The Evolution of Injunctions: An Examination of Worldwide Freezing & Civil Takedown Orders
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Ibrahim Muhammed
Associate

ABSTRACT
A party goes to the Courts with the expectation that it will obtain an appropriate remedy for a perceived wrong or enforce a perceived right. That is the power of the judicial system and the reason for its continued role as an arbiter of disputes. However, some parties have been able to circumvent orders of Court and in some cases, made judgments nugatory through careful manipulation. A party that calculates that a judgment would go against him/her, can during proceedings, sell assets and transfer funds out of jurisdiction before judgment is obtained. Thus, the Courts have evolved new means for there to be effective compliance with its orders and judgements. One of the means includes the equitable remedy of injunction, which can be used to compel the performance or discontinuance of an action. This article shall discuss the importance of judicial remedy with a focus on the equitable remedy of injunctions and the evolution of special species of injunctions in the form of freezing orders, worldwide freezing orders and civil takedown orders. Furthermore, the article shall present and outline the necessity of these remedies and outline examples of there utilisation by the courts. This shall be done through an analysis of laws and judicial decisions which shall have at its fulcrum the decisions of the Canadian and American courts in Google v Equustek. Finally, there shall be an examination of enforcement mechanisms of these new forms of remedies with the laws of Nigeria and Switzerland analysed and utilised as examples.

INTRODUCTION
Amongst the myriad of judicial remedies available to a Court, one of the most important is that of injunction. An injunction is both a legal and equitable remedy in the form of a special Court order that compels a party to do or refrain from doing a specific act,1 for every order of a Court which commands or forbids is an injunction.2 An injunction can be given at different stages of a proceeding. At the beginning stage, called an Interim Injunction; the order seeks to preserve the status quo and operates until a named date; until a further order of the court; or until an application can be heard to vary or discharge the injunction.3 Whilst an injunction granted during the course of the proceedings, known as an interlocutory injunction, seeks to maintain the status quo pending the final determination of the suit. Injunctions could also form

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2 Aboodahlyde Laboratories Plc v Union Merchant Bank Ltd (2013) 13 NWLR (Pt. 1370) P.130 para H
3 Ibid

Ibrahim Muhammed is an Associate at Kenna Partners.
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part of the Judgement delivered by the Court as relief granted to a party. The nature of an injunction was surmised on in the case of Babatunde Adenuga v. J.K. Odumemi & Ors; Karibi-Whyte JSC (as he then was) stated that:

“An injunction is an equitable order restraining the person to whom it is directed from doing the things specified in the order or requiring in exceptional situations the performance of a specified act. A claim for an injunction is a claim in equity. The order for injunction is available to restrain the defendant from the repetition or the continuance of the wrongful act or breach of contract complained of.”

However, it is not in every scenario that a grant of injunction will be able to satisfy the needs and requirement of a party. In some instances, a party may require that the Court prevent a Respondent from being able to perform certain actions such as the movement and dissipation of assets. Equity possesses the capacity to fill the gaps in the law and the Mareva injunction is an example of the equitable powers of the Court and judicial activism as it considers what the lawmakers would have intended if they were presiding in the same case. Thus, there was the creation of the freezing orders otherwise known as Mareva injunctions.⁸

A Mareva Injunction is a term that is commonly utilized to denote a particular form of injunction which when granted prevents the removal of disputed assets from the jurisdiction or from dissipating, disposing of or dealing with the assets within the jurisdiction in any manner or form which can affect or frustrate the execution under the proceedings brought by an applicant. This new area of equitable remedy was established by a decision of the House of Lords in the Landmark case of Mareva Compania Naveira S. A. v. International Bullecarriers S. A.⁸ where Lord Denning MR stated thus:

“where a plaintiff can show a good arguable claim to be entitled to money from a defendant and there is a real risk that the defendant will remove assets from the jurisdiction, or dispose of them so as to render them unavailable or untraceable, the court may grant an injunction to restrain the defendant from disposing off the assets or removing them from the jurisdiction.”⁹

The doctrine was further developed by the Courts and has tremendous impact on the law. The revolutionary effect of a freezing order resulted in Lord Justice Donaldson describing it as “one of the law’s [...] nuclear weapons.”¹⁰ Similarly, Fabano Carlos described it in similar words as a “Creditor’s legal nuclear weapon.”¹¹

The basis for this paradigm shift in the law, allowing parties to seize assets before judgment, lies in the equitable jurisdiction of the Court. Previously, a

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4 (2001) 1 S.C (Pt.1) 72
5 (Pp. 15-16, paras. F-B)
8 [1980] 1 All ER 213
9 [1980] 1 All ER 213 (CA)
creditor would have had to secure judgment before a remedy was obtainable. This would have been a pyrrhic victory for a judgment creditor as he would be faced with the problem of enforcement of the Judgement sum on assets already identified before and whilst the proceedings were ongoing.

The requirements for the grant of a freezing order are as follows:12

a. The applicant must have a substantive cause of action against the respondent (the [potential] defendant);

b. The applicant must have a good arguable case;

c. There must be a real risk of dissipation of assets;

d. It must be just and convenient to grant the freezing order, bearing in mind the conduct of the applicant (‘he who comes to equity must come with clean hands’); the rights of (and any impact upon) any third parties who may be affected by the freezer; and whether such an order would cause legitimate and disproportionate hardship for the respondent.

Freezing Orders have been successfully utilised by parties to prevent the dissipation of assets before judgement is given so as to ensure that final judgments are not rendered nugatory. However, what happens when the assets that are required for a successful enforcement of a judgement are located not only within the Courts territorial jurisdiction but also outside?

**An Examination of Worldwide Freezing Orders (WFO)**

Worldwide Freezing Order (WFO) is a preservative specie of an injunctive order that prevents the dissipating or meddling with the properties by the Respondents (pending the determination of a dispute) that could render the judgment of the Court nugatory.13 A WFO freezes a Respondent’s assets located across the world, rather than those limited to the jurisdiction where the order is issued. A WFO could grant the Applicant the right to freeze the assets of the Respondent which includes but not limited to; real assets, intellectual property, virtually or electronically on the World Wide Web, and assets held by third parties or proxies of the Respondent. A WFO can be sought before, or contemporaneously in a proceeding or contained in a judgment to prevent the disposal of assets before judgment is satisfied. Significantly, a WFO does not give the Applicant any proprietary rights over the Respondent’s assets.

The first case to consider the possible application of a freezing assets located externally of its territorial jurisdiction is the case of *Ashtiani v Kashi.*4 The Court in this case was of the opinion that its powers to freeze assets belonging to the Respondent should be limited to those within the territorial jurisdiction of the Court. The Respondent, in the instant case, had assets outside of the United Kingdom and the Plaintiff had obtained an injunction on the assets at the trial Court. However, the Defendant appealed and the Appeal Court held that Mareva injunctions must be limited to assets within its jurisdiction.

With all due respect to the Honourable Court, the writer opines that the decision of the Court as stated above was held per incuriam as the Appeal Court was in error when it limited the power of the trial Court in Mareva injunction to assets within its jurisdiction. The Court’s order needs not be tied to its territorial jurisdiction when there exists jurisdiction over parties. The basis for a WFO lies in the Equitable powers of the Court and equity acts on the individual (equity acts in personam) and not against the property. Thus, it matters not that the property in the control of the Defendants was outside the jurisdiction, but so long as those to whom the Court order is addressed can appropriately be restrained from parting with the property. For as stated by *Halsbury’s Laws of England:*

This power depends not on the territorial jurisdiction of the Court over assets in England but on the unlimited jurisdiction of the English Court in personam against any person whether an individual who or a corporation which is, under English procedure, properly made a party to in the English Court.14

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12 Sotuminu v. Ocean Steamship (Nig.) Ltd. (1992) NWLR (Pt. 239)1
13 **Akingbola V. Chairman, EFCC** [2012] 9 NWLR (Part 1306) 475 at 500 Paras E – G
“...the Court added that if a respondent is the sole shareholder or director of a company, it does not immediately infer that the company’s assets together with that of the individual are to be subject to the freezing order.”

The utilisation of territorial limit to deny the grant of freezing of assets was upturned in the case of *Babanaft International Co. S. A. v Bassatne & Anor.* Where the English Court of Appeal held that there was nothing to prevent the English Courts from granting Mareva injunctions against parties whose assets are outside of jurisdiction, but the court did insist that such orders cannot operate directly upon the foreign assets through attachments, or upon third parties (such as banks) holding the assets without prior enforcement proceedings.

From the Babanaft decision it can be seen that there was a qualified recognition and grant of WFO so far as a WFO does not pass title; was enforced in a country where the assets are located; and does not unduly affect third parties. This qualified grant is what has become known as the “Babanaft Proviso.” However, the proviso has been criticised on the basis that it weakens the intent and applicability of a WFO as it means that the assets of a Respondent can be easily siphoned under the auspices of third party ownership.

Therefore, in the case of *Baltic Shipping v Translink* a new proviso was developed. The Baltic proviso states: “Nothing in the order should, in respect of assets outside jurisdiction, prevent a third party from complying with what it reasonably believes to be its obligations, contractual or otherwise, under the laws and obligations of the country or state in which those assets are situated or under the proper law of any bank account in question.”

The protection of 3rd party assets was also given consideration in *FM Capital Partners Ltd v Frederic Marino & Others,* where the Court varied a worldwide freezing order by removing language in its initial order which would have frozen the assets of companies owned by the Respondent. Furthermore, the Court added that if a respondent is the sole shareholder or director of a company, it does not immediately infer that the company’s assets together with that of the individual are to be subject to the freezing order. However, the Court further stated that if the Respondent has a degree of control over the company’s assets that the company is in reality the “wallet” of the Respondent, those assets will be subject to the order.

The Court in Babanaft’s case deliberated on the requirements for a WFO. Kerr LJ stated that “the principles applying to the grant of a worldwide post-judgment Mareva injunction also apply to a pre-trial worldwide injunction (although the cases in which it is appropriate to grant such an injunction will be rare).”

Thus, the following are the requirements that an Applicant needs to satisfy for there to be a grant of a worldwide freezing order:

a. The Applicant must have a substantive cause of action against the respondent or the potential defendant in an interim exparte application;

b. The applicant must have a good arguable case; prima facie case

c. Identifiable assets.

d. There must be a real risk of dissipation of assets; and

e. It must be just and convenient, therefore, there must be:

i. Clean Conduct

ii. Full and frank disclosure

iii. No hardship on Respondent and 3rd Parties.

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15 CA 30 JUN 1988
16 [1995] 1 Lloyd’s Rep 673
17 [2018] EWHC 2889
18 CA 30 JUN 1988 p 441 and p 447
The most difficult requirement to satisfy is that of the identification of assets. To what extent does the Applicant need to identify the assets that a WFO is to apply? In Ras Al Khaimah Investment Authority & Ors v Bestfort Development & Ors, Longmore LJ asserted that “…Since a claimant cannot invariably be expected to know of the existence of assets of a Defendant, it should be sufficient that he can satisfy a court that there are grounds for so believing…”

From the foregoing, in order to satisfy the identification of assets, an Applicant must go further than to show the wealth or status of the Defendant and satisfy the Court of the existence of asset via real evidence. However, this does not mean that there must be a definitive identification of the assets.

The utility of a WFO is multi-faceted as seen in the diverse instances of its Application. The order is generally granted to prevent the dissipation of Assets as seen in Republic Of Haiti V Duvalier, where there was a refusal by the Courts to remove a WFO against the defendant (a former Prime Minister of Haiti and his family), in order to prevent the dissipation of the assets. Likewise, in the case of Dadourian Group International Inc v Simms and Others, a WFO was granted for the purpose of supporting a foreign arbitral Proceeding. Likewise, it has been acknowledged that apart from the risk of dissipation of assets, it can swerve the function of an exertion of financial pressure for the purpose of settlement. A WFO restricts the Respondent’s power of Disposal of assets and the Respondent is to give a full and frank asset disclosure to the Court where the Order was obtained exparte. However, a Respondent is entitled to remove living expenses, legal costs and bona fide payments to creditors from assets subject to a WFO with permission of Court. Moreover, there may arise negative publicity on a Respondent that is subject to a WFO. A party that violates a WFO can be held in contempt for disobedience of a Court Order. Other potential consequences include imprisonment, fine or asset seizure.

The application and grant of WFO in deserving cases in the United Kingdom is developed and continues to be reviewed and analysed. Thus, in Vitol SA v Morley, the Court held that if the Defendant holds assets within England and Wales, it may be willing to make a positive mandatory order requiring the party to transfer assets into the Jurisdiction. However, the Court refused to make such an order as the applicants claim was an allegation of dishonesty and fraud, which is not a matter of opinion but facts, and requires the defendant to be heard. Thus, the Court upheld only the existing WFO and declined to issue a positive mandatory order for assets outside of jurisdiction to be brought into jurisdiction.

APPLICATION OF WFO IN NIGERIA

In Nigeria, there exists no specific statutory provision on the remedy and application of WFO. However, Section 13 of the Federal High Court Act is a relevant provision for consideration. The section states the Court’s power to grant an injunction or appoint a receiver via an order in all cases in which it appears to the Court to be just or convenient so to do. Likewise, it is stated that the order may be unconditionally or on such terms and conditions as the Court may think fit.

For the purpose of clarity, Section 13 states:

1. The Court may grant an injunction or appoint a receiver by an interlocutory order in all cases in which it appears to the Court to be just or convenient so to do.
2. Any such order may be made either unconditionally or on such terms and conditions as the Court thinks just.
3. If, whether before, or at, or after the hearing of any civil cause, or matter, an application is made for an injunction to prevent any threatened or apprehended waste or trespass, the injunction may be granted, if the Court thinks fit, whether the person against whom the injunction is sought is or is not in possession under any claim of title.

19 (2017) EWCA Civ 1014
20 CA 1989
21 [2006] EWCA Civ 399
22 (2015) EWHC 613 (QB)
“... it can be seen that whilst there exists no specific statutory provision, there has been judicial recognition of WFO and its application in Nigeria.”

or otherwise, or (if out of possession) does or does not claim a right to do the act sought to be restrained under colour of title, and whether the estates claimed by both or by either of the parties are legal or equitable.

4. The power conferred by this section to grant an injunction by an interlocutory order may be exercised notwithstanding that the same is granted against an officer or authority of the Federation as such.

Moreover, in Lagos State the applicable provision is section 16 of High Court of Lagos State Law, which empowers the High Court of Lagos State, to grant injunctions in all cases that appear just or convenient to do so.

Nigeria is not immune from the risk of asset dissipation in the course of judicial proceedings, therefore the absence of specific legal framework has not served as deterrent. Thus, there has been several brave attempts to utilize section 13 of the Federal High Court Act to obtain the remedy of WFO to effectively prevent the dissipation of assets. Such examples exist in cases relating to fraud or corruption as can be seen in Federal High Court decision in EFCC vs. Akingbola where the Court granted a WFO on assets in Lagos, Accra, England, and Dubai. Similarly, in EFCC vs. Deziani, Aluko & Omokore, the Federal High Court granted a WFO on assets in Nigeria, Canada, Switzerland, England and the USA. The basis of Courts powers to make such orders is tied to its inherent powers. This position was supported by the Court of Appeal in Dangabar Vs. F.R.N. where it was held that the Court can make freezing order against assets within jurisdiction and outside the jurisdiction including the assets in the name of third parties if it can be established that those assets are beneficially issued by a defendant.

Therefore, it can be seen that whilst there exists no specific statutory provision, there has been judicial recognition of WFO and its application in Nigeria.

WORLDWIDE CIVIL TAKE DOW N ORDER

The internet and the worldwide have greatly facilitated the free flow and accessibility of information. The increased access to information is largely responsible for the increase in trade and the problem of enforcement of judgements as discussed in relation to the judicial evolution of the WFO. However, seeking a remedy against an individual infringer in certain situations may be inadequate as the messenger is more important than the sender in some scenarios. Likewise, the internet and the worldwide web composed of many “messengers” such as internet service providers and websites is an important place for consideration in enforcing right. Thus, what powers do the Courts have over activities in the digital realm? In Google Spain SL v. Agencia Española de Protección de Datos (AEPD) (Costeja), the European Court affirmed the decision of the Respondent (the Spanish Data Protection Agency) requiring the global search engine to remove or block access to data that compromises the “fundamental right to data protection and the dignity of persons in the broad sense.”

Similarly, under “safe harbour” provisions in the Digital Millennium Copyright Act (DMCA) in the United States of America and the European Electronic Commerce Directive, intermediaries are to promptly respond to takedown requests to be availed of limited

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23 Ch. H5 Laws of Lagos State 2015
24 Suit No: FHC/L/CS/1492/2009
25 Suit No: FHC/ABJ/CR/121/2016
26 (2014) 12 NWLR (Pt. 1422) Page 575 at 599 Paragraphs A-C
27 C-131/12, ECLI:EU:C:2014:317
28 Google Spain SL v. AEPD, para. 17.
liability from infringement of rights by 3rd parties on their platforms. In summary, Takedown orders are requests from parties for the removal of infringing information in the internet and the worldwide web. Moreover, when such requests come from the Courts, takedown orders can be seen to be a variation of the equitable remedy of injunction. However, the internet by its characteristic is accessible worldwide and a takedown Order by a municipal Court can have worldwide impact and ramification. Assuming that data controllers and internet intermediaries can be made liable for some activities, can a municipal Court give a takedown order over content accessible worldwide? The case of Google v Equustek shall now be examined.

In Google v Equustek, Equustek was a small British Columbian information technology company that manufactures complex networking devices, and Datalink was its former distributor who allegedly relabelled one of Equustek’s products to pass it off as its own. Also, Datalink allegedly used Equustek’s trade secrets and confidential information to sell other competing counterfeit products. These facts caused Equustek to sue Datalink’s principal (Morgan Jack) and two Datalink affiliates (together “Datalink”) for misappropriation of intellectual property in 2011. Unfortunately, Datalink left jurisdiction but continued to conduct business online and from an unknown physical location. In 2012, the Court ordered a freeze of Datalink’s worldwide assets. As Datalink continued to conduct business on the web, Equustek approached Google, a worldwide search engine that handles 70-75 percent of the world’s internet web searches, to de-index (stop listing on its search engine) Datalink’s websites. However, Google requested that Equustek produce a court order before it can de-index the websites. Equustek produced the 2012 Court order ordering Datalink to “cease operating or carrying on business through any website.” Following this order, Google removed Datalink webpages from google.ca, its default Canadian domain, but did not de-index the Datalink sites from its global domain (google.com). This refusal to de-index all of Datalinks websites worldwide was ineffective and insufficient as Datalink moved the de-indexed content to other domain names outside of Canada.

Thus, Equustek instituted a legal action against Google and asked the Court for a pre-trial order for Google to remove all of Datalink’s websites from its worldwide search engine. The British Columbia Supreme Court had granted an interlocutory injunction against Google ordering it to remove all Datalink sites worldwide from its Search engine and not only in Canada. However, Google fought the Court order and appealed to both the Canadian Court of Appeals, where its appeal was dismissed. Similarly, the Supreme Court of Canada affirmed the earlier decisions. The Supreme Court observed that it was entirely valid for injunctions to be granted against third parties when necessary and observed that:

“The interlocutory injunction ... flows from the necessity of Google's assistance in order to prevent the facilitation of Datalink’s ability to defy Court orders and do irreparable harm to Equustek. Without the injunctive relief, it was clear that Google would continue to facilitate that ongoing harm.”

It can be seen that the Canadian Courts were unfazed by the perceived extra territorial effect of such a worldwide civil take down of content but more interested in the harm being faced by Equustek and its duty to provide a remedy. Thereby they evolved and granted a worldwide takedown order to alleviate and remedy the wrong.

However, in order to prevent Equustek from enforcing the Canadian judgment in the United States, Google filed an action in Case No. N.D. Cal. Nov. 2, 2017. In the case, the U.S. District Court of Northern California ruled in favour of Google and granted Google a temporary injunction blocking the enforceability of the Supreme Court of Canada’s order. The Court granted the injunction on the basis that the company

29 Section 512, Digital Millennium Copyright Act (DMCA)
30 Equustek Solutions Inc. v. Google Inc., 2014 BCCA
31 Equustek Solutions Inc. v. Google Inc., 2014 BCCA
32 [2017] 1 S.C.R. 34 (Can.) (para.) 35
“... Takedown orders are requests from parties for the removal of infringing information in the internet and the worldwide web. Moreover, when such requests come from the Courts, takedown orders can be seen to be a variation of the equitable remedy of injunction.”

was protected as a neutral intermediary under Section 230 of the Communications Decency Act 1996 (CDA), as forcing internet intermediaries to remove links to third-party material as held by the Canadian order will undermine the policy goals of Section 230 and threaten free speech on the global internet. Thus, it can be seen that a Court will not enforce a foreign decision when the decision is contrary to laws and rights within its jurisdiction. This case is reminiscent of the famous legal battle in *Yahoo! v LICRA & UEJF*, where there was a similar occasion of a national Court ruling at the enforcement stage contrary to the holding of the trial Court of another jurisdiction. If Google succeeds in making the injunction permanent, it will likely return to Canada to argue that the Court order violates the law of another country.

The decision follows an unfortunate precedent that seeks to make the sole applicable law to be that of the United States on Google and other large U.S. Corporations operating global platforms, while their operations continue to be global. Thus, obtaining worldwide benefits but seeking to be subject to only one municipal law. Furthermore, the decision, obtained in absence of appearance of Equustek, can be criticised on the basis that section 230 of the CDA does not apply to prevent the enforcement of Court orders like the order affirmed by the Supreme Court of Canada. Reason being that it did not impose any extra liability on Google. Likewise, that the United States District Court did not consider the principle of comity and reciprocal enforcement of judgement when it was examining the enforceability of the Canadian rulings.

Back in Canada on April 16, 2018, in *Equustek Solutions Inc. v Jack*, the British Columbia Court rejected Google’s requests for a variation of the civil take down order. The British Columbia Court reasoned that the decision of the United States District Court did not in any way establish that the injunction required Google to violate American law. Likewise, as there was no change in circumstances, there was no reason to change the original order. Thus, the temporary order against Google, in place since 2014, remains in place, pending outcome of the trial.

In conclusion, worldwide takedown Orders appear to be a new evolved form of equitable reliefs that the Courts in some jurisdiction are willing to utilise on erring Web content providers but their effectiveness is still debateable due to the hurdle of enforcement. However, their enforcement would be smooth in regional blocks with recognised legal frameworks such as the European Union.

### ENFORCEMENT OF WFO & TAKEDOWN ORDERS

Despite the seemingly extraterritorial nature of both the worldwide civil takedown order and freezing orders, there must be enforcement proceedings brought forth in the jurisdiction in which the decision is sought to be enforced. For as stated by Nicholls LJ:

> ‘The enforcement of the judgment in other countries, by attachment or like process, in respect of assets which are situated there is not affected by the order. The order does not attach those assets. It does not create, or purport to create, a charge on those assets, nor does it give the plaintiff any

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33 United States Court of Appeals, Ninth Circuit. - 433 F.3d 1199
34 2018 BCSC 610 (CanLII)
proprietary interest in them. The English court is not attempting in any way to interfere with or control the enforcement process in respect of those assets. 36

Thus, to be effective WFO and Worldwide takedown orders are to be registered in the Countries wherein the assets are to be frozen. In Switzerland, a major centre of global banking, the applicable legal provisions for enforcement are:


b. 1987 Swiss Private International Law Act (PILA) 38

The Lugano Convention is applicable to decisions ordered by Courts of fellow European Union states. Whilst the PILA applies to decision of Courts of non-European Union member states. Unfortunately, Article 25 of the PILA requires that a foreign decision must be final in order to be enforceable in Switzerland.

In Nigeria, the applicable legal provisions are:

a. Foreign Judgments (Reciprocal Enforcement) Act, 1990 39

b. The Foreign Judgments 1958 Ordinance 40

Under these existing legal frameworks, both interim and interlocutory WFO and interim worldwide takedown orders cannot be enforced as there is a condition for decisions to be made by a Superior Court of record to be final and that it must be on money judgments. 41 Thus, there is a need for the recognition by Municipal statutes of WFO and Takedown orders that are not final judgments for the purpose of enhancing justice delivery, especially when cognisance is given to the fast paced nature of the 21st century.

CONCLUSION

Thus, it can be seen that there has arisen an evolution of preservatory orders from the simple injunction to Mareva injunctions, WFO and Civil Take Down Orders. These new remedies go a long way to ensure that there is preservation of status quo irrespective of the advancement in ease of global trade and technological advancements. Likewise, the increase in global trade and technological advancement has made the issue of dissipation of assets before judgment a global phenomenon and as such requires a global solution. These remedies take cognizance of the global nature of parties and their actions and are to be commended. However, neither a WFO nor a takedown order are infallible due to their requirement of enforcement but they are a Foot in the Door in the pursuit of effective judicial remedy against asset dissipation and infringement of rights. Thus, the Courts are enjoined to continue to toe the path of Judicial Activism to propagate and evolve other “new” judicial remedies for the effective administration of judicial remedy. An example is seen in the decision of Holyoake v Candy 42, where the Court granted an order in the form of a “Notification injunction” in favour of the Applicant. The order stated that the Respondent is to notify the Applicant before disposing of the relevant assets.

36 Babanaft International Co Sa v Bassatne CA 30 Jun 1988
39 LFN 2010 CAP. F35
40 Foreign Judgments (Reciprocal Enforcement) Act 1990 Cap. F35 LFN 2010, Section 2(1)
41 [2017] EWCA Civ 92
Author

Ibrahim Muhammed
Associate
imuhammed@kennapartners.com