

production, from the other side

00:51:07

because Well, some attorneys that

00:51:10

are very financially Savvy and

00:51:13

some are not and some

00:51:14

hate damages and seat Financial

00:51:16

numbers and they don't you



00:51:19  
might miss something. To pick

00:51:41  
up on on one thing

00:51:43  
that you said or which

00:51:45  
is getting the expert involved

00:51:47  
sooner rather than later. I

00:51:50  
do think I made the

00:51:51  
comment seemed surprisingly, but I

00:51:54  
do think their value and

00:51:57  
DJing Alton expert early on

00:52:03  
in matter, has become a

00:52:09  
leader. I think you may

00:52:12  
have seen many similar cases,

00:52:14  
have gone to the numbers



00:52:15  
in an analogous situation what

00:52:19  
the chain of causation May

00:52:20  
well have been and is

00:52:24  
important as it might be

00:52:26  
for the Cosmetic or informally

00:52:29  
to discuss it with Kelly

00:52:31  
Soul. What the chain of

00:52:33  
causation might have been saying

00:52:39  
equally. Maybe even more malleable

00:52:42  
is when the expert can

00:52:44  
take, and it's up Aaron

00:52:51  
to go and try to

00:52:52  
figure that out. It's it's



00:52:53

not worth you. Look at

00:52:54

the dollars. You're always whatever.

00:52:57

It's just not going to

00:52:58

be worth it to pursue

00:53:00

that line of Investigation taking.

00:53:08

But you were half a

00:53:09

dozen Ultra pads which may

00:53:12

not be Definitely. I mean

00:53:17

it I think that we

00:53:21

were working out with the

00:53:23

European country to look at

00:53:27

that. We were doing our

00:53:28

work. When we came across



00:53:30

some of the document that

00:53:31

you were like this is

00:53:33

Flowing to your jurisdictional argument

00:53:34

and so then he built

00:53:36

on it. But we didn't

00:53:36

actually get to it until

00:53:37

the second in part because

00:53:40

we were asked to do

00:53:41

it at the beginning, but

00:53:41

also related to the document

00:53:48

I agree with. Kind of

00:53:55

difficult together. Are there any

00:54:08

concerns. I think one of



00:54:17  
the biggest concerns of something

00:54:19  
that is gone through this

00:54:21  
entire, make sure that really

00:54:24  
is represented in the title.

00:54:25  
Financial tools that can be

00:54:30  
used to assist with your

00:54:31  
idea, is that the tribunal?

00:54:39  
But not to make the

00:54:41  
decision for this very narrow

00:54:43  
line. And it's, and it's

00:54:44  
very careful to keep it

00:54:46  
in mind because it's not

00:54:47  
to reach the ultimate, conclusion,



00:54:48

provide all the information that

00:54:50

the tribunal can use to

00:54:53

make that decision as very

00:54:54

important implications for everything so

00:54:58

that you want to make

00:54:59

sure that the way that

00:55:00

you survived. Here's what the

00:55:04

evidence showing. Here's what I

00:55:07

is expert and seeing with

00:55:09

respect to the applications for

00:55:11

that within my expertise and

00:55:13

as a lawyer, here's what.

00:55:15

And his conclusions, our conclusions



00:55:17

comply with respect to the

00:55:19

legal standard when you cross

00:55:28

the line and try to

00:55:29

present final conclusions on those

00:55:32

issues of whether it's a

00:55:34

legal question or the question

00:55:36

is where you going to

00:55:40

make sure it's you to

00:55:42

walk that line. Clearly appropriately.

00:55:46

So that you are not.

00:55:53

That's something I always keep

00:55:54

in mind when you working

00:55:55

with you. Keeping your expertise



00:56:02  
independent from the industry. Experts

00:56:04  
is a particularly difficult issue

00:56:06  
because on one hand, you

00:56:08  
have some idea about you.

00:56:11  
I would like to write

00:56:12  
more about it, but at

00:56:13  
the same time, Reading the

00:56:21  
traffic reports of Industry, experts.

00:56:30  
I guess we agree with

00:56:32  
both of us having to

00:56:35  
go back to Matt, and

00:56:42  
bribery or presenting evidence for

00:56:49  
the tires of fact, right.



00:56:50

And I actually am not

00:56:53

permitted to find, I buy

00:56:56

identify flags of fraud, I

00:57:00

can present them to the

00:57:00

back but that is something

00:57:02

that the Trier of fact

00:57:03

is ultimately to decide you

00:57:05

never want to have an

00:57:07

expert. Saying this is from,

00:57:10

they should never be. So

00:57:15

I'll pick up on 11

00:57:18

theme, we we just heard

00:57:20

which is the interface between



00:57:22

Quantum, experts and Industry experts

00:57:26

or liability experts. Where you

00:57:33

at? Absolutely. I think Independence

00:57:35

of the damages expert from

00:57:39

the causation expert. Is it

00:57:43

that is very important. I

00:57:46

think one way to conceptualize

00:57:47

that and it it can

00:57:51

be useful for the expert

00:57:52

floral to work with Council

00:57:55

on this particular is to

00:57:58

ensure that the set of

00:58:00

opinion between the industry experts



00:58:03

in the quantum, experts are

00:58:06

all the opinions are mutually

00:58:09

exclusive yet collectively exhaustive right?

00:58:13

We don't want overlap because

00:58:15

then either they're fully consistent

00:58:17

with were there Divergent You

00:58:32

don't want some guy in

00:58:35

either the story of causation

00:58:37

or the quantification of Damages,

00:58:40

it's easy. When you have

00:58:42

chickens in a complex likes,

00:58:44

birds talking about bits and

00:58:46

pieces, easy for something to



00:58:50

fall through the cracks of

00:58:51

this notion of being nauseous.

00:58:53

Mutually exclusive collectively because I

00:58:57

think important scene in piecing,

00:58:59

together, the expert opinions, An

00:59:07

hour and I will give

00:59:08

you some questions and I

00:59:09

know that online and see

00:59:17

if you have any questions.

00:59:18

Online them. Peace. Can travel

00:59:36

with the issue here. So

00:59:38

very much for the perspectives

00:59:45

and one thing I guess



00:59:47

I was curious about from

00:59:49

the perspective of putting on

00:59:52

their case and so presumably

00:59:58

but they have an expert

00:59:59

that's you dealing with an

01:00:00

issue with her creating funds-of-funds.

01:00:03

There could be a reason

01:00:05

why funds are flowing in

01:00:07

a circle and that could

01:00:09

be because of currency controls

01:00:10

regulations. Things like that. Presumably

01:00:13

then the cleanance expert and

01:00:15

with explain those reasons why



01:00:17

in their report if that's

01:00:20

not done and you're on

01:00:23

responded side, even though you're

01:00:26

probably going to see it

01:00:27

as well. Is it something

01:00:29

that you feel is an

01:00:30

obligation to pay? Exculpatory a

01:00:33

reason to produce why. Then

01:00:36

that could happen and then

01:00:37

potentially, why didn't happen? Or

01:00:39

is it something that you

01:00:40

would leave basically or claimants

01:00:43

to discussing their reply? I



01:00:47

mean, I think it's circumstantial,

01:00:49

right? I think if you

01:00:51

do know already there's a

01:00:53

jurisdictional Argument against the claimant

01:00:56

claim and I think, you

01:00:59

know, at least that a

01:01:00

high-level may want to head

01:01:01

it off at the house,

01:01:02

right? So you may want

01:01:03

to have opinions in a

01:01:05

world that are supportive of

01:01:06

addition on that. But I

01:01:10

also think, if there, if



01:01:11

you're not aware of any

01:01:12

claims being made against, it

01:01:18

is something I would I

01:01:20

would typically stay would wait

01:01:22

until the memorial also comes

01:01:31

to light, it may be

01:01:32

that your position is a

01:01:35

little bit different. From the

01:01:40

legal perspective, sometimes use the

01:01:41

strategy involved in a weakness

01:01:46

that they've made or keeping

01:01:49

in consideration. That evidence hasn't

01:01:53

been provided first round that



01:01:55  
there's is a second-round and

01:01:57  
you want to be be

01:01:59  
ready for anyone. Do you

01:02:00  
see this? Ignoring it and

01:02:02  
then initial x-ray report in

01:02:17  
that brief to satisfy that

01:02:19  
there could be expert analysis

01:02:28  
for later when you can

01:02:29  
also, depending on whatever this

01:02:41  
is. Amanda Kelly a b

01:02:56  
Discovery documents. Musically depends on

01:03:12  
at what point you're being

01:03:13  
brought in. If you're being



01:03:14  
brought in early enough, then

01:03:16  
you would. I mean for

01:03:18  
your own client, you want

01:03:24  
to request those as soon

01:03:24  
as possible. Once you get

01:03:27  
to the document production base

01:03:29  
depending on how you know,

01:03:37  
you then have an idea

01:03:38  
of what you need to

01:03:39  
request from the other side

01:03:40  
as well. It is based

01:03:43  
on the arguments that are

01:03:44  
being made against the quantum



01:03:45  
analysis. And so typically, what

01:03:48  
we will do is in

01:03:49  
the early days were saying,

01:03:50  
these are the documents we

01:03:51  
need from our own client

01:03:52  
and then during the day

01:03:55  
or whatever we will say

01:03:57  
these are they on your

01:04:00  
listening or can you send

01:04:01  
it to your list? So

01:04:02  
we can make sure things.

01:04:16  
Online. This is Cheryl from,

01:04:40  
I had a question from



01:04:49  
your client and responded. What

01:04:52  
options do you have to

01:04:55  
get information outside of that

01:04:57  
process? You know, when you

01:04:58  
asked you might but you

01:04:59  
were in the US with

01:05:00  
a vacation, you might be

01:05:01  
able to subpoena or otherwise

01:05:02  
get information. Is that something

01:05:05  
that you're able to do

01:05:06  
and have them successfully I

01:05:10  
have not been in. International

01:05:13  
arbitration. Able to be captured.



01:05:17

But if you think there

01:05:19

are some cases where you

01:05:21

may be able to get

01:05:22

them ultimately, through your own

01:05:23

client. Like if they had

01:05:24

hired to help them with

01:05:28

the initial investment, they may

01:05:30

be able to just have

01:05:31

even if they don't have

01:05:33

those documents. Then, but then

01:05:40

they would come in usually.

01:05:41

Play Mentor the respondent, but

01:05:44

I don't know if anyone



01:05:45

else has had experience with

01:05:46

third-party. My experience as a

01:06:22

as an expert in both,

01:06:23

International arbitration matters and US

01:06:27

litigation cases, and it probably

01:06:31

happened in my practice is

01:06:35

night and day. The availability

01:06:37

of information is with bro,

01:06:40

wash in documents in u.s.

01:06:43

documents. Then sorting through them

01:06:57

and finding useful, things becomes

01:06:59

the, the order the day

01:07:01

over tration International tration, rarely



01:07:04  
provide anywhere near that any

01:07:08  
fraction and invariably does not

01:07:11  
include the things that you

01:07:12  
really need. You can ask

01:07:58  
for materials from ngos or

01:08:00  
other companies that where you

01:08:05  
just ask for material. Whether

01:08:10  
or not you're successful, that's

01:08:11  
that's the order today but

01:08:13  
there may be there maybe

01:08:15  
connections with individual material it's

01:08:22  
not confidential correspondence ebrd for

01:08:33  
any materials they have related



01:08:35

to the project and they

01:08:36

may have documents that are

01:08:37

focused on the country or

01:08:47

the industry may also have

01:08:48

information in this is difficult.

01:09:00

And build on that. You

01:09:12

can you subpoena have to

01:09:24

go hide the relationship with

01:09:26

someone who's no longer there

01:09:27

to ask them to come

01:09:28

and provide a witness statement.

01:09:30

And then ultimately testify at

01:09:32

the hearing is necessary to



01:09:34

me, just one case. You

01:09:36

know, I was just working

01:09:37

on, there were three or

01:09:39

four witness statements and international

01:09:42

space. I see and then

01:09:44

it just went to trial

01:09:46

and there were almost 100.

01:09:56

In the court and then

01:09:58

use the definitions for almost

01:10:00

a whole day to feed

01:10:02

hundred. So it's very different.

01:10:15

Most of the time you

01:10:27

got, you ask for an



01:10:28

internal model, 210, a month

01:10:31

old witch I seen sometimes

01:10:33

and you know, sometimes there's

01:10:39

time constraints you can do

01:10:40

that. So what what could

01:10:43

you do that? And it

01:10:43

is this something Council can

01:10:45

help with to prevent that

01:10:46

from happening with the request

01:10:48

need to be more targeted.

01:10:50

What you want your fishing?

01:10:54

So how would you deal

01:10:55

with people like that? Yeah,



01:10:57

I mean, I think that

01:10:58

that is when you're working

01:10:59

those dumps come from the

01:11:01

other side, it is becoming

01:11:02

very difficult client. Figure out

01:11:19

what the final version was.

01:11:21

Sometimes it's very difficult, a

01:11:31

lot to try to narrow

01:11:34

down time and then maybe

01:11:37

get to a smaller subset.

01:11:43

I will say. So one

01:11:46

of the things that I

01:11:46

asked about how do you



01:11:48

get their subpoenas. The US

01:11:50

courts are one way but

01:11:51

you know, there is a

01:11:52

benefit in arbitration, my stuff

01:11:56

like that. It, you need

01:11:57

more time for an extension,

01:12:10

for the. Okay. Is it?

01:12:22

You have to review all

01:12:23

two hundred of those who

01:12:25

can't simply going insane. Process

01:12:30

of your client as a

01:12:32

result of the way that

01:12:32

they were acting through this.



01:12:33

We need x amount of

01:12:36

additional time. And here by

00:06:30

the science of international and

00:06:32

15 years experience in the

00:06:45

US federal court. So, let's

00:07:25

just begin with an h

00:07:26

and Q is? but then

00:09:12

also with regard to whether

00:09:14

or not, On what Mac

00:10:20

had to say, cuz it

00:10:22

was very comprehensive adjust zooming

00:10:24

in for a moment on,

00:10:26

but for world. So damages



00:10:30

or Quantum Experts of course

00:10:32

in Apalachin damages will rapidly,

00:10:36

they should craft and internally

00:10:39

consistent. But for scenario, what

00:10:42

would have occurred as the

00:10:45

alleged bad at not happened,

00:10:49

by the allegedly asphalt party,

00:10:55

and so in crafting that,

00:10:58

but for real, this kind

00:10:59

of bacterial and discern in

00:11:05

in many instances actually was

00:11:14

Underlying Trends in the industry

00:11:18

itself in the macroeconomy, maybe



00:11:20

in the region after it

00:11:23

becomes clear, more often than

00:11:26

one might imagine what the

00:11:28

Bad Axe was because there

00:11:30

was some sort of pre-existing

00:11:31

Trend and then suddenly there's

00:11:34

a, there's a stat change

00:11:36

in what seems to have

00:11:38

been earning some damages or

00:11:51

liability, even just a long-term

00:11:54

relationship and frequently reveal, what

00:11:58

the bad acts like have

00:11:59

been. Conversation. Weather. Yeah, I



00:13:09  
definitely agree with everything that's

00:13:10  
been said so far I'll

00:13:12  
just note that sometimes it

00:13:13  
doesn't always ask or think

00:13:16  
to ask you further. but

00:13:49  
I think those are the

00:13:50  
two most common are allegations

00:13:53  
of bribery or fraud and

00:14:04  
then also sort of fun

00:14:17  
Never. I think I understand.

00:15:18  
Talk about specific examples. And

00:15:32  
in a moment it is

00:15:34  
that sometimes it becomes clear



00:15:37

to the quantum expert that

00:15:40

there's, there's an absence of

00:15:44

an underline, you can Ahmed

00:15:45

justification of financial justification, one

00:15:49

investment and as investment as

00:15:53

the name, and it becomes

00:15:56

clear in such instances that

00:15:58

maybe there's something else, but

00:16:00

like fraud, On allegations of

00:16:06

bribery and stored. I'll take

00:16:17

it off with a Libras

00:16:19

example which was Nigeria versus

00:16:23

P90 in final insensible of



00:16:27  
that very long and complicated

00:16:30  
case you can read all

00:16:31  
about it in a magazine

00:16:35  
in an enforcement action in

00:16:43  
the UK psych ward. And

00:16:46  
I was an expert on

00:16:48  
behalf of Nigeria and Adnan

00:16:50  
fluid in on the tration,

00:16:52  
be earlier, and it became

00:16:54  
very clear to me in

00:16:55  
examining the sordid investment in

00:17:00  
the National Gas processing facility

00:17:02  
in Nigeria. Which lack energy,



00:17:06  
underlying economic or financial purpose

00:17:10  
that there must have been

00:17:12  
something else afoot like bribery

00:17:14  
and fraud. And that's turns

00:17:16  
out there was widespread and

00:17:19  
has always told them in

00:17:20  
the industrial scale bribery and

00:17:24  
fraud. And so is that

00:17:26  
I kind of very, very

00:17:27  
interesting. Very quickly in examining

00:17:34  
the Rodriguez in fraud that

00:17:43  
earlier in the case history,

00:17:50  
I would not invade my



00:17:51

favorite commission's that are being

00:18:04

paid to individuals who didn't

00:18:06

really seem to have the

00:18:08

qualifications to receive has happened,

00:18:12

right before the bid was

00:18:13

accepted in the tender process

00:18:15

and so that's where they

00:18:28

found the people in Singapore.

00:18:33

Hopefully, it's a rather different

00:18:50

types of putting back together.

00:19:00

We hear and understand all

00:19:10

of these different things when

00:19:12

you put it together. All



00:19:14

right? There can be an

00:19:16

almost Never important. Find. Oh,

00:20:18

by the way street. Trace

00:21:22

the van still ongoing and

00:21:48

they made the European bit

00:22:01

and Arbor Health attorneys. I

00:22:23

need to take a voice

00:22:25

memo. Yes, I guess. But

00:23:24

are you need to plug

00:23:27

in USB as well? It

00:24:14

catches the whole number. Irrelevant.

00:26:05

Restarting. Us parents. But they

00:26:22

didn't want to bring the



00:26:23  
case to it up. We're

00:26:28  
hopeful that the Tribune. Take

00:26:31  
that into consideration. days of

00:26:35  
the award, what she Sometimes

00:26:47  
the evidence is clear. So,

00:27:24  
you need to write these.

00:27:28  
Use your imagination and some

00:27:30  
pants. a show that there

00:27:44  
are revenues in the near

00:27:46  
here. You should be part

00:28:03  
of the overall. Are you

00:28:04  
where you can say, no.

00:28:10  
Bankruptcy. Not necessarily show. Work



00:28:23  
through Somerset. This is what

00:28:35  
you would expect to see.

00:28:41  
Who was? Latest word shares

00:29:00  
of the company. Third party,

00:29:09  
looking Bank. Electrically. According to

00:29:17  
the Mystic, the first recording

00:29:20  
of the shares was the

00:29:22  
one who has the chairs.

00:29:31  
Who internal routine practice. Not

00:29:38  
exactly. Now, that's great because

00:29:44  
the other party was not

00:29:45  
pooping. The parents was not.

00:29:48  
Interesting, lead. The party. Who



00:29:53

passed with all this year

00:29:54

was able to borrow What

00:30:04

are those chairs at the

00:30:05

economic value or not? Eventually.

00:30:18

They decided it was actually

00:30:23

a when they got the

00:30:31

several years later, but at

00:30:45

these practices for taxing purposes,

00:30:49

they're just normal. But at

00:30:56

the end of the day,

00:31:02

So we can talk about

00:31:04

jurisdiction, what are some ways

00:31:10

that you could assist? Sure,



00:31:18

I'll start. I think we've

00:31:22

done these types of respondents

00:31:26

claimed. The law is a

00:31:33

result of the alleged action

00:31:34

by the respondent, and you

00:31:37

want to show that? It's

00:31:38

not. So we do a

00:31:41

lot of it. Around. Why

00:31:45

there was the loss called

00:31:47

is and what it called

00:31:48

is it. So I never

00:31:50

responded. So you can also

00:31:51

do the same thing but



00:31:52

you're looking to try to

00:31:53

minimize the loss or to

00:31:55

even completely new damages by

00:31:58

showing. I lost that would

00:31:59

suffer nothing to do with

00:32:01

the alleged actions. Then as

00:32:02

you know you're doing it

00:32:03

financial analysis, you're looking at

00:32:05

causes of bankruptcy. Earlier about

00:32:08

whether funds are being transferred

00:32:10

out of the business to

00:32:12

a offshore. I'm in the

00:32:14

bathroom, the cause of the



00:32:15

bankruptcy or the law. Yeah,

00:32:22

I think I mentioned that

00:32:23

the bankruptcy temple on the

00:32:25

flip side from the respondent

00:32:26

side to break that causal

00:32:27

chain. But then on the

00:32:28

flip side, from the the

00:32:29

claim inside in terms of

00:32:31

establishing, it's equally important to

00:32:35

be reviewing the same. Documents

00:32:38

it is. Mara saying you

00:32:39

don't showing the what's going

00:32:41

on. In the act, the



00:32:43

financial impact, within the time.

00:32:45

And day by day, you

00:32:50

can have an accent. Help

00:41:52

food is coming through. You

00:42:00

consider export prices vs, domestic

00:42:02

prices. In this matter, measured.

00:42:22

Actually reduced their exports more

00:42:28

and more. First, you have

00:42:33

to estimate the domestic prices

00:42:35

exports over sales ratio for

00:42:48

both the claimant and the

00:42:51

rest of the industry. Another

00:43:09

one is in the electricity



00:43:10

sector in Europe. And Jason

00:43:25

unbundling. Weather in typical electricity.

00:43:34

So did you tell me

00:43:36

the report on the issue

00:43:37

and all the electricity sector

00:43:41

and a matrix of wouldn't,

00:43:48

what kind of legal? I'm

00:44:00

on the way. In America.

00:44:20

Will always point to one

00:44:26

or two examples of we're

00:44:28

acting, as a Quantum expert

00:44:32

board, was titled westwater versus

00:44:44

Turkey. My client was the



00:44:48

Republic of Turkey in regarded

00:44:51

the position of uranium mining

00:44:55

licences by the Republic of

00:44:57

Turkey. And in attempting to

00:45:02

quantify images. Of course, looked

00:45:04

at the flow of funds,

00:45:06

and the purchases of equipment

00:45:07

and other things. And it

00:45:09

became very clear calculation what

00:45:14

the trajectory of investment and

00:45:16

production of of the mines,

00:45:18

would be would rather further

00:45:20

into the future than the



00:45:24

clean. It was and so

00:45:28

it became station in similarly,

00:45:38

in an ICC matter, which

00:45:41

was Midas the, the Midas

00:45:45

affiliate - automobile repair shop

00:45:48

in Portugal versus a local,

00:45:54

former franchisee. Again, my industry

00:46:12

expert over the liability expert

00:46:15

of that. What happened, what

00:46:18

happened in this instance was

00:46:20

the local franchisee laid out

00:46:24

on its own and create

00:46:26

that. Look at the website,



00:46:27

I did, like the logo

00:46:29

looks just like mine and

00:46:31

say, you know, any of

00:46:33

you put in Portugal and

00:46:36

it goes to the new

00:46:37

their website rather than all

00:46:40

these, the pattern of the

00:46:42

fact pattern in The Narrative

00:46:45

of the case. That is

00:47:00

the case. It's there is

00:47:09

no separate expert and so

00:47:10

even if it's not an

00:47:12

explicit part of the instruction,



00:47:14

it may be in effect

00:47:16

at the back part of

00:47:18

almost in the office. Sometimes

00:47:24

the causation is very much

00:47:27

tied to the financial performance

00:47:28

that you're already analyzing as

00:47:30

result of your pontoon work.

00:47:32

So they slow hand in

00:47:35

hand and so you may

00:47:36

not call it at all

00:47:37

dacian Alice's or your assessment

00:47:40

of causation factors. You are

00:47:43

inherently doing that already. When



00:47:45  
you're pooping out here, Like,

00:47:51  
you may be sitting there

00:48:05  
and then having a meeting

00:48:06  
to talk about the financial

00:48:08  
documents because you want to

00:48:10  
know what is the damages

00:48:12  
that your claimant can, you

00:48:13  
know, reliably reason to favor.

00:48:14  
How can you on your

00:48:15  
mind or lower the damages?

00:48:18  
If you don't respond during

00:48:20  
the course of that conversation,

00:48:21  
that could be useful for



00:48:28

other things. So if you're

00:48:30

not thinking it is very

00:48:31

Broad and holistic way with

00:48:33

your he was noticing it

00:48:39

but then if you don't

00:48:40

talk with the lawyer fees

00:48:41

or anywhere that they weren't

00:48:43

really, you don't openly discussing

00:48:45

these issues, may be the

00:48:47

relevance of that in the

00:48:48

usability of that type of

00:48:50

Could go missing in that.

00:48:52

The same for all these



00:48:53

other ones you're looking at

00:48:54

these financial documents. If there's

00:48:56

no Just patient of discussion

00:48:59

of potential misrepresentation or that

00:49:01

this could be an issue

00:49:03

in the case. They could

00:49:10

be very well. Best position

00:49:11

to identify those with not

00:49:13

looking for then you may

00:49:15

have to wait till later

00:49:23

to make case may turn

00:49:47

out. What up, what all

00:50:01

did you place it? Build



00:50:11

on on what Matt said.

00:50:13

I think in my experience

00:50:15

you have Financial to help

00:50:23

them with whatever, we can

00:50:24

help them with. And then

00:50:25

the other ones that are

00:50:26

like no jurisdiction in causation

00:50:28

are legal to the last

00:50:34

minute to bring us in

00:50:35

because you made, We may

00:50:39

miss the boat on something

00:50:40

so it usually doesn't save

00:50:42

cost. Many people that get



00:50:45

it right at the beginning.

00:50:46

We can have a strategic

00:50:48

plan, requested, documents and and

00:50:51

so on and let you

00:50:53

know if there's something to

00:50:54

pursue or not and let

00:50:58

us help with both to

00:51:01

the client and also for

00:51:04

the document production, from the

00:51:06

other side because Well, some

00:51:10

attorneys that are very financially

00:51:12

Savvy and some are not

00:51:14

and some hate damages and



00:51:15

seat Financial numbers and they

00:51:17

don't you might miss something.

00:51:40

To pick up on on

00:51:42

one thing that you said

00:51:44

or which is getting the

00:51:46

expert involved sooner rather than

00:51:48

later. I do think I

00:51:51

made the comment seemed surprisingly,

00:51:54

but I do think their

00:51:55

value and DJing Alton expert

00:52:01

early on in matter, has

00:52:07

become a leader. I think

00:52:10

you may have seen many



00:52:13

similar cases, have gone to

00:52:15

the numbers in an analogous

00:52:17

situation what the chain of

00:52:19

causation May well have been

00:52:21

and is important as it

00:52:26

might be for the Cosmetic

00:52:28

or informally to discuss it

00:52:31

with Kelly Soul. What the

00:52:33

chain of causation might have

00:52:35

been saying equally. Maybe even

00:52:41

more malleable is when the

00:52:43

expert can take, and it's

00:52:49

up Aaron to go and



00:52:51

try to figure that out.

00:52:52

It's it's not worth you.

00:52:54

Look at the dollars. You're

00:52:56

always whatever. It's just not

00:52:58

going to be worth it

00:52:59

to pursue that line of

00:53:01

Investigation taking. But you were

00:53:09

half a dozen Ultra pads

00:53:11

which may not be Definitely.

00:53:17

I mean it I think

00:53:17

that we were working out

00:53:22

with the European country to

00:53:27

look at that. We were



00:53:28

doing our work. When we

00:53:30

came across some of the

00:53:31

document that you were like

00:53:32

this is Flowing to your

00:53:33

jurisdictional argument and so then

00:53:35

he built on it. But

00:53:36

we didn't actually get to

00:53:37

it until the second in

00:53:39

part because we were asked

00:53:40

to do it at the

00:53:41

beginning, but also related to

00:53:43

the document I agree with.

00:53:55

Kind of difficult together. Are



00:54:07

there any concerns. I think

00:54:16

one of the biggest concerns

00:54:18

of something that is gone

00:54:21

through this entire, make sure

00:54:23

that really is represented in

00:54:25

the title. Financial tools that

00:54:30

can be used to assist

00:54:31

with your idea, is that

00:54:33

the tribunal? But not to

00:54:40

make the decision for this

00:54:42

very narrow line. And it's,

00:54:44

and it's very careful to

00:54:45

keep it in mind because



00:54:46

it's not to reach the

00:54:48

ultimate, conclusion, provide all the

00:54:49

information that the tribunal can

00:54:52

use to make that decision

00:54:53

as very important implications for

00:54:56

everything so that you want

00:54:59

to make sure that the

00:54:59

way that you survived. Here's

00:55:04

what the evidence showing. Here's

00:55:06

what I is expert and

00:55:08

seeing with respect to the

00:55:10

applications for that within my

00:55:12

expertise and as a lawyer,



00:55:13

here's what. And his conclusions,

00:55:16

our conclusions comply with respect

00:55:19

to the legal standard when

00:55:28

you cross the line and

00:55:29

try to present final conclusions

00:55:32

on those issues of whether

00:55:34

it's a legal question or

00:55:35

the question is where you

00:55:40

going to make sure it's

00:55:42

you to walk that line.

00:55:43

Clearly appropriately. So that you

00:55:47

are not. That's something I

00:55:53

always keep in mind when



00:55:54

you working with you. Keeping

00:56:01

your expertise independent from the

00:56:03

industry. Experts is a particularly

00:56:05

difficult issue because on one

00:56:08

hand, you have some idea

00:56:09

about you. I would like

00:56:11

to write more about it,

00:56:12

but at the same time,

00:56:20

Reading the traffic reports of

00:56:22

Industry, experts. I guess we

00:56:31

agree with both of us

00:56:33

having to go back to

00:56:35

Matt, and bribery or presenting



00:56:48

evidence for the tires of

00:56:49

fact, right. And I actually

00:56:52

am not permitted to find,

00:56:55

I buy identify flags of

00:56:59

fraud, I can present them

00:57:00

to the back but that

00:57:01

is something that the Trier

00:57:03

of fact is ultimately to

00:57:04

decide you never want to

00:57:07

have an expert. Saying this

00:57:09

is from, they should never

00:57:11

be. So I'll pick up

00:57:16

on 11 theme, we we



00:57:19

just heard which is the

00:57:20

interface between Quantum, experts and

00:57:25

Industry experts or liability experts.

00:57:32

Where you at? Absolutely. I

00:57:34

think Independence of the damages

00:57:38

expert from the causation expert.

00:57:42

Is it that is very

00:57:44

important. I think one way

00:57:47

to conceptualize that and it

00:57:50

it can be useful for

00:57:51

the expert floral to work

00:57:54

with Council on this particular

00:57:56

is to ensure that the



00:57:59

set of opinion between the

00:58:02

industry experts in the quantum,

00:58:04

experts are all the opinions

00:58:07

are mutually exclusive yet collectively

00:58:12

exhaustive right? We don't want

00:58:14

overlap because then either they're

00:58:17

fully consistent with were there

00:58:21

Divergent You don't want some

00:58:33

guy in either the story

00:58:37

of causation or the quantification

00:58:39

of Damages, it's easy. When

00:58:41

you have chickens in a

00:58:43

complex likes, birds talking about



00:58:46

bits and pieces, easy for

00:58:49

something to fall through the

00:58:50

cracks of this notion of

00:58:52

being nauseous. Mutually exclusive collectively

00:58:55

because I think important scene

00:58:58

in piecing, together, the expert

00:59:01

opinions, An hour and I

00:59:08

will give you some questions

00:59:09

and I know that online

00:59:10

and see if you have

00:59:18

any questions. Online them. Peace.

00:59:31

Can travel with the issue

00:59:37

here. So very much for



00:59:39

the perspectives and one thing

00:59:47

I guess I was curious

00:59:47

about from the perspective of

00:59:50

putting on their case and

00:59:57

so presumably but they have

00:59:58

an expert that's you dealing

01:00:00

with an issue with her

01:00:01

creasing funds-of-funds. There could be

01:00:05

a reason why funds are

01:00:06

flowing in a circle and

01:00:08

that could be because of

01:00:09

currency controls regulations. Things like

01:00:11

that. Presumably then the cleanance



01:00:14

expert and with explain those

01:00:16

reasons why in their report

01:00:19

if that's not done and

01:00:21

you're on responded side, even

01:00:25

though you're probably going to

01:00:27

see it as well. Is

01:00:28

it something that you feel

01:00:30

is an obligation to pay?

01:00:31

Exculpatory a reason to produce

01:00:35

why. Then that could happen

01:00:37

and then potentially, why didn't

01:00:38

happen? Or is it something

01:00:40

that you would leave basically



01:00:42

or claimants to discussing their

01:00:45

reply? I mean, I think

01:00:47

it's circumstantial, right? I think

01:00:50

if you do know already

01:00:52

there's a jurisdictional Argument against

01:00:56

the claimant claim and I

01:00:58

think, you know, at least

01:01:00

that a high-level may want

01:01:01

to head it off at

01:01:02

the house, right? So you

01:01:03

may want to have opinions

01:01:04

in a world that are

01:01:06

supportive of addition on that.



01:01:08

But I also think, if

01:01:11

there, if you're not aware

01:01:12

of any claims being made

01:01:14

against, it is something I

01:01:19

would I would typically stay

01:01:21

would wait until the memorial

01:01:24

also comes to light, it

01:01:32

may be that your position

01:01:34

is a little bit different.

01:01:37

From the legal perspective, sometimes

01:01:40

use the strategy involved in

01:01:42

a weakness that they've made

01:01:47

or keeping in consideration. That



01:01:52  
evidence hasn't been provided first

01:01:55  
round that there's is a

01:01:56  
second-round and you want to

01:01:58  
be be ready for anyone.

01:02:00  
Do you see this? Ignoring

01:02:01  
it and then initial x-ray

01:02:17  
report in that brief to

01:02:18  
satisfy that there could be

01:02:27  
expert analysis for later when

01:02:29  
you can also, depending on

01:02:40  
whatever this is. Amanda Kelly

01:02:55  
a b Discovery documents. Musically

01:03:12  
depends on at what point



01:03:13

you're being brought in. If

01:03:14

you're being brought in early

01:03:15

enough, then you would. I

01:03:17

mean for your own client,

01:03:19

you want to request those

01:03:24

as soon as possible. Once

01:03:26

you get to the document

01:03:28

production base depending on how

01:03:30

you know, you then have

01:03:38

an idea of what you

01:03:39

need to request from the

01:03:40

other side as well. It

01:03:42

is based on the arguments



01:03:44  
that are being made against

01:03:44  
the quantum analysis. And so

01:03:46  
typically, what we will do

01:03:48  
is in the early days

01:03:49  
were saying, these are the

01:03:50  
documents we need from our

01:03:51  
own client and then during

01:03:54  
the day or whatever we

01:03:57  
will say these are they

01:04:00  
on your listening or can

01:04:01  
you send it to your

01:04:01  
list? So we can make

01:04:02  
sure things. Online. This is



01:04:40

Cheryl from, I had a

01:04:42

question from your client and

01:04:51

responded. What options do you

01:04:53

have to get information outside

01:04:56

of that process? You know,

01:04:58

when you asked you might

01:04:59

but you were in the

01:05:00

US with a vacation, you

01:05:01

might be able to subpoena

01:05:01

or otherwise get information. Is

01:05:04

that something that you're able

01:05:06

to do and have them

01:05:07

successfully I have not been



01:05:10

in. International arbitration. Able to

01:05:17

be captured. But if you

01:05:19

think there are some cases

01:05:20

where you may be able

01:05:22

to get them ultimately, through

01:05:23

your own client. Like if

01:05:24

they had hired to help

01:05:28

them with the initial investment,

01:05:30

they may be able to

01:05:31

just have even if they

01:05:32

don't have those documents. Then,

01:05:39

but then they would come

01:05:40

in usually. Play Mentor the



01:05:42

respondent, but I don't know

01:05:45

if anyone else has had

01:05:46

experience with third-party. My experience

01:06:21

as a as an expert

01:06:23

in both, International arbitration matters

01:06:26

and US litigation cases, and

01:06:30

it probably happened in my

01:06:33

practice is night and day.

01:06:36

The availability of information is

01:06:39

with bro, wash in documents

01:06:42

in u.s. documents. Then sorting

01:06:56

through them and finding useful,

01:06:58

things becomes the, the order



01:07:00  
the day over tration International

01:07:03  
tration, rarely provide anywhere near

01:07:06  
that any fraction and invariably

01:07:10  
does not include the things

01:07:11  
that you really need. You

01:07:57  
can ask for materials from

01:07:59  
ngos or other companies that

01:08:00  
where you just ask for

01:08:06  
material. Whether or not you're

01:08:10  
successful, that's that's the order

01:08:12  
today but there may be

01:08:14  
there maybe connections with individual

01:08:16  
material it's not confidential correspondence



01:08:24

ebrd for any materials they

01:08:34

have related to the project

01:08:35

and they may have documents

01:08:37

that are focused on the

01:08:46

country or the industry may

01:08:48

also have information in this

01:08:57

is difficult. And build on

01:09:02

that. You can you subpoena

01:09:13

have to go hide the

01:09:25

relationship with someone who's no

01:09:27

longer there to ask them

01:09:28

to come and provide a

01:09:30

witness statement. And then ultimately



01:09:31

testify at the hearing is

01:09:33

necessary to me, just one

01:09:35

case. You know, I was

01:09:37

just working on, there were

01:09:38

three or four witness statements

01:09:41

and international space. I see

01:09:43

and then it just went

01:09:46

to trial and there were

01:09:47

almost 100. In the court

01:09:57

and then use the definitions

01:09:59

for almost a whole day

01:10:00

to feed hundred. So it's

01:10:05

very different. Most of the



01:10:21

time you got, you ask

01:10:28

for an internal model, 210,

01:10:31

a month old witch I

01:10:32

seen sometimes and you know,

01:10:35

sometimes there's time constraints you

01:10:40

can do that. So what

01:10:42

what could you do that?

01:10:43

And it is this something

01:10:44

Council can help with to

01:10:46

prevent that from happening with

01:10:47

the request need to be

01:10:48

more targeted. What you want

01:10:51

your fishing? So how would



01:10:55

you deal with people like

01:10:56

that? Yeah, I mean, I

01:10:57

think that that is when

01:10:59

you're working those dumps come

01:11:01

from the other side, it

01:11:02

is becoming very difficult client.

01:11:17

Figure out what the final

01:11:20

version was. Sometimes it's very

01:11:30

difficult, a lot to try

01:11:33

to narrow down time and

01:11:36

then maybe get to a

01:11:38

smaller subset. I will say.

01:11:45

So one of the things



01:11:46  
that I asked about how

01:11:48  
do you get their subpoenas.

01:11:49  
The US courts are one

01:11:51  
way but you know, there

01:11:52  
is a benefit in arbitration,

01:11:54  
my stuff like that. It,

01:11:57  
you need more time for

01:12:09  
an extension, for the. Okay.

01:12:21  
Is it? You have to

01:12:23  
review all two hundred of

01:12:23  
those who can't simply going

01:12:27  
insane. Process of your client

01:12:31  
as a result of the



01:12:32  
way that they were acting

01:12:33  
through this. We need x

01:12:35  
amount of additional time.