

Lea Lilly Perry and another (Appellants) v Lopag Trust Reg and another (Respondents) No 2 (Cayman Islands)

Case ID: JCPC 2022/0014

Jurisdiction: Court of Appeal of the Cayman Islands

Case summary

Issue

Whether the transfer of a share to Lopag Trust Reg was void and/or should be set aside.

Facts

This appeal concerns the transfer of the single issued share (the "Share") in a Cayman company, Britannia Holdings (2006) Ltd ("BH06"), to Lopag Trust Reg ("Lopag") a Lichtenstein trust enterprise, by Israel Igor Perry.

The Appellants, Lilly and Tamar Perry, are, respectively, the widow and elder daughter of Mr Perry. Mr Perry was an Israeli-qualified lawyer and businessman who died on 18 March 2015. The Appellants are both Israeli nationals. Lilly and Mr Perry married in Israel in 1964. In October 2013, as part of his succession planning arrangements, Mr Perry transferred the Share to Lopag to be held on the terms of a Liechtenstein discretionary trust known as the Lake Cauma Trust. The Share accounted for a very substantial proportion of the total assets of the Perry family.

On 20 November 2017, the Appellants brought an Originating Summons seeking to challenge the transfer of the Share to Lopag. The Appellants' claim is advanced on two grounds. First, the Appellants submit that the transfer of the Share was void or should be set aside because the transaction violated Lilly's matrimonial property rights under Israeli law since it was effected without her knowledge or and consent, and, separately, without complying with the formalities required under Israeli law. Second, the Appellants submit that the transfer of the Share should be set aside for equitable mistake because of their assertion that Mr Perry would not have transferred the Share if he had known that discretionary beneficiaries did not have effective rights to apply to the court to enforce the trustees' obligations under Lichtenstein law.

On 27 May 2020, the Grand Court of the Cayman Islands dismissed the Appellants' claim. The Court of Appeal dismissed the Appellants' appeal on 18 November 2021. Conditional leave to appeal to the Privy Council was granted by the Court of Appeal on 15 December 2021.

Parties

Appellant(s)

Lea Lilly Perry, Tamar Perry

Respondent(s)

Lopag Trust Reg, Admintrust Verwaltungs Anstalt

Appeal

Justices

Lord Hodge, Lord Lloyd-Jones, Lord Briggs, Lord Kitchin, Lord Sales, Lord Stephens, Lord Richards

Hearing start date

18 January 2023

Hearing finish date

18 January 2023