

3 Steps to Finance Your Case

STEP 1

PRELIMINARY DISCUSSIONS

CONFIDENTIALITY AGREEMENT

- Ensures confidentiality
- Protects privilege
- Allows full and frank discussion

INITIAL ASSESSMENT

We need to know:

- Basis of the claim – perceived merits and likely defences
- Identity of the respondent(s) and their ability to pay
- Realistic claim value and your commercial objectives
- Amount of funding required (including business working capital, if relevant)

Try to give a balanced view of the merits and potential defences, and a realistic estimate of the claim value.

As a minimum, please provide a short note addressing the above points.

STEP 2a

INDICATIVE COMMERCIAL TERMS

If the case is suitable for investment, we will agree indicative funding terms with you based on our initial assessment, the risk profile of the case and your objectives.

These terms may include:

- The proposed funded costs
- Omni Bridgeway's proposed return on investment
- Further due diligence required (if any) and the funding of that due diligence
- A short exclusivity period to conduct further due diligence (if necessary)

If we have sufficient information, we may proceed directly to Step 3

STEP 2b

FURTHER DUE DILIGENCE (if required)

We may undertake further detailed due diligence, working closely with you and your legal team.

Key issues for assessment may include:

- Strength of the case and defences
- Quantification of damages
- Litigation strategy and settlement prospects
- Prospects of recovery from the respondent and our enforcement strategy (if required)
- Project budget and likely contingencies

We take an objective and commercial approach to case assessment. We do not charge for this work.

We may retain external experts to assist with our assessment. We may meet the costs of those experts as a preliminary investment in the case ('Seed Funding').

The length of this stage depends on the complexity of the case and how well organised your application is. We will work with your team to advance this as quickly as possible.

STEP 3

APPROVAL, OFFER & FUNDING AGREEMENT

Omni Bridgeway's investment committee, consisting of experienced lawyers, funding professionals, enforcement/recovery specialists and former judges, will consider the investment.

If approved, a formal offer to fund will be made in the form of a written funding agreement.

The funding agreement will address the following, among other things:

- The costs to be funded (including adverse costs, security for costs, business working capital and enforcement costs, if relevant)
- Omni Bridgeway's return on investment and the priority of payments from any recoveries

- The extent of Omni Bridgeway's ongoing involvement in the matter, including in relation to settlement
- Procedures for managing conflicts
- Confidentiality and privilege

The Basics

BASIC INVESTMENT CRITERIA

WE INVEST IN:

- Commercial litigation
- Arbitration (including investment treaty arbitration)
- Multi-party disputes
- Insolvencies and distressed situations
- Non-performing debt recovery
- Monetisation of awards and judgments

WE LOOK FOR CASES WITH:

Merit – Good prospects of success when objectively assessed.

Economic viability – The case must provide a measurable commercial benefit. Generally we will not fund more than 10% of the realistic claim value.

Recoverability – Your opponent must be capable of paying a judgment or settlement (or there must be good prospects of enforcement).

WORKING WITH US:

Timing – It is best if we are involved early, however, we can invest after proceedings have begun, and even at the appeal or enforcement stage.

Portfolios – We can fund multiple disputes (claims and defences) and/or judgments and awards bundled together into a portfolio, often with more favourable terms than single-case funding.

Across jurisdictions – We fund cases throughout the world and have resources in all key international dispute hubs, including Australia, Asia, the Middle East, Europe, USA and Canada. Legal frameworks for funding vary across countries. Contact us to discuss what is possible in your jurisdiction.

WHAT WE FINANCE

Seed funding – Initial investment to prove the viability of a case – e.g. a preliminary report on damages.

Dispute-related costs – All legal and associated costs (legal fees, expert witnesses and court or arbitration fees, including the costs to enforce a judgment/award).

Adverse costs – If the case is unsuccessful, we meet any cost orders against you. You do not need to acquire costly ATE insurance.

Security for costs – We provide ‘security for costs’ if required by the court or tribunal.

Working capital advance – In addition to financing your case, we may provide finance for your core commercial operation pending the resolution of your dispute.

Claims purchase – in appropriate circumstances we may purchase a claim, debt, judgment or award from you.

RETURN

In most cases, Omni Bridgeway is only entitled to a return if the case is successful and a recovery is made. If so, Omni Bridgeway receives reimbursement of its funded costs and a return on investment.

Omni Bridgeway's return is typically calculated as a multiple of its funded costs, a percentage of the recovered sums or a combination of both. Our return varies according to our risk exposure, much like any other investment class. If we share risk with you or your lawyers, we may be able to offer more favourable funding terms.

As our funding is ‘limited-recourse’, this typically means there is no corresponding liability recorded on your balance sheet.

WHY CHOOSE OMNI BRIDGEWAY?

Capital – We are well resourced to fund high-value, complex cases and portfolios. We are listed on the Australian Securities Exchange and our financial position is transparent.

Track record – We have funded hundreds of cases with an exceptional success rate*. We have un-matched experience recovering against counterparties in ‘challenging’ jurisdictions, including against sovereign states / quasi-sovereign entities. Our experience and reputation provide a strong ally by your side.

Returns – We have returned billions of dollars to our funded parties*.

Talent pool – Our multi-disciplinary team includes seasoned litigators and recovery specialists from premier international law firms, corporate counsel, business leaders, economists, financial experts, business intelligence and asset tracing professionals, educated at the world's leading institutions. We add strong commercial acumen, strategic insights and a depth of experience to your project team.

In-house asset tracing/intelligence – Benefit from the provision of dedicated case relevant intelligence and asset tracing by our experienced in-house intelligence team.

Project management – Omni Bridgeway offers optional day-to-day project management of your case by our designated disputes experts, helping to solve resource constraints and manage costs. For multi-party matters, we have a dedicated team to help manage large groups of claimants (at times in the thousands) with individual claims.

Industry relationships – We work with leading law firms, arbitrators, mediators, market analysts, economists and other experts. You can use your preferred experts or draw on our relationships to build your project team.

* see [omnibrigeway.com](https://www.omnibrigeway.com) for up to date details.