

## **Oak Finance investors file debt recovery proceedings in the English court**

London, 26 February 2015: Today a group of Oak Finance investors, consisting of institutional investors who invest globally directly or indirectly on behalf of pensioners, taxpayers and other beneficiaries have filed debt recovery proceedings in the English court against Novo Banco. These investors will also shortly be filing public law proceedings in Portugal against the Bank of Portugal.

These actions are being taken by, amongst others: The New Zealand Superannuation Fund, ANDBank, Avenue Capital Group, Elliott Management Corporation, Karrick Ltd, Silver Point Capital, FFI Fund Ltd., FYI Ltd., Olifant Fund, Ltd. and TDCPensionskasse.

In August 2014, when faced with the likely failure of BES, the Bank of Portugal directed that senior obligations of BES, including the Oak Finance loan, be transferred to Novo Banco along with the assets and other senior debt of BES. The Bank of Portugal's subsequent decision in December 2014 purporting to determine, with retroactive effect as of 3 August 2014, that the Oak Finance loan had not transferred to Novo Banco was based on incomplete and inaccurate information. The Oak Finance investors do not accept that the Bank of Portugal had any legal grounds justifying the December 2014 decision.

Although the Bank of Portugal has since been provided with facts that would require it to reverse its December decision, the Bank has refused to do so, instead referring these matters to be determined by a court.

### **Ends**

The Oak Finance investors are represented in London by Akin Gump LLP (attention James Roome, james.roome@akingump.com, +44.20.7661.5317) and Quinn Emanuel Urquhart & Sullivan, LLP (attention Richard East, richardeast@quinnemanuel.com, +44.20.7653.2222) and in Portugal by PLMJ (attention Hugo Rosa Ferreira, hugo.rosafferreira@plmj.pt, +351 213 197 391).

*Editors: please note that further comments will be limited due to legal proceedings.*