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Judge Orders \$6.8 Million in Sanctions for Tying Up Fortune

Samantha Joseph, Daily Business Review



An 81-year-old South Miami woman faces sanctions of more than \$6.8 million for freezing a massive fortune during a nasty and complicated divorce.

Ming Tien's ex parte temporary injunction tied up about \$100 million as litigation played out in Taiwan and Florida and spawned more than a dozen cases in her nearly decade-long fight with estranged husband Paul.

She came out on the losing end April 20 when Miami-Dade Circuit Judge Reemberto Diaz ruled Tien acted in bad faith when she froze the big-dollar bank account.

The money was the subject of an interpleader motion by the defunct Wachovia Bank N.A., which asked the court to determine its true owner. About \$90 million was in one Florida account in the name of a long-decommissioned holding company in the Turks and Caicos Islands.

Tien successfully petitioned for an injunction that froze the account as a marital asset. She and her son, Henry, claimed rights to the money. But her husband and older son argued the Turks and Caicos entity was a shell company used to hide income siphoned from family-owned businesses that ran a medical school on the Caribbean island of Montserrat.

The suit took an unusual turn when an unexpected litigant — the Turks and Caicos government — also asserted a claim. The government argued the money was public property because the Turks and Caicos-incorporated company named on the account had not existed for years. The Third District Court of Appeal in 2010 found the money belonged to American University of the Caribbean and other Tien family-owned international companies. The court vacated Tien's

injunction, finding her claim for equitable distribution violated the companies' rights.

The companies and her husband, Paul Tien, successfully sued Ming Tien for attorney fees, court costs and damages for improper entry of the injunction.

Diaz imposed the penalty last month on Ming Tien, awarding nearly \$6.2 million in damages, \$494,409 in costs and \$183,571 in attorney fees.

It was the latest blow for Ming Tien, who married Paul Tien in Taiwan in 1952 and immigrated with him to the U.S. Her husband filed for divorce in Taiwan in 2006, and Ming Tien filed her own action for dissolution of marriage a month later in Miami-Dade Circuit Court.

Ming Tien did not participate in the Taiwanese suit, which ended in 2008 after the foreign court found she'd been duly served and granted Paul Tien's petition. She also lost the competing Florida divorce after the U.S. court ruled it lacked jurisdiction over Paul Tien, who relocated to the Caribbean and China and surrendered his U.S. citizenship.

When the litigation started, Ming Tien was a wealthy woman. But she has since represented herself in court because she can no longer afford legal fees, her son Henry Tien said. Public records show she owns a three-story waterfront mansion in Coral Gables' gated Gables Estate enclave and a more modest four-bedroom house in South Miami.

Tien's former attorney, Roger Slade of Haber Slade in Miami, said he thought "the court made a mistake in finding that there was no jurisdiction. That Ming Tien has to pay attorneys' fees for the companies, when she should rightly own a piece of those companies, is a horrendous result."

Slade teamed with Arnstein & Lehr Miami partner Susan Trench to appeal the jurisdiction issue.

Hendrik "Henk" Milne and Craig Kalil, Miami partners at Aballi Milne Kalil, and Jeannie Etter of Buckner Shifrin Etter Dugan Bradfute & Kohlman in Miami represented Paul Tien, his oldest son and the companies.

The litigation took them across the globe for hearings and mediations in Hong Kong, Taiwan, Singapore, the Philippines and other countries.

"This was a sad case about the breakup of a family," Milne said. "Unfortunately, litigation is a poor tool for mending broken families, however well-intentioned counsel may be."

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