



LennoxPaton



## Metta MacMillan-Hughes

### Partner

The Bahamas Office

[mmacmillan-hughes@lennoxpaton.com](mailto:mmacmillan-hughes@lennoxpaton.com)

Phone: +1 (242) 502-5000

## Overview

Metta is recognised as a leading commercial and civil litigator in the Bahamas. Held in high regard by the judiciary and her peers, her submissions in several cases have precipitated amendments to the law. She regularly appears before the Supreme Court and Court of Appeal and has also appeared before the Privy Council in the UK.

Although her experience and practice covers the full spectrum of civil and commercial litigation Metta is particularly well known in the Bahamas legal arena when it comes to insolvency, especially in relation to trust assets held by insolvent companies, in which her approach in the leading Bahamian case – Dominion Investments – was approved by the Court and incorporated in the Bahamian Insolvency legislation.

In addition to insolvency she has developed particular expertise in Proceeds of Crime Act and Mutual Legal Assistance proceedings; Insurance litigation involving high value catastrophic injury, death and property claims, professional negligence indemnity claims; Asset recovery and all forms of Interlocutory relief including injunctions (including Worldwide Freeze orders) disclosure orders (including Norwich Pharmacal orders; electronic discovery); as well as in many less well known areas such as issues involving the Computer Misuse Act and Listening Devices Act in the context of civil proceedings.

Recognised as a leading Family law specialist she is frequently instructed for high net worth international clients who have retired to The Bahamas or have assets here. She deals with divorces, financial provision claims, custody and access disputes and is frequently engaged to negotiate and prepare Pre and Post Nuptial Agreements.

## Examples of recent work

### Liquidations/Receiverships

**Montaque Capital Partners Ltd (in liquidation) (ongoing):** Appearing for and representing Joint Liquidators in relation to liquidation of an investment firm holding trust assets in numerous jurisdictions, in particular Canada and the USA; securing orders as to the treatment of those assets and directions relative to the sharing between company assets and trust assets of the costs of the liquidation; advising on customers' dispute over assets held on their behalf by the Company in a Canadian investments firm; and liquidators' involvement in Canadian proceedings relative there to; securing recognition of liquidators by foreign court and grant of requests for Aid, negotiating a resolution of disputes with investors and taking steps to conclude liquidation and discharge of the liquidators.

**In the matter of Nauticus Fund Ltd ( in voluntary liquidation):** Successfully opposing Joint Liquidators' attempts to secure an order for the oral examination of named partners of its former auditors, Ernst & Young on basis that liquidators being unreasonable and their application oppressive; secured an order for interrogatories in lieu of oral depositions together with full costs orders in relation to the production of documents and of and occasioned by any interrogatories; together with limitations on the use to which such information provided could be made.

**In the matter of Dominion Investments (Nassau) Ltd (in liquidation):** (ongoing) Advising and appearing for the liquidator of a financial services company whose beneficial owner was charged and convicted of money laundering offences, resulting in proceedings to set aside Restraint & Production Orders against its accounts in The Bahamas and Canada; advising Liquidator in relation to the approach to be taken to trust assets and the manner in which trust assets could be utilized to meet costs of the liquidation resulting on the first decision on this issue by the Bahamian Courts.

**In the matter of Suisse Security Bank & Trust (in liquidation)** (ongoing) Acting for a fiduciary creditor in proceedings against the Liquidator to recover in excess of \$10 million.

**Ben Thompson v Callenders & Co & Americas International Bank Corporation Limited et al** (ongoing) : Advising and appearing for the Liquidator of Americas International Bank Corporation Limited in respect of claims involving the Estate of the late Anna Nicole Smith.

**The Tenesheles Trust, Hawthorne Family of Funds & Nancy Lake v BDO Mann Judd et al:** Advising and appearing for BDO Mann Judd and the former Receiver in defence of claims of conspiracy; professional negligence; breach of fiduciary duty etc. made against them and securing an order striking out the entire action against them and precipitating the amendment of the International Business companies legislation.

#### High net worth Family

**MZF v ELG** (ongoing) Advising in relation to the setting aside of interlocutory freezing orders obtained by former Wife against Husband's corporate assets pursuant to a Texas Divorce decree and interim maintenance order of some \$300 million per annum and granted notwithstanding a prior Mexican divorce; rendering advice as to anti-suit injunctions; proceedings for recognition of foreign divorce and judgments in the Bahamas and Declaratory proceedings as to marital status

**MO v FO** (ongoing): Advising and appearing for Husband in divorce and ancillary relief proceedings, securing dismissal of Wife's Petition (following application for electronic discovery of Wife's computer) and grant of Husband's cross petition; secured admission into evidence of audio recording made contrary to Listening Devices Act on basis children's welfare trumped individuals right to privacy; settled financial provision claims; won Father's appeal on custody and access to the children and secured order for his costs.

**W v W** (ongoing): Advising and appearing for wife of multimillionaire in divorce proceedings and on her claims for ancillary relief involving the effect of a foreign Pre-Nuptial agreement; inherited assets and competing foreign proceedings. Obtained worldwide mareva injunction to prevent dealings with property, stocks and shares. Secured significantly higher award for Wife than that prescribed under Pre-Nuptial Agreement on application of Radmacher v Radmacher principles. Obtained order for payment of all Wife's costs. Presently representing Wife in relation to ex-Husband's application to reduce alimony; cross applying for increase in alimony and pursuing interest on costs awarded to Wife.

**J v J** : Advising successful international entrepreneur on Bahamian law on divorce, financial provision, child custody and access and enforceability of Post-Nuptial Agreements in order to determine best future strategy for client in context of his marital circumstances; business interests and career and children's best interests; participating in the formulation of a Post-Nuptial Agreement resulting from such considerations and advising thereon.

**EJ v DJ:** (ongoing) Advising on Financial provision upon divorce involving assets in several jurisdictions and assets held in trust; advising on custody and access issues to children with a view to securing a global settlement.

**CG v HL:** Advising on and preparation of Pre-Nuptial Agreement for successful business woman.

**LK v SJ: Cohabitation:** Advising on issues upon separation of cohabiting couple pertaining to shared liabilities and division of property acquired during cohabitation

CN et al v The E Trusts & the Estate of RN (settled) Advising and appearing for Widow and her child in connection with their multi-million dollar claim against the Estate of the late Husband, involving the effect of a Texan pre-nuptial agreement ratified post marriage and of the Bahamian Inheritance Act, 2002.

### Insurance

Freeport Container Port: (ongoing) Advising and appearing for the Port in its defence to numerous actions commenced by employees and the dependents of employees for damages for personal injury and loss of dependency under the Fatal Accident Act following the impact of a tornado. Advising as to liability and quantum, securing orders striking out claims brought in breach of the Limitation Act or the Fatal Accidents Act.

Quentin Wilkinson: To advising and instituting proceeding on behalf of the Mother and next friend of the claimant who suffered from paraplegia following road traffic accident and securing favourable settlement together with costs notwithstanding claimant's contributory negligence.

Finco v E.V. Douglas Sands & Lloyds Underwriters and ACE (ongoing): To advising and representing Insurers in their successful defence of a significant professional indemnity claim on the ground of insured's breach of the duty of good faith, warranty, and notification, collecting costs award.

Venetia R Sweeting v Reginald Neymour et al (on going): To advising and representing Plaintiff and her insurers against Defendants in claim for damages for medical negligence resulting in life threatening injuries and recovery of Insurers' costs of the treatment rendered necessary thereby.

### Proceeds of Crime and Mutual Legal Assistance

In the Matters of: The Criminal Justice (International Co-Operation) Act; The Banks & Trust Regulation Act; the Proceeds of Crime Act; The Attorney-General v General Sani Abacha et al: (ongoing) Advising and appearing before the Supreme court, Court of Appeal and pending before Privy Council, for a Private Investment Bank who incurred costs in protecting its customers' interests by securing a stay of Production Orders in respect of the customers' confidential records, a discharge of the restraint orders over a substantial proportion of the customers' accounts and obtaining a variation of the Restraint Orders over some \$70 million funds so as to meet its costs in connection therewith.

### Norwich Pharmacal Orders and Mareva Injunctions

LPCS: Advising a corporate services provider as to effect Norwich Pharmacal Order in aid of Brazilian matrimonial proceedings.

Itau Unibanco SA: Advising on effect on Bahamas Branch of Worldwide Freezing Order issued in Cayman against Bank there; advising in relation to Norwich Pharmacal Order.

Blue Planet Group Ltd v William Downie (ongoing): Advising and appearing on the application to discharge *ex parte* Mareva Injunction; to securing partial discharge of the Injunction pending ruling on the substantive discharge application and subsequently securing the full discharge of the Mareva Injunction and costs.



Metta MacMillan-Hughes



## Practice Areas

- Private Client
- Litigation & Dispute Resolution
- Insolvency & Restructuring
- Banking & Financial Services
- Corporate & Commercial

## Recommendations

Metta is ranked by Chambers Global, The Legal 500 Caribbean and Citywealth Leaderslist.

Sources appreciate *Metta MacMillan-Hughes* for her "absolutely clear" advice and say her "depth of understanding is fantastic." She is additionally earmarked as being "very tenacious and talented." She handles a range of disputes, including those relating to tax, personal injury and insolvency, as well as high-end matrimony disputes. **(Chambers Global 2021)**

"An awesome advocate in court, she is always thoroughly prepared with brilliant submissions." **(Citywealth Leaderslist 2020)**

"She provided exceptional advice. I would not hesitate to recommend her. She is terrific." **(Citywealth Leaderslist 2020)**

## Background & Qualifications

- LL.B Birmingham University, UK (1983)
- Admitted to practice at the Bar of England & Wales (1984)
- Admitted to practice at The Bahamas Bar (1986)

## Memberships & Professional Affiliations

- Member of the English Bar and Gray's Inn
- Member of the Bahamas Bar
- Fellow of the International Academy of Family Lawyers (IAFL)
- Member of the Chartered Institute of Arbitrators
- Former long serving member of the Bahamas Bar Ethics Committee
- Member of the Family law Rules Committee