



**Title: You Can Run but You Can't Hide: - Cross-Border Asset Tracing and Asset Recovery**

**Date: April 1, 2017**

*Time: 11:00 a.m. – 12:15 p.m*

**Moderator**

Adriana Riviere-Badell, Partner, Kobre & Kim LLP

**Panelists**

Thomas A. de Araujo  
Partner  
Yip Associates

Jason J. DeJonker  
Partner  
Bryan Cave

Sean Theron  
Director of Caribbean  
LDM Global

**ADRIANA RIVIERE-BADELL**

Kobre &amp; Kim

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Adriana Riviere-Badell is an experienced litigator who focuses her practice on representing international clients in complex judgment enforcement and asset recovery matters with particular experience in regard to cross-border financial disputes involving Latin America and the Caribbean.

Ms. Riviere-Badell is involved in several professional and community organizations, and regularly speaks on topics related to her practice. She is a current member of The Florida Bar Association, International Law Section, and was a member of the Steering Committee for the International Litigation & Arbitration Conference from 2012-2013. Ms. Riviere-Badell was a moderator at the International Litigation, Arbitration & Transactions Conference for the “Cross-Border Recognition of Insolvency Proceedings” panel, and recently spoke at the C5 Forum on Fraud, Asset Tracing & Recovery in Miami in the “Mock Hearing: Admissibility of Unlawfully Obtained Evidence” panel.

Prior to joining Kobre & Kim, Ms. Riviere-Badell practiced with the firm Hunton & Williams LLP, representing clients in complex commercial litigation, securities litigation and antitrust related matters. She was also a financial associate with a large accounting firm, where she specialized in fraud investigations, corporate bankruptcy, corporate recovery and litigation issues.

Ms. Riviere-Badell speaks Spanish.

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## Representative Engagements

- Representation of Chevron in the successful enforcement of an investment treaty arbitration award against the Republic of Ecuador for US \$100 million+ (with interest). Kobre & Kim’s efforts in executing an enforcement strategy, including asset tracing, efforts to identify seizure targets, and the service of numerous discovery requests, culminated in Ecuador’s paying Chevron the entirety of the original award plus interest.

- Representation of the bankruptcy trustee for a major Brazilian retailer in obtaining recognition of the Brazilian bankruptcy under Chapter 15 of the U.S. Bankruptcy Code, enforcement of an order issued by the Brazilian Court making the company's majority shareholder liable for the debts of the estate, and injunctive relief over the assets of the company's majority shareholder in the U.S. Bankruptcy Court for the Southern District of Florida.
- Representation of the Commonwealth of the Northern Mariana Islands in enforcing judgments of US \$120 million+ against assets and defendants in multiple jurisdictions, including Florida, New York, Ireland, the Cayman Islands, Hong Kong and Singapore. Our work in this matter was profiled on the front page of *The Wall Street Journal* (September 10, 2011).
- Representation of an international transportation company in pursuing global asset recovery of US \$36 million+ arising out of an embezzlement scheme perpetrated by former employee in Asia.



**Thomas A. de Araujo, CFE** is a Partner at Yip Associates and has approximately twelve years of experience in forensic accounting, litigation support, and corporate accounting. Mr. de Araujo has extensive experience in the financial investigation of Ponzi schemes, occupational fraud, embezzlement, intellectual property theft, securities fraud, mortgage fraud, contract fraud, and calculation of economic damages. Resulting reports have been used in support of insurance loss adjustment, criminal prosecution, civil litigation, alternative dispute resolution and supplementary proceedings in aid of execution of judgments. His work product has been relied upon by a number of agencies, including the United States Securities and Exchange Commission, United States Department of Justice, Internal Revenue Service, Florida Office of Financial Regulation, Miami-Dade (Florida) Police Economic Crimes Unit, and Broward County (Florida) Police Economic Crimes Division.

Mr. de Araujo is a native speaker of Portuguese and is literate in Spanish and French. Over the past two years his practice has focused primarily on cross-border assignments. Technical aspects of these assignments have included analysis of fraudulent transfers, tracing funds through commingled accounts, and analysis of the financial and accounting indicia of *alter ego* in support of veil-piercing and reverse veil-piercing actions.

Prior to joining Yip Associates, Mr. de Araujo was a Manager in the forensic and investigative services practice of Grant Thornton in Miami. He has also served as the Director of Finance and Accounting for Inktel Direct, a leading provider of contact center solutions to Fortune 500 companies and governmental agencies, where he was responsible for the direct supervision of all accounting functions.

**Practice Areas:**

Ponzi Schemes

Financial Frauds

Occupational Frauds

Economic Damages

Complex Collection Matters

Fraudulent Transfers  
Alter Ego Analyses  
Tracing through Commingled Funds  
Bankruptcy

**Professional Affiliations:**

Association of Certified Fraud Examiners  
Association of Insolvency and Restructuring Advisors

**Certifications:**

Certified Fraud Examiner

**Education:**

University of Louisiana at Lafayette  
*Bachelor of Business Administration, Major in Accounting*

**Languages:**

Portuguese, Fluent  
Spanish, Literate  
French, Literate

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## Jason J. DeJonker

Partner, Chicago

T: +1 312 602 5005 [jason.dejonker@bryancave.com](mailto:jason.dejonker@bryancave.com)

**PRACTICE AREAS** Bankruptcy, Restructuring and Creditors' Rights

**ADMISSIONS** Illinois, 2000

**EDUCATION** University of Illinois, J.D., cum laude, 2000; University of Illinois-Urbana-Champaign, B.A., 1997



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As a partner in the Bryan Cave's Bankruptcy, Restructuring & Creditor's Rights Group and Financial Services Client Service Group, Jason represents private equity and hedge fund investors, financial institutions, Fortune 500 corporations, and bankruptcy trustees throughout the United States in bankruptcy and creditor's rights matters. Jason has over fifteen years of experience in the lender and borrower-side loan workouts and in Chapter 11 bankruptcy cases, with specific emphasis on troubled borrower restructuring and forbearance, commercial foreclosure and creditor's rights, DIP and exit finance, and the Chapter 11 plan confirmation process.

As an experienced deal maker and litigator, Jason regularly represents clients in real estate, finance, and M&A (distressed and non-distressed) transactions, and in litigated matters in federal and state courts. He routinely advises clients in high-stakes judgment recovery litigation, on structuring distressed and non-distressed transactions, and on fiduciary duty issues (particularly in the so-called zone of insolvency).

Mr. DeJonker has been published numerous times in a variety of periodicals, and has presented on bankruptcy, litigation, and corporate issues across the country. He was identified as a "Rising Star" by Illinois Super Lawyers from 2010 through 2014. He also was named one of The Best Lawyers in America© in 2015, 2016 and 2017.

Mr. DeJonker has a strong commitment to public service and currently holds leadership positions with several minority and diversity organizations, including the Leadership Council on Legal Diversity (LCLD), the Chicago Committee on Minorities in Large Law Firms, and the National Asian Pacific American Bar Association (NAPABA). In 2013, NAPABA named Jason as one of its Best Lawyers Under 40. Recently, Jason was selected as the Chair-Elect for the Executive Council for the Fellows Alumni Association for LCLD, a national leadership program sponsored by Fortune 500 companies and Am Law 100 law firms to increase diversity at their leadership levels.

## Representative Experience

- *In re River-West Plaza-Chicago, LLC*: Representation of large commercial bank in \$26.0 million single asset real estate bankruptcy matter, prevailing on objections to confirmation and motion to dismiss bankruptcy case following a two-day trial.
- *In re Canopy Financial, Inc.*: Representation of Chapter 7 Trustee in sale of operating assets and pursuit of recoveries in conjunction with massive, pre-bankruptcy fraud case.
- *In re AmShip and Tampa Shipyard*. Representation of a large, national insurance company in a contested Chapter 11, asbestos bankruptcy case; negotiated a multimillion dollar settlement agreement that resolved several insurance and claim defenses in favor of the insurer and resulted in a \$1.0 million reduction in the total amount of settlement funds required to be paid to certain asbestos claimants. Continue to oversee the claims resolution process and arbitrate certain bankruptcy and coverage issues.
- *In re Carraway Methodist Health Systems, Inc.* Represented financial guaranty insurer, the largest creditor in a major hospital case in Birmingham, AL; led negotiations over a sale process, payment of claims, use of cash collateral and debtor-in-possession financing, and the structure (and ultimate confirmation) of a liquidating plan.
- *In re Skinner Engine*. Representation of a large, national insurance company in contested Chapter 11, asbestos bankruptcy case; successfully briefed confirmation objections and motion to dismiss bankruptcy case currently on appeal to the Third Circuit Court of Appeals.
- *In re Congoleum*. Representation of a large, national insurance company in a contested Chapter 11, asbestos bankruptcy case; successfully obtained an end to exclusivity, allowing the insurer to file and seek confirmation of a stand-alone plan of reorganization.
- *In re Delphi Corporation and In re Dana Corporation*. Representation of several Tier I and Tier II auto suppliers in the Delphi and Dana Chapter 11 cases.
- *In re Delta Airlines*. Representation of financial guaranty insurer; successfully negotiated comprehensive settlement with respect to multimillion dollar bond issuance at Logan Airport in Boston, MA.
- *In re Kaiser Aluminum*. Representation of a large, national insurance company in contested Chapter 11, asbestos bankruptcy case; negotiated an insurance neutrality stipulation with debtor and asbestos representatives that has become the benchmark in asbestos bankruptcy confirmation proceedings; led large joint defense group of insurers throughout plan confirmation and objection process.

- *In re HK Porter*. Representation of a large, national insurance company in post-confirmation proceedings; successfully briefed and argued a summary judgment motion in an adversary proceeding before the Erie, PA bankruptcy court to enforce a settlement agreement with the debtor.
- *In re United Airlines, Inc.* Representation of indenture trustee for defaulted municipal bonds and corporate debentures; litigation regarding treatment and priority of claims; advised client as member of Official Committee of Unsecured Creditors.

## Publications

- Co-Author, "Ninth Circuit "Stern" Decision Creates a Circuit Split on Issues of Article III Waiver and the Statutory Gap," *ABI Bankruptcy Litigation Committee*, February 2013
- "Case Study: In Re Heritage Highgate," *Law360*, June 11, 2012
- Co-author, "Identifying Corporate and Personal Liability: Issues for D&Os in the Zone of Insolvency," *Business Law & Governance*, June 2011
- Co-author, "Overview of the Chapter 9 Bankruptcy Process and Specific Issues With Public Hospital Filings," American Health Lawyers Association - Executive Summary Business Law and Governance Practice Group, February 2011
- "Strategy and Legal Issues in Chapter 11 Cases, Single Asset Real Estate Matters, Bankruptcy Litigation," *Inside the Minds*, 2012 ed., December 2011
- Co-author, "Lenders' Right to Credit Bid Tested Before 7th Circuit" *The National Law Journal*, November 29, 2010
- "Structured & Real Estate Finance Case Update," *Real Estate Finance Journal*, Fall 2010
- "Medicare Appeals and Interpretation: Meeting the Reasonable Expectations of Medicare Users Through a Comparison to Private Health Insurance," 8 Elder L.J. 103, 2000

## Speaking Engagements

- "Breaking the Bamboo Ceiling at Bricker," National Asian Pacific American Bar Association (NAPABA) Central Region Conference, September 2016
- "Changing Times, Changing Tactics," Trigild Lender Conference, April 2016
- "Control It! Effective Ways to Manage Your Case," Hispanic National Bar Association (HNBA) Corporate Counsel Conference, March 2016

- “A New World: Bankruptcy Law for the Non-bankruptcy Lawyer,” Association of Corporate Counsel (ACC) Annual Conference, October 2015
- “Examples of Successful Resolutions - Complex Creditor’s Rights,” Trigild Lender Conference, April 2015
- “Acquisitions of Distressed Businesses,” ACG Chicago Sunrise Session, April 2015
- “Where’s the Money? Recovering Hidden Assets: International Judgment Enforcement and Enforcement of International Judgments in the United States,” National Asian Pacific American Bar Association (NAPABA) 2014 Annual Convention, November 2014
- “Debtor-Creditor Feud: The Good, The Bad, And The Reality Of Receiverships,” National Asian Pacific American Bar Association (NAPABA) 2012 Annual Convention, November 2012
- “From Mines to Minefields: Asbestos News from the Front,” American Bar Association Insurance Coverage Litigation Annual CLE Meeting, March 2007

## **Professional Affiliations**

- Asian American Bar Association of Greater Chicago, Illinois – (2013 to Present); Board Member (2013-2015)
- National Asian Pacific American Bar Association, Corporate Transactions Committee, Co-Chair (2015 to Present)

## **Civic Involvement and Honors**

- National Asian Pacific American Bar Association (NAPABA) - Best Lawyers Under 40 (2013)
- Illinois Super Lawyers - Rising Star (2010-2014)
- Best Lawyers in America, 2015-2016
- Little Company of Mary Hospital Foundation - Board of Directors (2013 to Present)
- Chicago Academy for the Arts - Board of Trustee (2008 to 2013)
- Evans Scholars Foundation Leadership Council - Member (2013 to Present)
- The Chicago Committee - Board of Directors (2011 to Present), Treasurer (2015 to Present)
- Leadership Council on Legal Diversity (LCLD) Fellows Alumni - Executive Council Member (2014 to Present); Chair (2016 to 2017); Chair-Elect (2015 to 2016)

**SEAN THERON – Director**

Sean has more than 14 years of experience with data handling and analysis, conducting forensic investigations, investigating fraud, and assisting clients with complex technology and eDiscovery solutions. Sean also has in-depth experience in cybersecurity. Sean has helped clients address multimillion dollar disputes on matters including corruption, intellectual property, financial misstatements, embezzlement, fraud, employee termination, and other types of disputes. He has testified as an expert in computer forensics and electronic data analysis and has served as a digital forensics expert.

“I enjoy helping clients with their forensics and eDiscovery expertise, whilst ensuring they understand the risks associated with their matters,” Sean said. “Working with clients from varying jurisdictions has enabled me to enhance my experience with respect to the more complex cross-border engagements, ensuring I can add value in all regions of the world.”

Prior to joining LDM Global, Sean led a team of forensic and eDiscovery experts, which was one of the largest forensic technology practice in the Caribbean region. He has also helped government organizations with their fraud and forensics expertise while conducting training with their teams.

Sean’s education includes a diploma in PC engineering (placed 2<sup>nd</sup> overall) and a Bachelor of Commerce degree in Information Systems from the University of Cape Town. He is a member of the International Association of Restructuring, Insolvency & Bankruptcy Professionals (INSOL), the Recovery and Insolvency Specialists Association (RISA) and the Association of Certified Fraud Examiners (ACFE).

**Published Articles:**

- Forensic Technology in the Information Age: [https://issuu.com/oysterglobalmarketing/docs/busbvi\\_jan15\\_upload/54](https://issuu.com/oysterglobalmarketing/docs/busbvi_jan15_upload/54)
- Q&A: The Importance of a Forensic Consultant: <http://www.ldmglobal.com/knowledge-center/ediscovery-articles/q-and-a-on-the-importance-of-a-forensics-collection/?preview=true>