

Robert Weekes KC

"Robert Weekes is extremely bright, totally unflappable and someone who can absorb and analyse large volumes of information with ease."

– CHAMBERS & PARTNERS, 2024

Year of call: **2003**
Appointed to silk: **2022**
Degree: **MA (Cantab), First Class; LLM (NYU) (Fulbright scholar)**



Rob is a leading silk in commercial law. He advises and appears in a variety of disputes and across a wide range of industry sectors. He has particular expertise in cases involving allegations of fraud and is often called upon for his considerable experience as a trial advocate. He regularly appears in the High Court, as well as in various arbitral tribunals and the Court of Appeal.

Rob has a substantial offshore practice and has acted in various actions before the courts of the British Virgin Islands, the Cayman Islands and the Bahamas. He was called to the Bar of the Eastern Caribbean Supreme Court, BVI more than a decade ago. He regularly appears in the BVI Commercial Court and in the ECSC Court of Appeal.

Rob is also a Recorder of the Crown Court and sits on the Western Circuit.

The independent legal directories, Chambers & Partners and Legal 500, recommend Rob as a leading silk in the fields of commercial litigation, civil fraud, arbitration and offshore work. Recent comments include:

- "Highly intelligent and a great team player. He has a great command of the law and is a shrewd tactician." - Legal 500, 2024
- "Robert Weekes is extremely bright, totally unflappable and someone who can absorb and analyse large volumes of information with ease." - Chambers & Partners, 2024

Previous comments include:

- "Outstandingly bright. Articulates complex concepts with ease. A future super silk." - Legal 500, 2023
- "Robert Weekes has intimate knowledge of the case and the clients feel very comfortable when he is involved and when he is doing the advocacy." - Chambers UK, 2023
- "He has an encyclopedic knowledge of the law and his advocacy is of a level you would associate with a very senior silk." - Chambers UK, 2023

Rob is also ranked by Who's Who Legal as a "Future Leader" in Commercial Litigation and as a "National Leader" in civil fraud.

Although Rob's practice is commercial in focus, throughout his career he has acted in leading cases in a number of other specialist areas, including sport, media and entertainment, employment and public inquiries: He appeared as junior counsel for the Ritz Hotel and the Paul Family in the Inquests into the deaths of Diana, Princess of Wales and Dodi Al Fayed; acted for Sheffield United in the Carlos Tevez litigation; appears in arbitrations before the British Boxing Board of Control; and has acted in a number of disputes relating to fine art, involving collectors, dealers and auction houses.

EXPERIENCE

Commercial

Rob has an extensive commercial practice both in England and offshore. He has substantial advocacy and trial experience. He appeared in two of the most substantial Commercial Court fraud trials in the past three years: the PCP v. Barclays case (for the claimants, PCP) and Vale SA v. Steinmetz (leading for the second defendant).

He has significant expertise in civil fraud and asset recovery and the full range of injunctive relief associated with such cases. He is a specialist in the law of contempt, having appeared in one of the most significant and long-running cases in the area of recent years (Ocado Plc v. McKeeve).

He advises and acts across a range of industry sectors. He is often instructed in disputes with a significant technical element, in particular in the IT and pharmaceutical fields. He has also a niche interest in art litigation and has acted in various disputes relating to collectors, dealers and auction house over the years.

Rob is ranked as a leading silk in commercial litigation by Chambers & Partners, the Legal 500, Chambers Global and Who's Who Legal.

"He has an encyclopedic knowledge of the law and his advocacy is of a level you would associate with a very senior silk."

— CHAMBERS AND PARTNERS, 2023

Cases

Linda May Green -v- CT Group Holdings Ltd

[2023] EWHC 3168 (Comm)

A significant Part 8 claim for Norwich Pharmacal relief. Charles Hollander KC (sitting as a Judge of the High Court) dismissed the claim, holding in summary (and amongst other things) that there was no permissible purpose for which the information was sought, given the decision in R. (Omar) v. Secretary of State for Foreign and Commonwealth Affairs [2014] QB 112 and the line of authority following it. Moreover, the Judge held that an order would not serve a useful (and legitimate) purpose in any event and the 'Overall Justice Condition' was not satisfied.

The Judge observed that the effect of Omar and the cases following it is that, where the purpose of the Norwich Pharmacal application is to obtain evidence for use in foreign civil proceedings, or in connection with criminal proceedings or a criminal investigation being carried on outside the United Kingdom, the court has no jurisdiction to make a Norwich Pharmacal order because the exclusive remedy is under the respective statutory scheme.

Rob acted for the successful Defendant.

Vale S.A. (& Ors.) v. Steinmetz (& Ors)

[2020] EWHC 461 (Comm), [2022] EWHC 343 (Comm)

In December 2019, Vale SA, one of the world's largest mining companies and two associated companies, commenced a \$1.8bn fraud claim against eight defendants, including Beny Steinmetz.

Vale alleged in summary that, back in April 2010, it was fraudulently induced by the defendants to enter into a joint venture for iron ore mining in Guinea with a company called BSG Resources Limited. An 11 week trial of the claim began in January 2022. After cross-examination of three of Vale's witnesses, and in the fourth week of trial, Vale conceded that its claims were time barred and applied to discontinue the claim. Mr Justice Andrew Baker dismissed the claim, ordered Vale to pay indemnity costs to all the defendants and discharged the worldwide freezing order.

The proceedings also featured an important decision, made on the application of Rob's client, concerning the correct approach to the ordinary course of business exception in freezing orders.

Rob was leading counsel for the second defendant throughout the proceedings, leading Carmine Conte at the interlocutory stage and Shane Sibbel at trial.

(1) Ocado Group Plc (2) Ocado Central Services Ltd -v- Mr Raymond McKeeve

[2020] EWHC 563 (Ch), [2020] EWHC 1463 (Ch) (permission application), [2021] EWCA Civ 145 (appeal on permission application), [2021] EW

A leading case in the law of contempt. An application was made by members of the Ocado group to commit a solicitor for contempt of court. The application concerned an instruction given by the respondent to delete a messaging app, following the service of a search order. Ocado's application for permission was refused by the High Court and overturned on appeal. The committal application was then heard in a 6 day trial in June and July 2022. The case has involved important decisions in relation to the test for permission to bring an application for committal, the right to cross-examine witnesses in committal proceedings, the elements of contempt for interference with the administration of justice and the applicable sanctions for such contempt. The case has attracted considerable coverage in the national and legal press over the previous three years.

Rob was sole counsel for the respondent at the permission stage (at first instance and in the Court of Appeal) and then led Gayatri Sarathy at trial.

Ieremeiva (& ors.) -v- Estera Corporate Services (BVI) Ltd. (& ors.)

BVI Commercial Court (2017 -)

Substantial fraud claim arising out of an alleged trust of assets of a Ukrainian businessman. The Claimants allege the creation of a sham trust and dissipation of assets. Rob acts for the first defendant fiduciary and trust services provider, answering claims of alleged breach of trust and dishonest assistance.

Renova Industries Ltd (& ors.) v. Emerson International Corporation (& ors.)

BVI Commercial Court (2016 -)

Litigation concerning a joint venture in relation to power generation assets in Russia. Involving four separate claims and upwards of 30 different parties. Rob acts for Emerson International Corporation and other parties which are the claimants by way of Counterclaim, Ancillary Claim and Third Ancillary Claim. Rob has appeared in the Court of Appeal on various different appeals and applications in this matter, as well as the Privy Council, in addition to a very considerable number of interlocutory hearings. The principal amount at stake is approximately US\$1 billion.

G I Globinvestment Ltd (& Ors) v XY ERS UK Ltd (& Ors)

Commercial Court (2020 -)

Substantial claim in conspiracy to defraud. The claimants seek damages of c.47 million Euros, arising out of investments made in an alternative investment fund.

Rob acts for the Second and Third Defendants, being a Luxembourg investment fund and its general partner, leading Warren Fitt. Trial has been listed for October 2024, with a time estimate of 7 weeks.

Maranello Rosso Ltd v. Lohomij BV (& Ors.)

[2021] EWHC 2452 (Ch), [2022] EWCA Civ 1667

Claim for alleged conspiracy to defraud against Bonhams auction house, a member of the Louwman Group and various individuals. The claim for approximately £70 million was made in connection with the auction of an extremely valuable collection of vintage Ferraris.

Rob acted for one of the individual defendants, a former non-executive director of Bonhams. The claim against Rob's client was dismissed in its entirety following a 4-day summary judgment and strike out application. The Court of Appeal upheld the decision following a 3-day appeal. It is one of the leading cases on the issue of whether a settlement agreement has the effect of precluding or releasing claims arising from alleged fraud, conspiracy or other intentional wrongdoing.

Rob appeared as sole counsel at first instance and led Luka Krsljanin on the appeal.

Kynaston-Mainwaring v GVE London Ltd

[2022] EWCA Civ 1339

Appeal in claim concerning the purchase and flooding of a luxury Mercedes-Benz AMG GTC Roadster convertible. The appellant contended that the trial judge had erred in fact, in holding that this particular car was not of satisfactory quality, and had erred in law, when applying section 9 of the Consumer Rights Act 2015. The Court of Appeal dismissed the appeal on both grounds.

Rob acted for the successful respondent on the appeal, leading Celia Rooney.

Wordley -v- Lendy Ltd (in administration) (& ors.)

Business & Property Courts in Birmingham - Business List (ChD) (2020 - 2023)

Important case concerning obligations between a peer-to-lender, borrower and guarantor. Rob acted for the claimant guarantor, claiming (amongst other relief) declarations as to non-liability in respect of various loans made for the purposes of a property development. The total amount of principal and interest was said to exceed £20 million. The claimant contended (amongst other things) that certain agreements were induced by fraudulent and/or negligent misrepresentation and that a contractual condition precedent had not been fulfilled. Settled immediately before trial.

PCP Capital Partners LLP (& anor.) v Barclays Bank Plc

[2017] EWHC 175 (QB), [2021] EWHC 307 (Comm)

Claim for deceit against Barclays Bank Plc, arising out of the Bank's recapitalisation at the height of the financial crisis in 2008. Rob has acted for the claimant private equity firms since mid-2016. The hybrid trial in the Commercial Court took place in June, July and parts of August and October 2020. One of The Lawyer's Top 20 cases for 2020.

The Court held that the Bank made representations to PCP, those representations were false and they were made knowing them to be false and intending PCP to rely upon them. The Court also held that PCP had relied upon these misrepresentations and, if they had not been made, then PCP would have discovered the truth. The Court held that PCP would then have negotiated with Barclays for the same deal, pro rata as the Qatari interests and would have obtained additional value of £615 million for its investment.

However, the Court also held that PCP would not, in this counterfactual situation, have been able to raise sufficient non-recourse debt finance and it would have lost its interest in the transaction. Accordingly, the Court held that the Bank was not liable in damages to PCP. No order as to costs of the proceedings.

Adare Finance DAC v Yellowstone Capital Management SA

[2021] EWHC 1680 (Comm), [2021] EWHC 2406 (Comm)

Application for cross-examination of judgment debtor pursuant to CPR Part 71. Rob acted for the judgment creditor in respect of judgment debt of c. US\$12 million. The proceedings involved important procedural decisions concerning the scope of disclosure obligations under Part 71 and the privacy of the examination hearing.

Athena Capital Fund Sicav-Fis SCA v. Crownmark Ltd

[2019] EWHC 1952 (Comm)

Claim in respect of loan agreement for principal sum of US\$50 million, plus interest. Claimant's application for summary judgment and strike out was refused and a conditional order made. Rob was sole counsel for the defendant.

UTB LLC v. Sheffield United Ltd

[2019] EWHC 914 (Ch), [2019] 3 All ER 698

Substantial application for the specific disclosure of documents withheld from inspection on ground of privilege, in the context of an unfair prejudice claim between shareholders in a football club. The disclosure application was refused by the Chancellor. The decision is one of the leading authorities in respect of PD 51U, the disclosure pilot for the Business and Property Courts. Rob was sole counsel for the claimant and respondent to the application.

Natixis SA -v- (1) Marex Financial Ltd (2) Access World Logistics (& ors)

[2019] EWHC 2549 (Comm)

Substantial and complex claim arising out of an alleged fraud involving warehouse receipts for nickel held in South East Asian warehouses. Rob acted for the defendant commodities broker, Marex, in the 4 week Commercial Court trial.

Irving H. Picard (as Trustee for the substantively consolidated SIPA liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff) -v- (1) Carlo Grosso (2) Federico Ceretti

Queen's Bench Division (2018)

Sole counsel for the Trustee of the estate of Bernard Madoff and his investment company, BLMIS. Rob defended an application to set aside English Court orders giving effect to letters of request issued in support of the Trustee's proceedings in the New York Bankruptcy Court. The respondents alleged that those orders were oppressive and had been obtained in breach of duties of full and frank disclosure. Both applications were dismissed.

Crosscan (in liquidation) v. Various directors

BVI Commercial Court (2018)

Claim by the liquidator of a BVI company against four of the company's former directors. Claim for misfeasance, breach of fiduciary duties, fraudulent trading, wrongful trading and insolvent trading. The claim concerned litigation previously pursued by the company. The liquidator succeeded on all his claims at trial in November 2018. Rob was leading counsel for the liquidator.

Guriev v Community Safety Development (UK) Ltd

[2016] EWHC 643 (QB), [2016] Info. T.L.R. 347

Part 8 trial concerning claim for relief in respect of a subject access request made under s7 of the DPA 1998. The claim was made against a firm providing private investigation services. It said that it was conducting an investigation into the applicants and contended (amongst other things) that its investigation was privileged and in any event exempt from disclosure under the statutory exemption relating to the investigation of crime. Each claim to an exemption was dismissed. A leading authority in the field of data protection. Rob was sole counsel for the successful applicants.

McGarharan -v- Dickens Developments UK LLP (& ors)

[2018] 10 WLUK 423

Claim arising out of joint venture for development of residential property in South East London, involving claims in breach of trust, dishonest assistance and inducing breach of contract. Rob acts for the claimant investors. Leading Gayatri Sarathy, Rob recently obtained a substantial proprietary freezing injunction against all the Defendants, following a contested one-day application.

Hutchison 3G UK Ltd -v- EE Ltd

Claim by the mobile network operator commercially known as 'Three' against another network operator, EE. The claim concerns the provision of facilities for carrying 3G traffic, known as 'free carriers'. The claim arises out of the merger between 'Orange' and 'T-Mobile' which originally led to the creation of the 'EE' business. Rob was junior counsel for the Claimant.

Crown Bidco Ltd v Vertu Holdings Oy & Ors

[2017] EWCA Civ 67, [2018] 3 Costs L.R. 455

Substantial Commercial Court dispute concerning the sale by Nokia Corporation of the 'Vertu' luxury mobile phones business. The Claimant claimed that warranties were breached in the share purchase agreement. The principal sum claimed exceeds £100m. The Defendants counterclaimed, alleging amongst other things a conspiracy to defraud. The original trial was adjourned upon the Defendants' application to plead fraud, with the Defendants being ordered to pay the costs thrown away. Trial was re-listed with an estimate of 7 weeks. The Defendants' appeal against that costs order was dismissed by the Court of Appeal in February 2017 and the proceedings subsequently settled. Rob was senior junior for the Claimant.

Kirill Stein v Patokh Chodiev & Ors

[2015] EWHC 1428 (Comm) & [2014] EWHC 1201 (Comm)

Claim arising out of the refinancing and IPO of the metals and mining business, ENRC Plc. Following a 3 week Commercial Court trial, judgment was given against 3 founders of the business in the sum of \$18.4m. Interest was then awarded in an amount exceeding US\$10m. The defendants then brought fresh Commercial Court proceedings, alleging that the judgment was procured by fraud and seeking to set it aside in its entirety. These proceedings were dismissed in their entirety following a four day summary judgment application in April 2015. Rob was junior counsel for the successful claimant.

In the Matter of Altala Group Ltd

(Chancery, 2015 - 2016)

Substantial claim concerning allegations of breaches of fiduciary duty on the part of the former directors of an insolvent lottery company, as well as alleged transactions at an undervalue and alleged preferences. Rob was sole counsel for one of the non-executive directors.

Hewlett Packard Development Company v D&P Data Systems

(Chancery, 2015)

Claim for trademark infringement and ancillary injunctive relief arising out of parallel trading of computer products.

Standard Bank Plc v Just Group LLC & Erdenet Mining Corp

(Comm Court, 2014)

Litigation concerning loans made by Standard Bank to Mongolian corporation and alleged fraudulent dissipation of loan monies. Successful jurisdiction challenge in July 2014. Junior counsel for one of the defendant companies.

Morgan v (1) KNAL (2) EFG Private Bank Ltd

(Comm Court, trial in December 2013)

Claim against a bank and an IFA relating to a complicated investment scheme, involving alleged professional negligence, misrepresentations and breaches of various rules contained in the FSA Handbook. Junior counsel for the claimant investors. Claim settled on Day 10 of a 4 week trial.

Civil Fraud, Asset Recovery & Injunctive Relief

Rob has acted in several of the most significant and high-profile fraud cases of recent years. These include the Madoff fraud (for the trustee of the estate of Bernard Madoff and BLMIS, as well as the liquidator of his English company); the AHAB -v- Maan Al-Sanea litigation in the Cayman Islands (for the principal defendant, Maan Al-Sanea); the Otkritie -v- Urumov claim (for the principal defendant, George Urumov as well as his wife, Yulia Balk); the PCP -v- Barclays action (for the claimants, PCP); and Vale S.A. -v- Steinmetz (leading for the second defendant).

Rob has extensive trial experience in fraud cases. He also has extensive experience in seeking (and resisting) interlocutory relief in such cases: from freezing and search orders, to asset disclosure orders, Norwich Pharmacal orders and debarring orders.

Rob also has considerable expertise in committal proceedings, having appeared for the respondent in one of the most significant such cases in recent years (Ocado Plc v. McKeeve).

He is ranked by Chambers & Partners, the Legal 500 and Who's Who Legal as a leading silk for civil fraud work.

“Robert Weekes KC receives widespread plaudits for his exemplary work on high-value fraud and asset recovery cases.”

– WHO'S WHO LEGAL, 2022

Cases

Linda May Green -v- CT Group Holdings Ltd

[2023] EWHC 3168 (Comm)

A significant Part 8 claim for Norwich Pharmacal relief. Charles Hollander KC (sitting as a Judge of the High Court) dismissed the claim, holding in summary (and amongst other things) that there was no permissible purpose for which the information was sought, given the decision in *R. (Omar) v. Secretary of State for Foreign and Commonwealth Affairs* [2014] QB 112 and the line of authority following it. Moreover, the Judge held that an order would not serve a useful (and legitimate) purpose in any event and the 'Overall Justice Condition' was not satisfied.

The Judge observed that the effect of *Omar* and the cases following it is that, where the purpose of the Norwich Pharmacal application is to obtain evidence for use in foreign civil proceedings, or in connection with criminal proceedings or a criminal investigation being carried on outside the United Kingdom, the court has no jurisdiction to make a Norwich Pharmacal order because the exclusive remedy is under the respective statutory scheme.

Rob acted for the successful Defendant.

Vale S.A. (& Ors.) v. Steinmetz (& Ors)

[2020] EWHC 461 (Comm), [2022] EWHC 343 (Comm)

In December 2019, Vale SA, one of the world's largest mining companies and two associated companies, commenced a \$1.8bn fraud claim against eight defendants, including Beny Steinmetz.

Vale alleged in summary that, back in April 2010, it was fraudulently induced by the defendants to enter into a joint venture for iron ore mining in Guinea with a company called BSG Resources Limited. An 11 week trial of the claim began in January 2022. After cross-examination of three of Vale's witnesses, and in the fourth week of trial, Vale conceded that its claims were time barred and applied to discontinue the claim. Mr Justice Andrew Baker dismissed the claim, ordered Vale to pay indemnity costs to all the defendants and discharged the worldwide freezing order.

The proceedings also featured an important decision, made on the application of Rob's client, concerning the correct approach to the ordinary course of business exception in freezing orders.

Rob was leading counsel for the second defendant throughout the proceedings, leading Carmine Conte at the interlocutory stage and Shane Sibbel at trial.

PCP Capital Partners LLP (& anor) –v- Barclays Bank Plc

[2017] EWHC 175 (QB), [2020] EWHC 646 (Comm), [2021] EWHC 307 (Comm), [2021] EWHC 1852 (Comm)

Claim for deceit against Barclays Bank Plc, arising out of the Bank's recapitalisation at the height of the financial crisis in 2008. Rob acted for the claimant private equity firms since mid-2016. The hybrid trial in the Commercial Court took place in June, July and parts of August and October 2020. One of The Lawyer's Top 20 cases for 2020.

The Court held that the Bank made representations to PCP, those representations were false and they were made knowing them to be false and intending PCP to rely upon them. The Court also held that PCP had relied upon these misrepresentations and, if they had not been made, then PCP would have discovered the truth. The Court held that PCP would then have negotiated with Barclays for the same deal, pro rata as the Qatari interests and would have obtained additional value of £615 million for its investment.

However, the Court also held that PCP would not, in this counterfactual situation, have been able to raise sufficient non-recourse debt finance and it would have lost its interest in the transaction. Accordingly, the Court held that the Bank was not liable in damages to PCP. No order was made as to costs of the proceedings.

Renova Industries Ltd (& ors.) v. Emerson International Corporation (& ors.)

BVI Commercial Court (2016 -)

Litigation concerning a joint venture in relation to power generation assets in Russia. Involving four separate claims and upwards of 30 different parties. Rob acts for Emerson International Corporation and other parties which are the claimants by way of Counterclaim, Ancillary Claim and Third Ancillary Claim. Rob has appeared in the Court of Appeal on various different appeals and applications in this matter, as well as the Privy Council, in addition to a very considerable number of interlocutory hearings. The principal amount at stake is approximately US\$1 billion.

Public Institution for Social Security of Kuwait v. Man Group PLC, plus 37 other defendants

(Commercial Court, 2019 -)

One of the largest claims ever brought in the English Commercial Court. The claimant is a public institution authorised to operate the State of Kuwait's social-security system and pension scheme. It brings a claim in respect of payments by various financial institutions and intermediaries that are alleged to be unauthorised secret commissions. The payments are said to have been paid over a period of approximately 20 years, in a total amount exceeding US\$840 million. The case was featured as one of The Lawyer's Top 20 Cases of 2019. A trial has been listed for March 2025 and has a time estimate of 26 to 30 weeks.

Rob acts for one of the individual defendants, leading Gayatri Sarathy.

Maranello Rosso Ltd v. Lohomij BV (& Ors.)

[2021] EWHC 2452 (Ch), [2022] EWCA Civ 1667

Claim for alleged conspiracy to defraud against Bonhams auction house, a member of the Louwman Group and various individuals. The claim for approximately £70 million was made in connection with the auction of an extremely valuable collection of vintage Ferraris.

Rob acted for one of the individual defendants, a former non-executive director of Bonhams. The claim against Rob's client was dismissed in its entirety following a 4-day summary judgment and strike out application. The Court of Appeal upheld the decision following a 3-day appeal. It is one of the leading cases on the issue of whether a settlement agreement has the effect of precluding or releasing claims arising from alleged fraud, conspiracy or other intentional wrongdoing.

Rob appeared as sole counsel at first instance and led Luka Krsljanin on the appeal.

Wordley -v- Lendy Ltd (in administration) (& ors.)

Business & Property Courts in Birmingham - Business List (ChD) (2020 - 2023)

Important case concerning obligations between a peer-to-lender, borrower and guarantor. Rob acted for the claimant guarantor, claiming (amongst other relief) declarations as to non-liability in respect of various loans made for the purposes of a property development. The total amount of principal and interest was said to exceed £20 million. The claimant contended (amongst other things) that certain agreements were induced by fraudulent and/or negligent misrepresentation and that a contractual condition precedent had not been fulfilled. Settled immediately before trial.

(1) Ocado Group Plc (2) Ocado Central Services Ltd -v- Mr Raymond McKeeve

[2020] EWHC 563 (Ch), [2020] EWHC 1463 (Ch) (permission application), [2021] EWCA Civ 145 (appeal on permission application), [2021] EW

A leading case in the law of contempt. An application was made by members of the Ocado group to commit a solicitor for contempt of court. The application concerned an instruction given by the respondent to delete a messaging app, following the service of a search order. Ocado's application for permission was refused by the High Court and overturned on appeal. The committal application was then heard in a 6 day trial in June and July 2022. The case has involved important decisions in relation to the test for permission to bring an application for committal, the right to cross-examine witnesses in committal proceedings, the elements of contempt for interference with the administration of justice and the applicable sanctions for such contempt. The case has attracted considerable coverage in the national and legal press over the previous three years.

Rob was sole counsel for the respondent at the permission stage (at first instance and in the Court of Appeal) and then led Gayatri Sarathy at trial.

G I Globinvest Ltd (& Ors) v XY ERS UK Ltd (& Ors)

Commercial Court (2020 -)

Substantial claim in conspiracy to defraud. The claimants seek damages of c.47 million Euros, arising out of investments made in an alternative investment fund.

Rob acts for the Second and Third Defendants, being a Luxembourg investment fund and its general partner, leading Warren Fitt. Trial has been listed for October 2024, with a time estimate of 7 weeks.

Natixis SA -v- (1) Marex Financial Ltd (2) Access World Logistics (& ors)

[2019] EWHC 2549 (Comm)

Substantial and complex claim arising out of an alleged fraud involving warehouse receipts for nickel held in South East Asian warehouses. Rob acted for the defendant commodities broker, Marex, in the 4 week Commercial Court trial.

Irving H. Picard (as Trustee for the substantively consolidated SIPA liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff) -v- (1) Carlo Grosso (2) Federico Ceretti

Queen's Bench Division (2018)

Sole counsel for the Trustee of the estate of Bernard Madoff and his investment company, BLMIS. Rob defended an application to set aside English Court orders giving effect to letters of request issued in support of the Trustee's proceedings in the New York Bankruptcy Court. The respondents alleged that those orders were oppressive and had been obtained in breach of duties of full and frank disclosure. Both applications were dismissed.

Crosscan (in liquidation) v. Various directors

BVI Commercial Court (2018)

Claim by the liquidator of a BVI company against four of the company's former directors. Claim for misfeasance, breach of fiduciary duties, fraudulent trading, wrongful trading and insolvent trading. The claim concerned litigation previously pursued by the company. The liquidator succeeded on all his claims at trial in November 2018. Rob was leading counsel for the liquidator.

Crown Bidco Ltd v Vertu Holdings Oy & Ors

[2017] EWCA Civ 67, [2018] 3 Costs L.R. 455

Substantial Commercial Court dispute concerning the sale by Nokia Corporation of the 'Vertu' luxury mobile phones business. The Claimant claimed that warranties were breached in the share purchase agreement. The principal sum claimed exceeds £100m. The Defendants counterclaimed, alleging amongst other things a conspiracy to defraud. The original trial was adjourned upon the Defendants' application to plead fraud, with the Defendants being ordered to pay the costs thrown away. Trial was re-listed with an estimate of 7 weeks. The Defendants' appeal against that costs order was dismissed by the Court of Appeal in February 2017 and the proceedings subsequently settled. Rob was senior junior for the Claimant.

McGarharan -v- Dickens Developments UK LLP (& ors)

[2018] 10 WLUK 423

Claim arising out of joint venture for development of residential property in South East London, involving claims in breach of trust, dishonest assistance and inducing breach of contract. Rob acts for the claimant investors. Leading Gayatri Sarathy, Rob recently obtained a substantial proprietary freezing injunction against all the Defendants, following a contested one-day application.

Hewlett Packard Enterprise Company (& ors) v Peter Sage (& anor)

[2017] EWHC 66 (QB); [2017] EWCA Civ 973, [2017] 1 WLR 4599

Claim for conspiracy to defraud arising out of contracts for the supply of computer servers. The sum claimed was approximately US\$17.5m. The Claimants obtained a freezing injunction and search order at the outset of proceedings. Following a three day committal application, the First Defendant, Mr. Sage, was held to have made multiple breaches of those orders and was committed to prison for 18 months for contempt of court. The sentence was reduced on appeal to 12 months. Rob was junior counsel for the Claimants.

Arthur J Gallagher Services (UK) Ltd & Ors v Skriptchenkov & Ors

(QBD) [2016] EWHC 603 (QB)

Claim concerning alleged misuse of confidential information and alleged conspiracy in insurance brokerage industry. Substantial interlocutory dispute concerning an interim imaging and deletion order. Rob was sole counsel for the 7 defendants.

Kirill Stein v Patokh Chodiev & Ors

[2015] EWHC 1428 (Comm)

Commercial Court fraud action. The Claimants alleged that a judgment had been procured by fraud and seeking to set it aside. These proceedings were dismissed in their entirety following a four day summary judgment application in April 2015. Rob was junior counsel for the successful claimant.

Chiang v Mishcon de Reya

[2015] EWHC 164 (Ch); [2013] 2319 (Ch)

Defending solicitors' firm against allegations of conspiracy to defraud, breaches of purported Quistclose trust and allegations of breaches of Solicitors Accounts Rules. The claimant's summary judgment was dismissed with indemnity costs. The entire claim was then dismissed following a 9 day trial. Junior counsel for the defendant firm.

Madoff Securities International Limited (in liquidation) v Raven

[2013] EWHC 3147 (Comm), [2014] Lloyd's Rep FC 95; [2011] EWHC 3102 (Comm); [2012] 2 All E.R. (Comm) 634

Litigation arising out of the notorious Ponzi scheme operated by Bernard Madoff. The claim concerned the alleged liability of the directors of the English company owned by Bernard Madoff and recipients of payments from that company. Senior junior for the claimant company.

Rob made the successful application for the freezing injunction. Some of his submissions in that regard were subsequently expressly approved by the Court of Appeal in VTB Capital Plc v Nutritek International Corp [2012] EWCA Civ 808; [2012] 2 Lloyd's Rep. 313 at [177] per Lloyd LJ (judgment of the Court of Appeal).

Global Madoff Litigation

For many years, Rob has acted for and advised the US Trustee of the liquidation of Bernard Madoff's New York corporation (BLMIS) and his personal estate. He has been involved in various proceedings in England as well as in Gibraltar and the BVI.

Otkritie v Urumov

(Commercial Court, 2011-2013)

Claim for alleged conspiracy to defraud, breach of fiduciary duty, knowing receipt and dishonest assistance in the banking industry. The sum claimed was c.\$180m. Rob was senior junior for the principal defendants until shortly before trial. Rob appeared as sole counsel in respect of the various interlocutory freezing relief applications.

AHAB v Al-Sanea

(Cayman)

Rob was a member of the counsel team acting for the defendant, Maan Al-Sanea, a major Saudi businessman, resisting a \$9bn claim alleging fraudulent misappropriation of assets from a Saudi partnership, as well as defending a substantial contempt application. A case of major interest in the Middle East.

Arbitration

Rob is an experienced advocate in arbitration, having acted over the years in arbitrations under the LCIA rules, ICC, LME and SIAC rules, as well as various ad hoc arbitrations. His experience includes appearing in what was said to be India's largest ever domestic arbitration (with its seat in Mumbai) and the substantive hearing lasting for more than 70 days, and also appearing in one of the highest profile and most important LCIA arbitration of recent years, if not the decade, in which the Government was ordered to pay £224m to Raytheon, a fact which was reported on the front pages of many national newspapers. He is ranked by both Chambers & Partners and Legal 500 as a leading silk in international arbitration.

“Outstandingly bright. Articulates complex concepts with ease. A future super silk.”

— LEGAL 500, 2023

Cases

In the matter of a LCIA Arbitration

LCIA

Very substantial international banking arbitration.

In the matter of an ICC arbitration (2021 - 2022)

ICC

Substantial commercial arbitration in the pharmaceuticals sector, which went to an evidentiary hearing in July 2022. Rob was sole counsel for the defendant.

In the Matter of an ICC Arbitration

(ICC, 2020)

Substantial arbitration claim against an international bank, concerning scope of a performance guarantee. Rob was sole counsel for the claimant.

In the Matter of an International Arbitration

2016-2017

Substantial LCIA arbitration in the banking sector concerning English and foreign law. Rob was junior counsel for the Claimant.

In the Matter of an ICC Arbitration

(2015 - 2016)

Sole counsel for the respondent companies defending claim for alleged breaches of warranty in a share purchase agreement. Value of claim was c.\$25m.

2 LCIA International Arbitrations

(2013 - 2017)

Claims alleged guarantees for loan facilities. Principal sum claimed was approximately \$70m and substantial evidentiary hearings took place over a period of 6 months in 2015 and 2016 and further hearings in 2017. Senior junior counsel for the Defendant.

In the Matter of an International Arbitration

(2011 - 2015) (LCIA Arbitration)

Rob appeared as junior counsel for the major US defence contractor, Raytheon, in a substantial LCIA arbitration in which the Government was ordered to pay £224m to Raytheon, a fact which was reported on the front pages of many national newspapers.

Raytheon's contract with the UK Government was terminated shortly after the Coalition Government came to power (being the first such contract terminated by the Government as part of its Spending Review). The contract was for the design, development and implementation of the £1bn e-Borders IT system, being a highly complex system to be operated by the UK Border Agency. Various contractual milestones were missed as a result of which the contract was terminated, and the central issue in the arbitration was which contracting party was responsible for the missing of the milestones. Raytheon sought damages in excess of £500m, and Home Office advanced a cross-claim for a slightly lower sum. The case involved the detailed examination of a government IT programme of national strategic importance.

The Tribunal ruled that the Home Secretary had unlawfully terminated the contract and awarded Raytheon £224 million, dismissing all of the Home Office's claims against Raytheon.

The Home Secretary successfully challenged the award in proceedings in the Technology & Construction Court. The Court granted permission to appeal to the Court of Appeal. The case settled in March 2015 with the Government paying £150m to Raytheon, a fact also reported in the national press.

Erdenet Mining Corporation v Standard Bank Plc

(Comm Court, 2014)

Claim on behalf of Mongolian corporation for declaratory relief under s72 of the Arbitration Act 1996, arising out of LCIA arbitration. Junior counsel for the claimant.

In the Matter of an Indian Arbitration

(2010 - 2012)

Claim for over US\$500m under a material damage and business interruption insurance policy. It arose out of cyclone damage to an oil refinery construction project.

The seat was Mumbai and the substantive hearing lasted over 70 days. It involved a considerable volume of technical evidence, both factual and expert, in the fields of engineering, programme management and accounting.

It was said, at the time, to be the largest domestic arbitration ever to have taken place in India. Junior counsel for the claimant.

In the Matter of an International Arbitration

(ICC Arbitration) (2014 -)

Dispute concerning the project management of a massive infrastructure project in the energy sector. Counsel for the Respondent.

Offshore

For several years, a significant part of Rob's practice has been offshore. Having been called in the BVI for more than a decade, he appears regularly in the Commercial Court and in the ECSC Court of Appeal and is instructed in several substantial sets of proceedings. They include the Emmerson litigation which is arguably the most substantial and complex case ever to have been brought in the jurisdiction and in which he has acted for the past seven years, at first instance and on appeal to the ECSC Court of Appeal and Privy Council. Rob has also previously acted in very substantial proceedings in Cayman and in Nassau. He is ranked by both Chambers & Partners and Legal 500 as a leading silk for offshore work.

“He is very good and very technically able. He is a lawyer's lawyer and has a good courtroom manner.”

— CHAMBERS AND PARTNERS, 2023

Cases

Ieremeiva (& ors.) -v- Estera Corporate Services (BVI) Ltd. (& ors.)

BVI Commercial Court (2017 -)

Substantial fraud claim arising out of an alleged trust of assets of a Ukrainian businessman. The Claimants allege the creation of a sham trust and dissipation of assets. Rob acts for the first defendant fiduciary and trust services provider, answering claims of alleged breach of trust and dishonest assistance.

Renova Industries Ltd (& ors.) v. Emmerson International Corporation (& ors.)

BVI Commercial Court (2016 -)

Litigation concerning a joint venture in relation to power generation assets in Russia. Involving four separate claims and upwards of 30 different parties. Rob acts for Emmerson International Corporation and other parties which are the claimants by way of Counterclaim, Ancillary Claim and Third Ancillary Claim. Rob has appeared in the Court of Appeal on various different appeals and applications in this matter, as well as the Privy Council, in addition to a very considerable number of interlocutory hearings. The principal amount at stake is approximately US\$1 billion.

Crosscan (in liquidation) v. Various directors

BVI Commercial Court (2018)

Claim by the liquidator of a BVI company against four of the company's former directors. Claim for misfeasance, breach of fiduciary duties, fraudulent trading, wrongful trading and insolvent trading. The claim concerned litigation previously pursued by the company. The liquidator succeeded on all his claims at trial in November 2018. Rob was leading counsel for the liquidator.

Mex Clearing Ltd -v- Mex Securities Sarl (& Ors.)

BVI Commercial Court (2015 -)

Substantial international commercial dispute, acting for a defendant and ancillary defendant.

Global Madoff Litigation

For many years, Rob has acted for and advised the US Trustee of the liquidation of Bernard Madoff's New York corporation (BLMIS) and his personal estate. He has been involved in various proceedings in England as well as in Gibraltar and the BVI.

Sport

Rob has advised and acted in commercial and regulatory disputes arising out of a number of different sports over the years, including football, Formula 1, boxing and MMA.

Cases

The English Football League v. (1) Morecambe Football Club (2) Jason Whittingham

(12 April 2024)

An independent Disciplinary Commission declared that a three-point deduction imposed on Morecambe Football Club for the 2023/24 season has been automatically activated. A previous Agreed Decision dated 17 August 2023 concerned a failure to pay players' wages on time. The Club's ultimate beneficial owner, Jason Whittingham, was required by that decision (i) to deposit a certain amount into a designated Club account only to be used (if required) to pay players' wages in future; and (ii) to maintain the balance in that account. A three-point deduction was suspended. Following a failure to comply with that decision by not replenishing the relevant account after funds in it were used to pay wages, the Commission held that the suspended three-point deduction has been activated.

Mr Whittingham was also fined £10,000, payable immediately. A suspended fine of £20,000 was also imposed on him, to be activated on 31 May 2024, unless by then he complies with the obligation to replenish the account. Rob acted for the EFL. The Decision and statement by the EFL are available [here](#).

The English Football League v. Reading Football Club & Mr Yongge Dai

(4 March 2024)

An independent Disciplinary Commission determined that Reading Football Club should be deducted two points from the 2023/24 League One table with a further two points suspended, after the Club made certain late payments to HMRC, contrary to the EFL's Regulations.

In respect of a separate charge of misconduct, the Commission decided that the Club's owner, Mr Yongge Dai, should be fined £100,000 for his failure to deposit an amount equal to 125% of the Club's forecast monthly wage bill in a designated account. The Commission also imposed (i) a further suspended fine on Mr Dai of £100,000, to be activated if the deposit requirement is not satisfied within 28 days of the Decision; and (ii) an additional suspended fine of £100,000, to be activated if that requirement is not satisfied within 35 days of the Decision.

Rob acted for the EFL. The Decision and statement by the EFL are available [here](#).

The English Football League -v- Mr Yongge Dai

(15 December 2023)

Independent Disciplinary Commission proceedings in respect of a charge of misconduct against Mr Yongge Dai, the ultimate beneficial owner of Reading Football Club.

By a previous decision of such a Commission, Mr Dai was required to deposit money in an account in the Club's name. This order was made in respect of charges concerning the non-payment of players' wages in the 2022/2023 season. It was intended to provide a form of security against non-payment of the Club's players in the future.

However, Mr Dai failed to comply with that order. An independent Disciplinary Commission was required to determine the appropriate sanction for that breach. The Commission ordered (in summary) that Mr Dai be fined £20,000; a further suspended fine of £50,000 be imposed, which will be activated on 12 January 2024, unless the deposit is made in full; and he shall maintain the deposit account for an additional period of time – correlated to his delay in putting the account in funds.

Rob acted for the EFL.

The independent Disciplinary Commission's Written Reasons can be viewed [here](#) and the written statement of the EFL [here](#).

Blackburn Rovers Football Club -v- English Football League

League Arbitration Panel (2 March 2023)

Rob acted for the EFL (leading Ava Mayer) in an arbitral appeal brought by Blackburn Rovers Football Club. The Club appealed against the EFL's refusal to register the proposed loan transfer of a Nottingham Forest Football Club player, Lewis O'Brien. Finding for the EFL, the arbitral panel concluded that the EFL had been entitled to refuse that transfer on the basis that the application was late.

The official statement made by the EFL and the arbitral panel's decision is available [here](#).

British Boxing Board of Control

2016 - 2017

Rob has acted in substantial arbitrations before the British Boxing Board of Control and appeals to the Stewards of Appeal. The details of those proceedings remain subject to confidentiality.

ACHIEVEMENTS

Education

MA (Cantab), First Class; LLM (NYU) (Fulbright scholar); Astbury scholar (Middle Temple)

Publications

- Author of chapter on enforcement of judgments in Ouderik & Rogers, 'International Employment Disputes' (Sweet & Maxwell, 2019).
- Co-author of 'Restrictions in Non-Employment Contracts' and 'Practice and Procedure' in three editions of *Employee Competition: Covenants, Confidentiality, and Garden Leave*, Paul Goulding QC (ed.) (OUP, 1st ed, 2007; 2nd ed, 2011; 3rd ed, 2016).
- Author of 'Public Funding' in *Administrative Court: Practice and Procedure*, Beverley Lang QC (ed.) (Sweet & Maxwell, 2006).
- Focus on Article 2, ECHR [2005] J.R. 19 – 26.
- Vicarious Liability for Violent Employees [2004] 64 C.L.J. 53 – 64.
- Risk Analysis as an Alternative to Factual Causation in *Fairchild* [2003] 12 Nottingham Law Journal 18 – 33.
- Book Review [2003] 52 I.C.L.Q. 1073 – 1074.
- Challenging the Biotechnology Directive: A Letter from America [2003] 14 European Business Law Review 325 – 350.

Membership of professional associations

- ALBA
- COMBAR

Selected earlier cases

Commercial

- *Bloomsbury International v Sea Fish Industry Authority & DEFRA* [2009] EWHC 1721 (QB), [2010] 1 CMLR 12; Court of Appeal [2010] EWCA Civ 263, [2010] 1 WLR 2117, [2010] 3 All ER 126; Supreme Court [2011] UKSC 25, [2011] 1 WLR 1546
- *Spring Finance Ltd v HS Real Company LLC* (Commercial Court, 2011 - 2012)

- Izodia Plc v Vandyk & ors (Chancery Division, 2010 - 2011)
- Credit Suisse Trust Ltd v Ansbacher & Co Ltd (Comm Court, 2009 - 2010)
- Citco Global Custody N.V. v Y2K Finance Inc. (BVI: High Court & Eastern Caribbean Court of Appeal, 2008 - 2010)
- Mulhall v Yorkshire Bank Finance (Court of Appeal, [2008] EWCA Civ 1156, [2009] 2 All ER (Comm) 164)

Civil Fraud, Asset Recovery & Injunctive Relief

- Serious Organised Crime Agency v Gale & Ors [2009] EWHC 1015 (QB); Court of Appeal [2010] EWCA Civ 759, [2010] 1 WLR 2881; Supreme Court [2011] UKSC 49, [2011] 1 WLR 2760
- Merlin Mineral Resources (& anor) v Kermas Ltd (BVI, 2010)
- Aspect Capital v Christensen (Chancery, 2010)
- Russian Commercial Bank (Cyprus) Ltd v Khoroshilov (Commercial Court, 2009)
- Weaving Capital (UK) Ltd. & Ors (Chancery Division, 2009)
- Reid Minty & anor v Edwards & Prolegal Limited & Capita Group Plc. (and ors) [2008] EWHC 2722 (Ch)
- OTL & W v P [2006] EWHC 1226 (Ch), [2006] Ch 549, [2006] 3 WLR 273
- Aegis Defence Services Ltd v Stoner [2006] EWHC 1515 (Ch)
- Central Bank of Ecuador (and ors) v Ansbacher (Bahamas) Ltd (and ors) (Bahamas, 2005 -2008)

Employment

- Fish & Ors v Dresdner Kleinwort Ltd [2009] EWHC 2246 (QB), [2009] IRLR 1035
- Optaglio v Zolutukhin (QB, 2009)

Other relevant experience

Rob has conducted exhibition debates and public speaking and advocacy seminars around the world. In 2002, he was one half of the team that won the World Debating Championship on behalf of NYU Law.

Rob is an advocacy trainer for the Honourable Society of the Middle Temple.

VAT registration number: 447008068

Barristers regulated by the Bar Standards Board