

Luka Krsljanin

“Luka is deadly during cross-examination.”

– LEGAL 500, 2024

Year of call: **2013**
Degree: **MA (Cantab), BVC (Certificate of Honour)**



Luka Krsljanin is an experienced commercial barrister. He is ranked in the Legal 500 across all three of his core practice areas: commercial litigation, civil fraud and sport.

He regularly acts in major commercial litigation and arbitration - often unled - with an array of recent cases valued in excess of £1 billion. He is especially well-regarded for disputes involving allegations of fraud or other serious wrongdoing.

He specialises in high-value commercial disputes (in litigation and arbitration) often taking place on the international scale, including offshore disputes. He acted in a series of cases arising from the 1MDB corruption scandal, spanning the English, US and Malaysian Courts. He is now acting in *Jafar v Abraaj Holdings & Ors*, a high-profile financial dispute in the Grand Court of the Cayman Islands which relates to the collapse of the Abraaj Group, a private equity platform, which styled itself as a world-leader in ethical, impact investing, which was valued at US\$13.6 billion.

As sole counsel, Luka is often instructed to act in urgent injunctive matters as well as the full range of interim hearings and trials. Recent highlights include *CDW Ltd v Bird*, a civil fraud claim, in which Luka single-handedly secured freezing injunctions, asset disclosure orders and orders for attendance at court to be cross-examined.

Luka is recognised as a leading junior in Legal 500 and Chambers UK. Recent comments include:

- "Luka has a great ability to get up to speed with a matter very quickly and understand the nuances of a matter."- Legal 500, 2023
- "Luka Krsljanin is cool under pressure and is a very good worker."- Chambers UK, 2023
- "Luka Krsljanin is very technically good. He is also extremely personable, a real asset on your side."- Chambers UK, 2023
- "Luka is very quick to handle mandates and has solid experience."- Chambers UK, 2023

Some recent and ongoing highlights of Luka's practice include:

- Acting in Cayman Islands proceedings concerning overlapping fraud and insolvency claims [2023]
- Acting in a series of asset recovery / enforcement disputes arising from a multi-billion dollar arbitral award [2023].
- Acting for Defendants to a claim concerning the creation and ownership of a leading cryptocurrency application [2023].
- Acting for the successful Defendant in *Deposit Guarantee Fund v. Bank Frick & Co. A.G. & Anor.* [2022] EWHC 2221 (Ch), which succeeded in striking out a s.423 Insolvency Act 1986 claim brought by a Ukrainian liquidator.
- Appearing in the Court of Appeal for a successful Respondent in *Maranello Rosso v Lohomij BV & Ors* [2022] EWCA Civ 1667, on the proper construction of a settlement agreement.
- Advising on Financial Fair Play issues in top-flight football [ongoing].
- Acting for the successful Defendant in *Fulham FC v Jones* [2022] EWHC 1108 (QB), a leading judgment on civil injury cases in the sports context.

EXPERIENCE

Commercial

Luka is a leading specialist commercial junior with considerable expertise of significant, heavyweight litigation including a number of cases valued in excess of £1 billion.

He is ranked as a leading junior in commercial litigation in the Legal 500 where he is described as:

"Extremely quick on his feet and easily grasps the issues in a case. He is also very likeable and client-friendly."

He is routinely instructed to act as Sole Counsel, having regularly appeared unled in High Court trials and interim applications since 2016.

“Luka is a superb advocate. He is clear, precise, exceedingly persuasive, and has a command of the detail of even the most complex of cases”

— LEGAL 500, 2024

Cases

Adaptive Spectrum and Signal Alignment Inc v British Telecommunications plc

[2023] EWCA Civ 451

Luka represented the Appellant (led by James Segan KC) in this appeal concerning contractual construction and, in particular, (1) the characteristics which are to be attributed to the 'reasonable reader' construct employed by the Court when construing a contract; and (2) the circumstances in which business common sense is permissible as an aid to construction, and the proper approach to be taken when seeking to apply business common sense.

Maranello Rosso v Lohomij BV & Others

[2022] EWCA Civ 1667

Luka acted for a successful Respondent in this significant appeal to the Court of Appeal. This important judgment clarifies the proper approach to be taken by Courts in determining whether or not a Settlement Agreement was intended to release parties from claims in fraud, conspiracy and similar wrongdoing.

Deposit Guarantee Fund v Bank Frick & Co AG & Anor

[2022] EWHC 2221 (Ch)

Luka acted for the successful defendant/applicant (led by Andreas Gledhill QC) in this summary judgment application which concerns the scope of s.423 of the Insolvency Act 1986, and in particular the subjective "purpose" that must be demonstrated on the part of a transferor in order for a claimant to claim relief.

PetroSaudi Oil Services (Venezuela) Ltd v Clyde & Co

[2021] EWHC 444 (Ch)

Luka acted for the successful defendant, the international law firm which held c.\$325 million in an escrow account, alleged to be connected with the major 1MDB corruption scandal, which had been frozen by an Arrest Warrant issued by the Californian District Court on application by the DOJ. The judgment gives valuable guidance on the circumstances in which the Court will make an order which might be contrary to foreign law or foreign sanctions. An appeal is being pursued.

Purplebricks Group PLC v Cook & Others

[2021] QB-2021-001131

Luka acts for the Claimant, the renowned estate agency, in this claim for injunctions to restrain breaches of restrictive covenants, including non-solicitation and non-compete clauses, in respect of the Defendants' attempts to establish a rival business. Luka secured an imaging order in respect of data in the Defendants' control (before Knowles J), adding to the recent case law considering the appropriate safeguards in respect of imaging orders.

Re R-Squared Holdco Limited

[2020] EWHC 23 (Ch)

Luka acts for a number of Respondents to a s.994 Unfair Prejudice Petition, in which the Petitioners allege that other shareholders have attempted unlawfully to secure the Petitioners' shareholding at nominal value including by instituting disciplinary proceedings against the Petitioners to oust them from the company. The Petitioners are accused of fraud, bribery and corruption; these being the basis of the ousting.

The case involves complex questions of disclosure – including the question of a shareholder's entitlement to inspect legal advice given in respect of ongoing disciplinary proceedings against that shareholder. The judgment noted above provides valuable guidance on the approach to interim injunctions in the context of an Unfair Prejudice Petition.

PDVSA Servicios S.A. v Clyde & Co & Anor

[2020] EWHC 2819 (Ch)

Luka acted for the successful defendant in this claim, by which a major Venezuelan oil and gas company sought to obtain an injunction preventing the transfer of c.\$350 million from an escrow account, pending the outcome of a challenge to an arbitration in Paris. An appeal is being pursued.

Sheffield United Ltd v UTB LLC & Ors

[2019] EWHC 2322 (Ch)

Luka acted for Sheffield United Ltd in this major dispute concerning the ownership of the Club as between two 50% co-owners: Mr Kevin McCabe and Saudi Prince Abdullah. The case involved allegations of deceit, conspiracy and bribery and corruption. The case led to a landmark judgment on the Disclosure Pilot in the Business & Property Courts from the Chancellor, Sir Geoffrey Vos ([2019] EWHC 914 (Ch)). The substantive trial of the case, which lasted for 6 weeks, also led to a significant judgment from Fancourt J on matters including: implied terms, obligations of good faith, unfair prejudice, and conspiracy ([2019] EWHC 2322 (Ch)).

WH Holding Ltd v E20 Stadium LLP

[2018] EWCA Civ 2652

Luka acted on behalf of the successful Appellant in this landmark Court of Appeal case on the limits of litigation privilege. The appeal came in the context of a claim brought by the owners of West Ham Football Club against the leasehold owner of the London Stadium (the former Olympic Stadium). West Ham alleged that E20, the Stadium owners, were unlawfully preventing West Ham from accessing certain seats in the Stadium, and therefore depriving West Ham of substantial ticketing revenue. The claim involved allegations that E20 has failed to act in good faith. The case involved numerous significant judgments including that of the Court of Appeal noted above. In particular, a judgment of Snowden J on the redaction of commercially sensitive documents ([2018] EWHC 2578 (Ch)) and a judgment on applications for third party disclosure ([2018] EWHC 2971 (Ch)).

Civil Fraud, Asset Recovery & Injunctive Relief

Luka is ranked as a leading Civil Fraud junior in the Legal 500:

"Luka is deadly during cross-examination. He is across all of the facts and adapts quickly to developments."

Luka is routinely instructed as Sole Counsel in urgent, injunctive matters, including without notice applications. Within the last year, he has acted in applications seeking or opposing:

- Imaging Orders;
- Doorstep Delivery-Up Orders;
- Worldwide Freezing Orders;
- Order for attendance at Court for cross-examination;

“Extremely quick on his feet and easily grasps the issues in a case”

— LEGAL 500, 2024

- Passport surrender orders;
- Norwich Pharmacal Orders.

As well as acting unled in such cases, Luka has considerable experience as part of large teams tackling major fraud claims, including a number of cases valued in excess of £1 billion.

Among other things, he has experience of dealing with cryptoasset disputes.

Cases

Jafar v Abraaj Holding & Others

[2023] (Grand Court of the Cayman Islands, Financial Services Division; FSD 203 of 2020)

This claim arises out of the notorious and widely-publicised collapse of the Abraaj Group, believed to be the largest ever collapse of a private equity investment platform (valued at over \$13.6 billion) as a result of years' worth of alleged financial mismanagement and fraud, whilst the Group purported to act as a world leader in impact investing. Luka acts for the Plaintiff (led by Lord Falconer), who brings claims in deceit against certain Abraaj Group entities in respect of loans of over US\$300 million procured by fraud in a belated attempt to rescue the business. The fraud claim is consolidated with overlapping insolvency claims brought by liquidators in respect of the collapse of the platform.

The case is listed for trial starting in November 2023. Luka has been called to the Bar of the Cayman Islands for the purpose of these proceedings.

X v Y

[2023]

Luka acts for parties seeking to enforce an arbitral award worth billions of dollars. The case involves numerous overlapping proceedings and an international dimension as part and parcel of the overall asset recovery exercise. There are numerous contentious enforcement claims including under s.423 Insolvency Act 1986.

Old Park Capital Maestro Fund Ltd v Old Park Capital Ltd & others

[2023] EWHC 1886 (Ch)

Luka acted for the Claimant in this case concerning claims in deceit and for breaches of directors' duties, arising out of an investment fraud that resulted in the collapse of a Cayman Islands investment fund.

Maranello Rosso v Lohomij BV & Others

[2022] EWCA Civ 1667

Luka acted for a successful Respondent in this significant appeal to the Court of Appeal. This important judgment clarifies the proper approach to be taken by Courts in determining whether or not a Settlement Agreement was intended to release parties from claims in fraud, conspiracy and similar wrongdoing.

Harrington Trading Co Ltd & Ors. v Mehta & Ors

[2022] EWHC 1810 (Ch)

Luka acts (led by Andrew Hunter KC) in this civil fraud dispute in which a Worldwide Freezing Order of US\$1 billion has been imposed.

CDW Limited v Bird & Anor.

[2021] EWHC 3665 (QB)

Luka acts for the Claimant, a leading IT company, in this deceit claim concerning a long-running fraud perpetrated by a former employee.

At a without notice hearing, Luka successfully secured freezing injunctions and delivery-up orders (before Mr Justice Bourne). Subsequently, at two on notice hearings, Luka secured: (i) the continuation of all freezing orders to trial, (ii) robust disclosure orders requiring detailed asset disclosure, and (iii) rare orders requiring respondents to attend court to be cross-examined (before Deputy High Court Judges Webb and Williamson).

A v B

[2021]

Luka acted (as sole counsel) in a claim in deceit arising out of the collapse of a family-run business, involving parallel family proceedings. Luka acted in the application for freezing orders in connection with different family members alleged to have been involved in the frauds.

Purplebricks Group PLC v Cook & Others

[2021] QB-2021-001131

Luka acts for the Claimant, the renowned estate agency, in this claim for injunctions to restrain breaches of restrictive covenants, including non-solicitation and non-compete clauses, in respect of the Defendants' attempts to establish a rival business. Luka secured an imaging order in respect of data in the Defendants' control (before Knowles J), adding to the recent case law considering the appropriate safeguards in respect of imaging orders.

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The case involves complex questions of disclosure – including the question of a shareholder's entitlement to inspect legal advice given in respect of ongoing disciplinary proceedings against that shareholder. The judgment noted above provides valuable guidance on the approach to interim injunctions in the context of an Unfair Prejudice Petition.

Sheffield United Ltd v UTB LLC & Ors

[2019] EWHC 2322 (Ch)

Luka acted for Sheffield United Ltd in this major dispute concerning the ownership of the Club as between two 50% co-owners: Mr Kevin McCabe and Saudi Prince Abdullah. The case involved allegations of deceit, conspiracy and bribery and corruption. The case led to a landmark judgment on the Disclosure Pilot in the Business & Property Courts from the Chancellor, Sir Geoffrey Vos ([2019] EWHC 914 (Ch)). The substantive trial of the case, which lasted for 6 weeks, also led to a significant judgment from Fancourt J on matters including: implied terms, obligations of good faith, unfair prejudice, and conspiracy ([2019] EWHC 2322 (Ch)).

Sport

He is ranked as a leading sports barrister in both of the leading directories. The Legal 500 says, "Luka is a superb advocate. He is clear, precise, exceedingly persuasive, has a command of his instructions and a close attention to the detail of even the most complex of cases" (Tier 2; Legal 500, 2024). Chambers UK describes him as "a well-regarded practitioner with notable expertise in sports matters, particularly appearing in high-profile football-related disputes" (Chambers & Partners, 2023).

He was nominated for the Sport Law Junior Barrister of the Year award in the Legal 500's Bar Awards (2022).

Recent football clients include: FIFA, West Ham United FC, Chelsea FC, Tottenham Hotspur FC, Newcastle United FC, Brighton & Hove Albion FC, Fulham FC, Watford FC, Sheffield United FC, Swansea City AFC and Rennes (Stade Rennais) FC.

He deals with the whole range of Sports cases: commercial disputes (including sponsorship and agency issues); regulatory matters; and personal injury claims.

"Extremely quick on his feet and easily grasps the issues in a case"

— LEGAL 500, 2024

Cases

An Agent v A Club

[2023] (Rule K Arbitration)

Luka acted for a leading football club in a claim concerning alleged breaches of an agency contract, proceeding under FA Rule K

Fulham FC v Jones

[2022] EWHC 1108 (QB)

Luka acted for Fulham FC, the successful appellant, in this leading case on civil injury claims in the sports context. Luka succeeded in persuading the appeal court to overturn a judgment that had found Fulham liable for a reckless tackle, and the judgment confirmed that the threshold for civil liability in the sporting context is set at a very high level. Fulham succeeded on all four of its grounds of appeal.

After the Defendant's successful appeal, the claim was discontinued.

The FA v Brighton & Hove Albion FC

[2022]

Luka acts for Brighton, the well-known Premier League Football Club, which was charged by the FA with alleged breaches of the FA Regulations on Working with Intermediaries; a significant case dealing with the changing landscape for Intermediaries dealings (led by Nick de Marco QC).

A Player v A Club

[2022] (EFL arbitration)

Luka acts for a well-known football club in an arbitration claim brought by a former player - a high-profile, international football player - for alleged unpaid wages and contingency fees following termination of the employment contract.

Newcastle United FC v The FA Premier League

[2021] (EPL arbitration)

Luka acted for the leading Premier League Football Club in a major arbitration under Section X of the Premier League Rules, concerning the proposed sale of the Club to a Consortium involving the Public Investment Fund of Saudi Arabia. Led by Shaheed Fatima QC and Nick de Marco QC.

Stade Rennais F.C. v Sports Invest Ltd

[2020] (Queen's Bench Division)

Luka acted for the French Ligue One Football Club Stade Rennais, owned and controlled by the well-known Pinault family, the owners of such world-famous companies as Gucci, Yves Saint Laurent and Balenciaga. Stade Rennais are alleged to have induced a breach of contract by 'poaching' a high-profile agent/manager from Sports Invest, an English-based football agency, to serve as their Director of Football. Complex disclosure issues are concerned, in particular with regard to the limits of privilege under French Law.

Sheffield United Ltd v UTB LLC & Ors

[2019] EWHC 2322 (Ch)

Luka acted for Sheffield United Ltd in this major dispute concerning the ownership of the Club as between two 50% co-owners: Mr Kevin McCabe and Saudi Prince Abdullah. The case involved allegations of deceit, conspiracy and bribery and corruption. The case led to a landmark judgment on the Disclosure Pilot in the Business & Property Courts from the Chancellor, Sir Geoffrey Vos ([2019] EWHC 914 (Ch)). The substantive trial of the case, which lasted for 6 weeks, also led to a significant judgment from Fancourt J on matters including: implied terms, obligations of good faith, unfair prejudice, and conspiracy ([2019] EWHC 2322 (Ch)).

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West Ham v E20 Stadium LLP

2016-18

Luka acted on behalf of the owners and operators of West Ham United, in their claim against the leasehold owner of the London Stadium (the former Olympic Stadium). West Ham alleged that E20, the Stadium owners, were unlawfully preventing West Ham from accessing certain seats in the Stadium, and therefore depriving West Ham of substantial ticketing revenue. The claim involved allegations that E20 has failed to act in good faith, and so invokes complex consideration of good faith issues. Prior to its settlement at trial, the case involved numerous complex case management issues, and interim applications which led to valuable High Court Judgments on the redaction of commercially sensitive documents ([2018] EWHC 2578 (Ch)) and applications for third party disclosure ([2018] EWHC 2971 (Ch)).

Offshore

Luka has acted in a range of commercial disputes in different offshore jurisdictions, including the Grand Court of the Cayman Islands and the Courts of Bermuda. Most of his experience arises in the civil fraud and enforcement contexts.

He is one of few English junior barristers recently to have been called to the Bar of the Cayman Islands (ad hoc, 2022). He is currently instructed in FSD proceedings in the Cayman Islands concerning a major international fraud and overlapping insolvency claims, which are due for trial starting in November 2023 (led by Lord Falconer). He is well versed in dealing with issues under Cayman procedural law.

Restructuring & Insolvency

Luka is developing a specialist niche dealing with contentious insolvency disputes, often arising in connection with fraud claims. He has acted in one of the recent leading cases concerning s.423 of the Insolvency Act 1986 and is often instructed to provide discrete advice and representation on s.423 claims.

Cases

Jafar v Abraaj Holding & Others

[2023] (Grand Court of the Cayman Islands, Financial Services Division; FSD 203 of 2020)

This claim arises out of the notorious and widely-publicised collapse of the Abraaj Group, believed to be the largest ever collapse of a private equity investment platform (valued at over \$13.6 billion) as a result of years' worth of alleged financial mismanagement and fraud, whilst the Group purported to act as a world leader in impact investing. Luka acts for the Plaintiff (led by Lord Falconer), who brings claims in deceit against certain Abraaj Group entities in respect of loans of over US\$300 million procured by fraud in a belated attempt to rescue the business. The fraud claim is consolidated with overlapping insolvency claims brought by liquidators in respect of the collapse of the platform.

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Re: Old Park Capital Maestro Fund

[2023]

Luka represented the Claimant, a Liquidator of an insolvent Cayman Islands investment fund, in a Chancery Division trial before Richards J (May 2023) concerning claims of fraud and breaches of duty made against the founders and managers of the investment fund. Judgment is awaited.

X v Y

[2023]

Luka acts for parties seeking to enforce an arbitral award worth billions of dollars. The case involves numerous overlapping proceedings and an international dimension as part and parcel of the overall asset recovery exercise. There are numerous contentious enforcement claims including under s.423 Insolvency Act 1986.

ACHIEVEMENTS

Education

MA (Cantab) - ranked 3rd highest in his graduating year at Cambridge

BVC (Certificate of Honour)

Judicial Assistant to Judge Christopher Vajda QC, the UK's Judge to the Court of Justice of the European Union (2014)

VAT registration number: 447008068

Barristers regulated by the Bar Standards Board