

Chong Yeong Yoong

PARTNER



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PROFILE

Chong Yeong Yoong is a Partner with 15 years of experience in litigation and dispute resolution. Her practice focuses on corporate and commercial litigation, encompassing matters such as shareholders' disputes, directors' breach of duties, insolvency proceedings, contractual disputes and tortious claims. Her expertise extends to other key areas of practice including handling contentious probate and administration of estate matters and trust disputes.

WORK HIGHLIGHTS

CIVIL & COMMERCIAL LITIGATION

- › Acted as instructing solicitor for an action commenced in the High Court of Sabah and Sarawak representing a high net-worth individual to recover sale proceeds of an Australian property amounting to more than AUD 1.5 million and successfully secured wins at the interlocutory and appellate stages compelling the Defendant into settlement negotiations prior to trial.
- › Advised a public listed company regarding the termination of a multi-year tenancy with a potential liability of over RM160 million by developing an exit plan for a contractually compliant and defensible termination.
- › Acted for an executor to recover rental of a commercial property, obtained a judgment in default and successfully compelled payment of the judgment debt through an application for prohibitory order against the tenant.
- › Advised a chemical manufacturing company on the domestic inquiry and termination of employment of a senior manager in the company and successfully avoiding an unfair dismissal claim and liability to the company.
- › Acted as co-counsel representing a former senior management executive of a public listed company in two interconnected actions, involving multi-faceted claims including breach of employment contract, unfair dismissal and defamation relating to a Bursa Malaysia announcement and a claim for copyright/patent infringement, conspiracy to injure, and unlawful interference with trade. Successfully vindicated the client against committal proceedings arising from alleged breaches of Anton Piller order at the High Court and maintaining a robust defence through to the Court of Appeal. Ultimately securing a comprehensive global settlement of both actions achieving a favourable resolution for the client prior to the delivery of the appellate decision and conclusion of trial.
- › Acted as co-counsel for a purchaser in a sale and purchase agreement dispute and successfully preserved and secured the client's interest through a Mareva Injunction and a committal order.

QUALIFICATIONS

Advocate and Solicitor

High Court in Malaya

2011

Barrister-at-Law

Lincoln's Inn

2010

Bachelor of Laws (LLB)

University of Bristol, United Kingdom

PRACTICE AREAS

- Civil & Commercial Litigation
- Corporate Litigation & Shareholders' Disputes
- Restructuring, Insolvency & Bankruptcy
- Wills, Probate & Administration of Estates

WORK HIGHLIGHTS

- › Acted as co-counsel for a haulier against a MNC oil and gas company for breach of a haulage contract which led to a positive resolution for our client.
- › Advised a building Management Corporation on a potential action against a utility service provider.
- › Advised foreign solicitors on discovery against a Malaysian citizen in aid of foreign proceedings and Whistleblower Protection Act 2010.

CORPORATE LITIGATION & SHAREHOLDERS' DISPUTES

- › Represented the majority directors of a family-owned investment holding company in a RM2.6 million derivative action involving allegations of breach of fiduciary duties, unauthorized transfer of property and misappropriation of company's funds. Successfully dispelled the allegations and exposed the lack of merits in the Plaintiff's case through a series of rigorous affidavits and a successful interlocutory application compelling a withdrawal of the action.
- › Advised on corporate governance and operational matters during a period of internal board conflict including asset management, specifically property disposals and tenancy renewals, replacement of the company secretary and auditors and the submission of the audited accounts under contentious circumstances to maintain statutory compliance and mitigate potential litigation and regulatory risks against the majority directors.
- › Represented a company in suing its former director for breach of director's and trustee's duties in an action to compel disclosure of transactions in a share trading account involving a RM35 million share margin facility and securing an order compelling the full disclosure of all transactions in the account.
- › Represented a company in defending a suit brought by its former director seeking termination of a trust and release from his fiduciary office and counterclaiming for a full and proper account of the investments claimed to have been made using the director/trustee's monies on behalf of the company. Secured a successful resolution to the dispute prior to the commencement of trial.
- › Acted as co-counsel in an action to recover RM15 million against former directors for unauthorised transfer of funds to a third-party entity under the guise of a corporate investment scheme which was covered up by formal agreements calculated to provide legitimacy to the transaction despite lack of commercial consideration and benefit to the company. Successfully secured a settlement after multiple interlocutory applications, including interrogatories, committal proceedings, and trial but prior to judgment.
- › Acted as co-counsel for a founder of a conglomerate in an action to recover shares and bonds valued over RM500 million held in a special purpose vehicle established for the acquisition of toll road concessions business from the group's subsidiaries. The dispute including other legal actions between the two factions were successfully resolved through a global settlement agreement.
- › Acted as solicitor within the instructing solicitors team representing companies within an East Malaysia conglomerate in a 12-year litigation involving multiple oppression suits and share-transfer disputes and having care and conduct of the matters from High Court level to Federal Court.
- › Acted for a company in resisting a director's request for inspection of accounting records.

RESTRUCTURING, INSOLVENCY & BANKRUPTCY

- › Acted for a foreign company in initiating winding-up petitions against Labuan companies on grounds of inability to pay debts.
- › Acted for a creditor to oppose an application by a bankrupt to discharge a bankruptcy order.
- › Acted for a judgment debtor in setting aside a judgment in default and subsequently the creditor's petition filed in the bankruptcy court.
- › Acted as solicitor within the instructing solicitor team representing companies within an East Malaysia conglomerate in a series of contentious "just and equitable" winding-up petitions and post winding-up applications.
- › Acted for shareholders of companies within an East Malaysia conglomerate in applications to remove the court-appointed liquidator from one of the Big 4 accounting firms.

WILLS, PROBATE & ADMINISTRATION OF ESTATES

- › Advised a beneficiary of a high value estate with significant properties and assets in Malaysia and abroad in a contentious administration of estate matter.
- › Acted as instructing solicitor in an application for the removal of an administrator of a high-value estate in East Malaysia through proceedings at the District Office and escalating the matter to the High Court by a Judicial Review application.