

## Case summary

### Issue

Whether the rule against reflective loss bars creditors of a company from claiming directly against a third party for asset-stripping the company.

### Facts

Marex accuses Mr Sevilleja of asset-stripping two companies so that they were unable to pay their judgment debt to Marex, by transferring money from their bank accounts in this jurisdiction into his personal control. Marex says that in doing so, Mr Sevilleja, who is not resident in this jurisdiction, committed a tort. On this basis, it obtained permission to serve proceedings on him out of the jurisdiction. Mr Sevilleja challenged the validity of service, and the court's jurisdiction. He says that the rule against reflective loss bars Marex from showing a completed cause of action in tort. The rule bars a party who has suffered loss through a reduction in value of their interest in a company from claiming directly against the person who caused the loss to the company, rather than letting the company make the claim. This appeal raises the question of how far the rule applies to creditors.