

KYLE GABRIEL PETERS

BraddellBrothers
1883

Partner ▪ Litigation & Arbitration Counsel

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Admissions & Qualifications

- Advocate & Solicitor of the Supreme Court of Singapore (2016)
- LL.B (Hons), University of Liverpool (2014)

Experience

Gabriel joined us as a Partner in 2023.

Before beginning his law career as a paralegal, Gabriel was an architectural draughtsman at a leading architecture firm in Singapore. He then read law in Liverpool and upon graduation joined a leading litigation practice where he trained under Senior Counsel and other notable disputes practitioners. He began practice in the litigation and dispute resolution team at a global law firm.

Gabriel's practice involves a wide range of complex commercial disputes, fraud investigations, international arbitration, and litigious corporate insolvency matters.

Gabriel regularly handles complex cross-border commercial and corporate disputes, and represents financial institutions, multinational corporations and organisations, and corporate creditors/debtors. He has significant experience in advising, co-ordinating, and managing concurrent disputes and proceedings across multiple jurisdictions.

Gabriel is frequently instructed as lead counsel, and has successfully argued a broad range of civil litigation matters, contentious insolvency proceedings, and corporate restructuring applications in the High Court.

Despite his busy schedule, Gabriel has a strong focus on giving back to the community. He volunteers with the Criminal Legal Aid Scheme and the Community Legal Clinics organised by the Law Society of Singapore's Pro Bono Services. He has also volunteered as counsel in numerous proceedings under the Ministry of Social and Family Development Assisted Deputyship Application Programme. He has an active pro bono practice, and recently acted as lead counsel in a High Court Originating Summons proceedings relating to the severance of joint tenancy.

Gabriel is a member of the School Management Committee of St. Patrick's School and a member of the Education Sub-Committee of the Eurasian Association. He has also served and continues to serve on various Standing Committees of the Law Society of Singapore.

Some of Gabriel's achievements and recognitions include:-

- ALB SE Asia 40 under 40 2022
- ALB SE Law Awards 2021, Young Lawyers of the Year (Law Firm), finalist

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- Asialaw 2022,
 - IR Global Rising Star 2021
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Key Areas of Practice

- Commercial Litigation
- International Arbitration
- Medical Malpractice / Negligence
- Corporate Restructuring / Insolvency
- Professional Disciplinary Prosecutions
- Company and Shareholder Disputes
- Complex Family Litigation

Professional Employment History

- Braddell Brothers LLP, Associate (Jul 2023 - present)
- PDLegal LLC (Nov 2020 – Jun 2023)
- K&L Gates Straits Law LLC (2018 – Oct 2020)
- Straits Law Practice LLC (2010 – 2017)

Professional Highlights

Some of Kyle's notable cases are listed below, under their corresponding areas of law :-

Commercial Litigation

- Successfully acted for an oil and gas MNC in resisting project-related claims and shareholder benefits. See *Elias Xanthopolous v Rotating Offshore Solutions Pte Ltd and others* [2022] SGHC(A) 17 and *Xanthopoulos, Elias v Rotating Offshore Solutions Pte Ltd and others* [2021] SGHC 197.
- Counseled and represented a beneficiary in a claim arising from an estate valued in excess of S\$820m. Acted as lead counsel and obtained urgent injunctive relief against co-beneficiaries. Successfully resisted a setting aside application led by Senior Counsel.
- Acting for a group of shareholders against former shareholding-directors in a complex litigation comprising several High Court suits and various interlocutory applications such as injunctions, specific discovery and interrogatories. These disputes relate to *Goh Seng Heng v RSP Investments and others* and another matter [2017] 3 SLR 657.
- Assisted in the successful defence (in the High Court and in the Court of Appeal) of a company in a claim on a purported guarantee. Supported senior counsel in the preparation of trial papers, submissions, and appeal papers. See: *Liberty Sky Investments Ltd v Aesthetic Medical Partners Pte Ltd* and other appeals and another matter [2020] SGCA 7 and *Liberty Sky Investments Ltd v Goh Seng Heng* and another [2019] SGHC 40.
- Acted for a company in filing a Registrar's Appeal against and stay of execution of an Unless Order rendered against the company. Gabriel assisted in the urgent getting up of the matter while

simultaneously conducting without prejudice discussions, and in taking over conduct of the matter on short notice during the implementation of the circuit breaker. See: *Alternative Advisors Investments Pte Ltd v Asidokona Mining Resources Pte Ltd* and another [2020] SGHC 125.

- Acted for a company in the setting aside of a winding up order under section 279 of the Companies Act. Gabriel was briefed to assist on the matter on an urgent basis (mere days before extended originating summons hearing in open court with the examination of witnesses), and took steps to urgently file applications to set aside certain discovery orders and leave to adduce further evidence. Gabriel prepared hearing papers and second-chaired multiple lead counsel having conduct of different tranches of the hearing. See: *GVR Global Pte Ltd v Wayne Burt Pte Ltd* [2020] SGHC 87.
- Acted for a licensed money lender in its claim against Mdm Jannie Chan. The matter involved the strategic use of settlement agreements in tandem with the processes under the Rules of Court to hedge against the risk of breach and to protect the client's rights. The matter was intensely litigated, and Gabriel successfully defeated a leave application to the Court of Appeal, commenced a host of enforcement proceedings (including the contentious examination of Mdm Jannie Chan); and eventually obtaining a bankruptcy order against Mdm Jannie Chan. See: *SME Care Pte Ltd v Chan Siew Lee Jannie* [2018] SGHC 96.
- Acted for a MNC in respect of numerous satellite actions to and the settlement of two conjoined arbitrations (LCIA and ICC) for claims of over \$120m concerning allegations of bribery and agency in relation to global fertiliser trading. Advised and assisted client in staving off Singapore enforcement proceedings, and in the preparation of papers to be filed to challenge the arbitral awards in the English Courts and the Singapore Courts. Coordinated with Queen's Counsel in respect of the foregoing. Leveraging the prospect of locking the matter in hotly contested litigation for the next few years, a commercially favourable settlement (settling multiple actions in Europe, the BVI, the UK, the US, and in Singapore) was obtained after marathon negotiations spanning three tranches over the course of 2 months in London.
- Acted for high net worth individuals in their defence against claims brought by global banks arising from a series of facility agreements. Assisted lead counsel in an application for a temporary stay of proceedings: one of the first matters heard by the Singapore International Commercial Court. See: *BNP Paribas Wealth Management v Jacob Agam and another* [2017] 3 SLR 27.
- Acting for global banks and MNCs in Singapore-seated international arbitrations before the Singapore International Arbitration Centre and thereafter applying to the Singapore Courts to enforce the arbitral award in the Singapore High Court.
- Acting for a MNC in objecting to the jurisdiction of a Singapore-seated arbitral tribunal pursuant to a multi-tiered dispute resolution clause, and co-ordinating parallel proceedings with Maldives counsel in the Maldivian Courts.
- Acting for a MNC in a Singapore-seated international arbitration arising from a Maldivian real estate development dispute.
- Acting for the respondents in Singapore-seated international arbitration proceedings before the Singapore International Arbitration Centre and resisting various interlocutory applications by the claimant, and obtaining the grant of an Expedited Procedure order.
- Acting for the respondents in a subcontractor supply dispute in domestic ad hoc arbitration proceedings.
- Acting for the respondent in a London-seated international arbitration proceedings under the London Maritime Arbitrators Association relating to a dispute on whether an arbitration was properly commenced under the LMAA Terms 2021.
- Gabriel is experienced in landlord-tenant matters. He has acted for landlords and head-tenants in obtaining possession orders and conducting hostile re-entry and re-possession of premises. He

has also acted for commercial tenants holding multiple premises in Suntec City and Boat Quay. Gabriel has litigated against and negotiated with large MNC landlords.

Tort

- Acted for a Key Executive Officer in an appeal to the Court of Appeal. Shortly after taking over conduct of the matter, Gabriel successfully applied for and obtained a conditional stay of execution and a by-consent injunction to stay the judgement under appeal. Assisted senior counsel in preparing appeal voluminous appeal papers. See: *Sim Tee Meng v Haw Wan Sin David and another* [2020] 1 SLR 82
- Acted in numerous High Court proceedings involving tortious claim such as breach of duties, negligence, and economic torts.

Insolvency and Enforcement

- Co-lead counsel in groundbreaking decision by the General Division of The High Court of Singapore in *ByBit Fintech Limited v Ho Kai Xin & Ors.* [2023] SGHC 199 wherein a common law court for the first time held that crypto assets could be held on trust.
- Acting as lead counsel for foreign trustees-in-bankruptcy to apply and obtain recognition of foreign personal bankruptcy orders in Singapore against a high net worth individual – see *HC/OA 208/2022*.
- Acted as lead counsel for an applicant in originating summons proceedings under Part 14 of the Insolvency, Restructuring and Dissolution Act (Act 40 of 2018) (“IRDA”). The issue of whether a proposal for a voluntary arrangement satisfies the ‘serious and viable’ requirement was litigated. See: *Re Sifan Triyono* [2021] SGHC 55
- Acted for an intervener in one of the first proceedings before the Singapore Courts to examine the provisions of the UNITRAL Model Law on Cross-Border Insolvency. This matter involved six related actions in the Singapore High Court (spanning a broad range of matters such as equitable mortgage, cancellation of vexatious caveats, claims in detinue and conversion after obtaining a prohibitory injunction, and anti-suit injunctions) which Gabriel assisted on as well. See: *Re Zetta Jet Pte Ltd and others (Asia Aviation Holdings Pte Ltd, Intervener)* [2019] 4 SLR 1343 and *Re Zetta Jet Pte Ltd and others* [2018] 4 SLR 801
- Acted for a group of bank creditors in insolvency claims arising from the collapse of Farlin Timbers group. Acted for the group in resisting a moratorium application under section 211B of the Companies Act and in pursuing claims against the insolvent estate of Farlin Timbers and its director.
- Acted for a SME in obtaining a moratorium under section 211B of the Companies Act and subsequently a scheme of arrangement under section 210 of the Companies Act.
- Negotiating with secured creditors to stave off claims and defeating objections made by parties engaged in ongoing litigation against the SME.
- Acted for Project 92 Limited as lead counsel in winding up proceedings in the Singapore Court. Project 92 Limited is an English company formed by the famed group of English footballers (including Gary Neville, Phil Neville, Ryan Giggs, Nicky Butt, and Paul Scholes).
- Acting for judgment creditors across a wide range of enforcement proceedings including examination of judgment debtors, garnishee proceedings, seizure and sale proceedings, and ultimately winding up proceedings. Gabriel has obtained possession orders for mortgagees,

garnishee orders across multiple bank accounts; and seizure and sale orders for rail equipment stored in gazetted Protected Places.

- Gabriel successfully argued and resisted an application for leave to commence committal proceedings in the High Court under Order 52 of the Rules of Court. Leave stage applications are usually dismissed in exceptional circumstances. Gabriel was briefed on short notice and attended at the hearing on an opposed ex parte basis.

Investigations

- Successfully representing a childcare centre in a statutory appeal to a minister under the Early Childhood Development Centres Act 2017. This matter involved investigative and advisory elements. Gabriel successfully coordinated and conducted field investigations (including interviewing and obtaining statutory declarations from witnesses and staff members and taking site photographs) to disprove reports filed against the company, thereby overturning adverse findings made against the company.
- Acting for a global bank in investigations pertaining to allegations of fraud committed by relationship manager and in a confidential resolution of the allegation. This matter involved the tracing of funds, identification of bad actors, and obtaining confidential settlement and statutory declarations from interested persons.
- Acted for notable SMEs (a F&B chain and an aesthetic and wellness chain) in addressing investigations mounted by the Ministry of Manpower. Gabriel interviewed and examined the relevant employees, identified risk areas, and advised the company on its exposure and methods to restructure its policies and processes. The pro-active steps taken pursuant to advice rendered contributed to the favourable conclusion of the investigations.
- Assisted in acting for a local MNC in large-scale bribery and corruption investigation involving Brazilian state-owned company Petrobras.

Awards / Rankings & Recognition

- Part A of the Singapore Bar Examinations, National University of Singapore - Distinction in Criminal Law

Educational History

- University of Liverpool (2011-2014)
- University of London (2009 - 2010)
- Singapore Polytechnic (2004 – 2008)

Membership in Professional Bodies

- Member, Singapore Academy of Law
- Member, Law Society of Singapore

Language Proficiency

- Native English

Appointments / Committees

- Member, Young Lawyers' Committee, Law Society of Singapore (2018 term)
- Member, Civil Practice Committee, Law Society of Singapore (2019 - present)
- Member, Advocacy Committee, Law Society of Singapore (2020 - present)
- Adviser, Board of Management, Christian Brothers' Schools (2022 - present)
- Member, School Council, Saint Patrick's School (2019 - present)
- Member, Education Sub-Committee, Eurasian Association (2020 - present)