



Success in the High Court for Dr Markus Frey

23 February 2016

In the High Court of Justice - Claim No.: HC-2010-000011

Forester Maurice Labrouche -v- (1) Markus Albert Frey (2) The Estate of Hugo Albert Frey (3) Soledad Cabeza De Vaca Y Leighton (4) Newin Foundation

Background

This is a case concerning the substantial estate of Olga Martin Montis, who died in 1980. The Claim is brought by her grandson, Forester Labrouche, and concerns the Will Trust of Olga and the structures established during her lifetime. Mr Labrouche sued the trustees of his grandmother's Will Trust, namely Dr Markus A. Frey and the estate of his late father Dr Hugo Frey, who had been Olga's trusted advisor, as well as his mother Soledad Cabeza de Vaca Y Leighton. Mr Labrouche also sued Newin, a Liechtenstein Foundation.

Statement

The Judgment of Mrs Justice Asplin DBE follows many years of enormously complex and expensive litigation. On behalf of Dr Markus A. Frey, whom we represented in his personal capacity and as representative of his father's estate, we are delighted that the Judge found emphatically in his favour.

The claim, said to be worth in excess of \$30 million, changed regularly in advance of and during the trial. It was pursued with no expense spared and included baseless and wholly unnecessary attacks on the reputation of Dr Frey and his late father.

This litigation followed equally unsuccessful litigation initiated by Mr Labrouche in Lausanne and in Zurich, as well as in Vaduz, Liechtenstein. It has been a campaign of litigation that Dr Frey has had to defend for 17 years.

The Judge described the Claimant, Mr Labrouche, as "*a very unsatisfactory witness*" and "*evasive*". Dr Frey however, who was cross-examined over four days, is described as "*careful, measured and straightforward*" and the Judge accepted his evidence.

The Judgment concludes that Dr Hugo A. Frey acted in accordance with Olga's instructions and within the discretion he was given in managing her estate, that the structures were properly administered, and that the fees incurred by the trustees were reasonable. The Judge made a finding of breach of trust in respect of one discrete and, in the overall context of the claim as a whole, small, aspect, and decided that the Claimant should pay 95% of our client's costs and those of the Third Defendant (on an

indemnity basis), together with his own vast legal bill. This reflects the extent of Dr Frey's success in this litigation.

A hyperlink to the Judgment, cited as [2016] EWHC 268 (Ch) follows below:

<http://www.bailii.org/EWHC/Ch/2016/268>

Dr Frey commented: *"I am delighted by the outcome of this case. I was impressed by and am grateful to Mrs Justice Asplin for her careful analysis of the facts. The long trial was enormously stressful, as have been all the years of litigation in London and Switzerland. The vindication in the High Court in London of my defence and, in particular, the defence of the misconceived and ill-founded claims made about my late father's conduct, is most welcome. In addition to my thanks to the Judge, I would like to thank my excellent legal team for their support throughout and for their important part in my success, despite the huge difference in the resources available to the Claimant."*

Information

The team acting for Dr Markus Frey included:

Counsel: Emily Campbell and Simon Atkinson of Wilberforce Chambers

Solicitors: Payne Hicks Beach, Rosamond McDowell (Partner), Dominic Crossley (Partner), Ane Vernon (Associate), Andrew Willan (Solicitor).

Press Enquiries

Clementine Travis, Byfield Consultancy, clemmie@byfieldconsultancy.com, 020 7092 3991