

# Valuation in a Dispute Context

## Services

Our expertise in valuation covers a broad range of disputes, including:

### Business Valuation

- Shareholder disputes
- Post-acquisition disputes and breach of warranty claims
- Expropriation claims
- Distributor and joint venture disputes
- Matrimonial disputes
- Trust and family disputes

### Quantification of Damages

- Loss of profits due to breach or wrongful termination of contract
- Loss of opportunity claims
- Business interruption claims

### Intellectual Property

- Valuation of intellectual property rights and other intangible assets
- Damages for intellectual property infringement
- Licensing disputes or negotiations

### Other Contexts

- Valuation of securities
- Tax disputes
- Restructuring and insolvency
- Valuers' professional negligence claims

Growth in cross-border trade, finance and investment flows has created an environment where complex commercial disputes are on the rise. When dealing with commercial disputes, issues of value are key, whether they concern shareholders, joint venture partners, investors, contractual counterparties or individuals.

At FTI Consulting, we understand that assessing the value of a business or asset, or the quantum of a claim, is not a mechanical exercise. We look beyond the numbers to analyse the commercial value drivers of a business, select the appropriate methodologies and produce a valuation that is rigorous and substantiated by economic and commercial reality. We combine technical valuation skills with knowledge of Asia Pacific markets and expert witness experience to provide valuation reports that are independent and compelling.

## Valuation and Finance Expertise

FTI Consulting brings a depth of technical expertise to the valuation of businesses, securities and intellectual property assets and the quantification of complex damages, such as those for loss of future profits. Our highly-credentialed professionals have extensive experience in finance, accounting, engineering and economics, and take a multidisciplinary approach to quantifying value. For valuations concerning specialised assets or industries, we are able to draw on a global network of expertise.

## Knowledge of the Asian Markets

Understanding local market conditions and the complexities and risks of doing business in Asia – such as capital flows in and out of highly regulated jurisdictions – is critical in any assessment of value. We have 30 years of experience across most jurisdictions in the Asia Pacific region and the ability to deploy staff with relevant local knowledge and language skills.

## Multidisciplinary Approach

Valuation in the context of a dispute involves particular challenges. The facts on which the valuation is to be based may be in dispute, and an investigation into these may be required before value can be assessed. Depending on the legal context, valuations may be required under a variety of scenarios, some of them hypothetical. Our ability to draw on our experts in investigative accounting, forensic data extraction, data analysis and economic consulting allows us to obtain and examine the facts and build reliable financial projections, delivering a valuation report that is compelling.

## Understanding of the Litigation and Arbitration Process

Our teams are experienced in the process of litigation and arbitration, and in preparing expert testimony that is clearly articulated and compelling.

We frequently support clients throughout the litigation cycle, from initial case assessment, to assistance with discovery, support in mediation or settlement negotiations, and the delivery of oral evidence before a court or tribunal.

## How FTI Consulting Protects Your Commercial Interests

### Joint Venture and Shareholder Disputes

Inbound investment into Asia and the entry of multinational companies seeking to access new markets is often in the form of joint ventures between local and international parties. Disputes can arise in such ventures from differences in working practices and cultures, or when economic events develop in a manner that is unexpected and has not been planned for. We have considerable experience in applying our accounting, financial and valuation expertise to help unravel the complex and interrelated issues that often emerge in such disputes.

### Family and Estate Disputes

Family-owned and entrepreneur-lead businesses have been a key driver of economic growth in Asia, and continue to play a prominent role in the economy. Disputes over family-owned enterprises involving family members are also not uncommon, particularly over succession issues. We have worked on some of the largest family disputes in the region, and are experienced in the valuation of family-owned groups, companies and business divisions. We have experience of analysing the complex corporate structures that often underpin such businesses, and can identify the value impact of large business groups being divided along different lines.

### Quantification of Complex Damages

Damages claims, such as those for loss of profits, are often based on forecasts of future financial performance, often in multiple scenarios. Our highly qualified specialists are adept in applying their valuation expertise to identify key business drivers and risks, build reliable forecasts of financial performance, isolate the impact of the key event on past or future value and quantify the economic loss suffered.

### Intellectual Property Disputes

Intellectual property rights and intangible assets represent a significant proportion of the value of many businesses. Companies operating in the Asia Pacific region are increasingly focused on protecting valuable intellectual property, including through litigation. Our considerable expertise in intellectual property disputes includes damages, account of profits analyses in infringement claims or passing off claims, and other licensing and contractual disputes.

### Expert Testimony

Our seasoned and highly credentialed professionals are experienced in the preparation of expert evidence, and in presenting complex issues clearly and succinctly in a court or tribunal.

Our understanding of the litigation process, combined with strong attention to detail and comprehensive quality control processes ensures we deliver independent valuation reports supported by solid evidence and valid assumptions.



For more information on our activities across Asia Pacific and how FTI Consulting can help your business, please contact us on [info-ap@fticonsulting.com](mailto:info-ap@fticonsulting.com)

CRITICAL THINKING  
AT THE CRITICAL TIME™

#### About FTI Consulting

FTI Consulting, Inc. is a global business advisory firm dedicated to helping organisations protect and enhance enterprise value in an increasingly complex legal, regulatory and economic environment. FTI Consulting professionals, who are located in all major business centres throughout the world, work closely with clients to anticipate, illuminate and overcome complex business challenges in areas such as investigations, litigation, mergers and acquisitions, regulatory issues, reputation management and restructuring.

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