

# Leona Powell

*“An excellent advocate.”*

– CHAMBERS AND PARTNERS, 2021

Year of call: 2000  
Degree: MA Oxon



Leona has been practising at the bar since 2000. She acts in a very wide variety of commercial cases, with particular expertise in fraud and asset recovery. She has very extensive experience of search orders, freezing orders and other pre-emptive injunctive relief. Her practice also includes general commercial work, in particular large contractual disputes, commodities disputes and professional negligence claims. She appears regularly in the Chancery Division, Commercial Court, Queen’s Bench Division and in commercial arbitrations. Leona is Junior Counsel to the Crown (B Panel).

Leona is recognised as a leading junior in the latest editions of both the leading legal directories, Chambers UK 2019 and Legal 500 2018, for her expertise in commercial litigation, civil fraud and professional negligence.

## EXPERIENCE

---

### Civil Fraud, Asset Recovery & Injunctive Relief

Leona is well recognised as a leading commercial fraud junior. She has very extensive experience of obtaining freezing and search orders, and of dealing with other without notice applications, and she is experienced in managing fraud actions and trials. She also has wide experience of dealing with data theft and recovery cases.

Leona’s clients frequently include banks and large insurers. She is regularly instructed in cases involving large scale and complex mortgage frauds, bribery and corruption, employee and supplier frauds, and breach of fiduciary duty. She is recognised by Chambers UK as a leading junior in civil fraud and commercial litigation.

*“She is a fraud specialist and a standout junior.”*

– CHAMBERS AND PARTNERS, 2021

## Cases

### **Bin Mahfouz v El Rashid & Ors**

(Comm) 2016

Acting for the Claimant in respect of a €35m claim for recovery of a payment made in respect of a purported oil procurement deal. The claim involves allegations of deceit and misappropriation of trust assets, and involves significant asset tracing. Search orders, freezing orders and other order for ancillary relief have been obtained.

### **Department for Education v Chapman**

(QBC) 2015

Acting as sole counsel for the Claimant department in this high value recovery action involving allegations of deceit, conspiracy and breach of trust. Freezing orders have been obtained.

### **Standard Bank v EFAD Real Estate**

(Comm) 2014

Acting for the Claimant bank in this €50m claim for repayment pursuant to two Murabahas, together with personal claims against the officers of the principal borrower for dishonestly procuring the dissipation of the bank's security.

### **Medacs Healthcare v Pulse & Ors**

(QBD) (2013)

Acting for the Claimant company in this fraud, bribery and data theft claim against ex-employees and competitors of the claimant.

### **Devonshire Appointments Limited v Rahman & Others**

(QBD) (2013)

Acting as sole counsel for the Claimant recruitment consultants, in this fraud/ recovery claim against two ex employees, for defrauding the company of several million pounds between 2007 and 2013. Various freezing orders and disclosure orders were obtained in support of the claim.

### **Times Newspapers Limited v Lance Armstrong**

(QBD) (2012)

Acting for Times Newspapers in its claim against Lance Armstrong for recovery of monies paid to him in settlement of his libel claim in 2006, on the basis that the libel action was fraudulent.

### **Gutermann Messtechnik v Hartley**

[2012] EWHC 1013 and [2012] EWHC 1697

Sole trial counsel for the Claimant in this high value claim involving allegations of breach of confidence, misuse of confidential information, breach of fiduciary duty and misappropriations of company funds by an ex company director.

### **Serious Organised Crime Agency v Sand**

(QBD) (2012)

Sole counsel for SOCA in this civil recovery claim against a convicted manufacturer of psychotropic drugs. The action concerned the recoverability of gold bullion seized by the metropolitan police.

### **Serious Organised Crime Agency v Namli**

[2011] EWCA Civ 1411; [2012] C.P. Rep. 10; [2012] Lloyd's Rep. F.C. 139

Leona acted for SOCA (led by Michael Beloff QC) in the Court of Appeal in this multi \$million asset recovery action against an alleged international money launderer. The case is a leading decision on the Court's powers to limit scope of the obligation to give standard disclosure in civil cases.

### **Eden Collection v Seasons In Style**

(QBD) (2011)

Acted as sole counsel for the Claimant travel company in relation to this high value claim for fraudulent misrepresentation and breach of warranty following a company share sale and purchase. Freezing orders were obtained.

### **AB v XY & Others**

(Ch D) (2009 - 10)

Acted for the Claimant valuers in relation to a multi £m claim for damages and indemnity declarations in relation to a very large scale mortgage fraud. The case required detailed pre-action analysis and planning for the underlying investigation. Multiple search orders, freezing orders and delivery-up orders were obtained against a large number of Defendants.

### **Bauer v Edwards**

(QBD) (2011)

Acted for the Claimant in this claim in relation to funds misappropriated from the purported sale of a high value Ferrari. Freezing, disclosure, delivery up and passport orders were obtained. Consequential committal proceedings were also issued, with a suspended sentence imposed upon the Defendant.

### **Bank of Scotland v Rana & Others**

(QBD) (2009 - 10)

Acted as sole counsel for the Claimant bank in a multi £m recovery action in relation to a large scale mortgage fraud involving a large portfolio of properties. Multiple freezing orders were obtained.

### **Solaglas Ltd v Hartley & Others**

(QBD) (2010)

Acted as sole counsel for the Claimant company in relation to this claim involving bribery, breach of fiduciary duty, false invoicing and conspiracy. Freezing orders and disclosure orders were obtained.

### **SOCA v Perry**

(Admin) (2009 - 10)

Appointed by SOCA to act as independent counsel in relation to a very high value proceeds of crime recovery investigation.

### **ED&F Man v T&L Sugars & Others**

(2015 - 6, Comm)

Acting for the Defendants in this €30m claim in relation to the allegedly deliberate wrongful diversion of a cargo of sugar. The claim involved allegations of deceit, procuring breach of contract, conspiracy and deliberate conversion, and personal claims against the directors of T&L Sugars. The claim also involved complex issues of law as to the interpretation and application of the Sale of Goods Act.

### **Angel Group (in liquidation) v Julia Ann Davey**

(2016 - 2017, ongoing, Comm)

Acting for the Claimant companies (in liquidation) in this £15m claim against their former director and shareholder. The claim involves the dishonest payment of unlawful dividends, removal of company trust assets, and issues of alleged backdating of corporate documents. Various interlocutory orders were obtained including trust asset preservation orders and asset repatriation orders.

The action is due to proceed to trial in April 2018.

### **Abdulrahman Bin Mahfouz v Irshaid**

(2015 - 2017, Comm)

Acting for the Claimant bank in this €35m claim for repayment pursuant to personal guarantees and/ or oil procurement contracts. The claim involved allegations of forgery. Applied for and obtained freezing and search orders, summary judgment, and various asset enforcement orders. Applied for and obtained order for committal against the Defendant for breach of the freezing order.

In June 2017 Leona applied for and obtained an order for committal against the Defendant, following his breaches of the freezing order (before Teare J).

## **Commercial**

Leona has an extensive Commercial Court practice. Throughout 2015 she acted for American Sugar Holdings in a \$50m contractual dispute relating to its purchase of Tate & Lyle's European sugar business in 2010. Throughout 2012 she acted as junior counsel in Michael Cherney v Oleg Deripaska (a multi \$ billion claim relating to a disputed shareholding in Rusal), as well as various other commercial cases.

Leona has also acted as counsel in confidential commercial arbitrations, in particular in relation to commodities disputes. She has experience of UNCITRAL, ICC, LCIA and DIFC-LCIA arbitrations. She has also acted as an arbitrator in relation to two UNCITRAL arbitrations.

***“Hugely intelligent, brilliant to work with and a fantastic advocate.”***

– LEGAL 500, 2021

Leona also has extensive experience of professional negligence actions and trials, involving accountants, auditors, financial advisers, solicitors, barristers, insurance brokers and construction professionals. She is recognised by the Legal 500 as a leading professional negligence junior.

## Cases

### **ED&F Man Sugar Limited v T&L Sugars & Ors**

(Comm) 2016

Acting for the Defendants in this ongoing claim for in excess of £30m concerning the allegedly wrongful diversion of a sugar cargo. The claim involves allegations of conversion, procuring breach of contract and conspiracy. Trial is listed to commence in late 2016.

### **T&L Sugars Ltd v Tate & Lyle Industries Ltd**

[2015] EWHC 2696 (Comm); and [2014] EWHC 1066 (Comm)

Acting for the Claimant in this very high value contractual dispute arising out of the sale of Tate & Lyle's European sugar business to American Sugar Holdings, including a dispute over the transfer of the business's sugar futures book. Preliminary issues in relation to the interpretation of notice provisions within the share sale agreement, and the meaning of CPR r7.5 and CPR r6.14, were determined in favour of the Claimant in April 2014. Trial took place in May 2015; the Claimant successfully recovered in excess of €30m.

### **Standard Bank v EFAD Real Estate**

(Comm) 2014

Acting for the Claimant bank in this €50m claim for repayment pursuant to two Murabahas, together with personal claims against the officers of the principal borrower for dishonestly procuring the dissipation of the bank's security.

### **Cherney v Deripaska**

[2012] EWHC 1781 (Comm)

Acting as part of the Defendant's counsel team in this headline commercial case involving a dispute over a 20% share in Rusal and allegations of criminality in 1990s Russia.

### **Metro Baltic Horizons v Metro Group & Others**

(Isle of Man) (2011-2014)

Acting for the Claimant AIM listed investment company in a multi-party claim against its previous non-executive directors, investment adviser and investment manager. The claims involve issues of professional negligence, breach of fiduciary duty, conflicts of interest, and fraud.

### **Standard Bank Plc v Al Jaber**

[2011] EWHC 2866 (Comm)

Acted for the Claimant bank in a very high value recovery action against a high net worth individual in a claim pursuant to personal guarantees. Freezing orders were obtained, together with consequential applications for cross examination as to assets. Summary judgment was successfully obtained in November 2011.

### **Ghadami v Lyon Cole Insurance Group Limited**

(CA) (2010)

Sole counsel for the Defendant insurance brokers in relation to a claim involving allegedly negligent broking of a combined commercial insurance policy. Successfully defended the action at trial and in the Court of Appeal in relation to the scope of the indemnity in relation to costs.

### **Abdulrahman Bin Mahfouz v Irshaid**

(2015 - 2017, Comm)

Acting for the Claimant bank in this €35m claim for repayment pursuant to personal guarantees and/ or oil procurement contracts. The claim involved allegations of forgery. Applied for and obtained freezing and search orders, summary judgment, and various asset enforcement orders. Applied for and obtained order for committal against the Defendant for breach of the freezing order.

In June 2017 Leona applied for and obtained an order for committal against the Defendant, following his breaches of the freezing order (before Teare J).

### **Angel Group (in liquidation) v Julia Ann Davey**

(2016 - 2017, ongoing, Comm)

Acting for the Claimant companies (in liquidation) in this £15m claim against their former director and shareholder. The claim involves the dishonest payment of unlawful dividends, removal of company trust assets, and issues of alleged backdating of corporate documents. Various interlocutory orders were obtained including trust asset preservation orders and asset repatriation orders.

The action is due to proceed to trial in April 2018.

## **Arbitration**

Leona has extensive international commercial arbitration experience and has appeared and acted in several UNCITRAL, ICC, LCIA, DIFC-LCIA and ad hoc arbitrations. She has particular expertise in relation to commodities disputes and has also acted as an arbitrator in relation to two UNCITRAL arbitrations.

## **Cases**

### **LCIA arbitration**

Acted as counsel in substantial arbitration concerning a commercial logistics supply agreement.

### **UNCITRAL arbitration**

Junior counsel in UNCITRAL arbitration concerning breach of warranty and a claim for specific performance of a put option.

### **ICC arbitration**

Counsel in arbitration concerning the breach of a motorsport sponsorship and marketing agreement.

### **DIFC-LCIA arbitration**

Acted as counsel in commodities (steel) arbitration.

## ACHIEVEMENTS

---

### Education

MA Oxon

### Appointments

Junior Counsel to the Crown (B Panel).

### Memberships

- COMBAR
- PNLA

### Selected earlier reported cases

#### Civil Fraud, Asset Recovery & Injunctive Relief

- RCPO v (1) R (2) Lloyds TSB Plc (Admin) [2007] EWHC 2393
- K Limited v National Westminster Bank [2007] 1 WLR 311; [2006] 4 All ER 907; [2006] 2 Lloyd's Rep 569
- EFT v SS for Home Department & ors [2006] 1 WLR 1316; [2006] 4 All ER 285; [2006] ACD 8

VAT registration number: 447008068

Barristers regulated by the Bar Standards Board