

Litigation & Arbitration Valuation Services



Expert Witness

Litigation and arbitration valuation is no mere adjunct to the legal process. It is the discipline through which abstract legal arguments are translated into quantifiable, defensible financial value. Quantum, the question of how much, sits at the heart of every dispute, whether in litigation or in domestic and international arbitration. In an adversarial setting marked by incomplete, and at times deliberately withheld, information, the valuer must reconstruct the true economic value of a business, asset or loss, and then defend that conclusion under rigorous challenge.

Credibility rests on intellectual discipline, not the appearance of precision. The analysis is grounded only in what was known or knowable at the relevant time, free from the distortion of hindsight, and it draws a clear line between the ex-ante question of what an asset was worth and the ex-post measure of the loss actually suffered, a distinction that frequently decides the outcome. From early advice, through written reports, to oral testimony, we make complex valuations clear and persuasive to judges, arbitrators and counsel.

An expert witness owes a first duty to the court or tribunal, above the interest of any party who instructs or pays. Independence, exercised within one's true area of expertise, is what makes an opinion admissible and persuasive.

OUR SERVICES

- Expert witness reports & oral testimony (incl. single joint expert)
- Quantum of damages & loss of profits
- Shareholder and unfair prejudice disputes, fair value (s.168A)
- Disputes following M&A and share purchase agreements, and warranty or indemnity claims
- Intellectual property & intangible asset disputes
- Matrimonial ancillary relief (business valuation, Duxbury Calculation)
- International & domestic arbitration (HKIAC · SIAC · ICC and other rules)
- Rebuttal of opposing experts, expert determination and mediation support

WHY CHOOSE MOORE



Quantum and valuation expertise

Specialist capability in business, share and intangible asset valuation and in the measurement of loss, whether fair value, lost profits or diminution in value, expressed with the precision a court or tribunal can rely on.



Known or knowable, value versus loss

Discipline in the principles that decide cases, confining the analysis to what was known or knowable at the relevant time and distinguishing the ex-ante value of an asset from the ex-post measure of the loss, free from hindsight.



Defensible under pressure

Robust, transparent and well documented methodology, with every assumption reasoned and sourced, so that our opinions hold up to scrutiny in cross examination and before the tribunal.

METHODOLOGIES & STANDARDS

Methodologies: we apply internationally recognised valuation and damages frameworks, selected to fit the issue in dispute. These include the income approach (discounted cash flow), the market approach (guideline public companies and precedent transactions) and the asset approach, together with lost profits and counterfactual but for modelling, event studies and option pricing where optionality is present. Discount rates, control premia, marketability discounts and country risk are calibrated to the facts, the prescribed standard of value and the relevant jurisdiction.

Standards and duties: as independent experts, our paramount duty is to the court or tribunal, overriding any obligation to the instructing party. We act in accordance with the Code of Conduct for Expert Witnesses under Order 38 of the Rules of the High Court of Hong Kong and the procedural rules of the HKIAC, SIAC and ICC. Our work spans the preparation of expert reports, participation in experts' meetings and the production of joint statements that narrow the issues, and the giving of oral evidence, including under concurrent expert evidence.

TEAM EXPERIENCE

- International and domestic arbitration before institutions such as the HKIAC and SIAC, including shareholder, joint venture and investment fund disputes.
- Shareholders' and unfair prejudice disputes, including court appointed single joint expert valuations.
- Matrimonial ancillary relief, including single joint expert valuations of private business and asset interests, as well as Duxbury calculation (lump sum maintenance payment).
- Intellectual property and licensing disputes, including breach of licence and royalty arrangements and the valuation of intangible assets.
- Business damages, lost profits and diminution in value claims arising from breach of contract, judicial review, regulatory or enforcement action, and expropriation.

Moore Transaction Services

At Moore Hong Kong, our expert team provides support to clients at every stage of litigation and demonstrates exceptional expertise in handling complex disputes. We adopt a multidisciplinary approach, combining financial and industry knowledge to address the unique challenges of each case - whether involving commercial disputes, regulatory matters or arbitration.

We deliver clear expert reports and testimony to assist courts and relevant stakeholders in understanding complex financial concepts. Through close collaboration with clients and legal advisers, we also provide strategic insights to strengthen our clients' positions, enabling them to address challenges with greater confidence.

Should you wish to know more about disputes and litigation, please WhatsApp +852 6938 9310 or contact our Transaction Services Managing Director, Kenneth Ma, or Transaction Services Principal, Calvin Wong.



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