

# Marlena Valles

Year of call: 2020  
Degree: LLB Hons (First Class) (Edin), BCL (Distinction, top of year) (Oxon),  
MPhil in Law (Distinction) (Oxon)



Marlena practices across all of Chambers' main areas of work, with a particular emphasis on commercial disputes, public law, financial services, international law, and employment law. She has appeared in the Supreme Court, Court of Appeal, High Court, County Court, Upper Tribunal and the employment tribunal.

Her clients include individuals, companies, charities, and sporting bodies. Recent highlights of Marlena's practice include:

- acting for the Duke of Sussex in a judicial review over the decision to remove his State security
- acting for an asset management company resisting winding up petitions and allegations of serious misconduct in relation to a USD500 million investment, with concurrent proceedings in the Cayman Islands, the BVI, the English High Court, and the LCIA
- acting for a couple challenging a NHS body's policy that lesbian couples must self-fund 12 rounds of artificial insemination before they can receive IVF
- acting for a hedge fund in a challenge to the Financial Conduct Authority's decision to impose a £40.8 million fine and a redress scheme

Before coming to the Bar, Marlena worked for a variety of legal charities and taught public law at the University of Oxford. She also spent a year as the judicial assistant to the Master of the Rolls, Sir Terence Etherton, where she worked on a range of commercial, public, and EU law appeals.

## EXPERIENCE

---

### Commercial

Marlena accepts instructions in all areas of commercial law.

While working as the judicial assistant to the Master of the Rolls Marlena worked on a number of commercial and chancery appeals, including *Barings (UK) Ltd v Deutsche Trustee Co Ltd* [2020] EWCA Civ 521, which concerned interpretation of a commercial contract relating to a collateralised loan transaction.

## Cases

### **Re Long View, PIF, and GFIF**

(Cayman Grand Court, ongoing)

Acting for an asset management and investment company resisting winding up petitions brought on just and equitable grounds against three investment fund companies. The petitioner contends that serious misconduct (including conspiracy, breach of directors' duties and charging of unlawful fees) occurred in relation to a total USD300 million investment. The case has involved various interlocutory applications for the discharge of provisional liquidators and Court-appointed receivers over shares in the funds (with Michael Bloch KC, Tom Weisselberg KC, Tom Mountford, and Andrew Trotter).

### **Recovery Partners GP Ltd & Anor v Rukhadzev & Ors**

(Court of Appeal, 2022)

Acting for the claimants in an appeal of the decision of Cockerill J to award the claimants the largest ever account of profits at the quantum stage of a dispute concerning the management of the estate of the deceased Georgian billionaire Arkadi Patarkatsishvili (with Tom Weisselberg KC, Tom Cleaver, and Will Bordell).

### **Credit Suisse London Nominees and Chia Hsing Wang v Real Assets (RA) Global Opportunity Fund & Ors**

(Eastern Caribbean Supreme Court Court of Appeal, on appeal from the BVI Commercial Court, ongoing)

Acting for a shareholder resisting a winding up petition which another shareholder has brought against an investment fund. The shareholder petitioner alleges that various forms of wrongdoing (including conspiracy, breach of directors' duties and misrepresentation) occurred in connection with a USD200 million investment. The case has also involved an application to discharge an order appointing a provisional liquidator (with Andrew Hunter KC and Tom Mountford).

### **Recovery Partners GP Ltd & Anor v Rukhadzev & Ors**

[2022] EWHC 690 (Comm)

Acted for the claimants in a 6 week Commercial Court trial, seeking the largest ever account of profits at the quantum stage of a dispute concerning the management of the estate of the deceased Georgian billionaire Arkadi Patarkatsishvili (with Shaheed Fatima KC, Tom Cleaver, and Will Bordell).

### **Global Plastic (UK) Limited v Inivos Limited**

(2021)

Acted for the claimant in a claim concerning breach of contract and quantum meruit in the context of supply of PPE during the Covid-19 pandemic (assisting Victoria Windle).

### **Kinsella & another v Emasan & another**

(Commercial Court, 2021)

Acted for the claimants in a claim for breach of an oral contract and misrepresentation, for tens of millions of Euros. Involved procedural issues relating to taking evidence abroad in the context of the Covid-19 pandemic (assisting Victoria Windle).

### **Suppipat & Others v Narongdey, Siam Commercial Bank and Others**

(2021)

Acted for the claimants in a multi-jurisdictional fraud claim, against 17 separate defendants, for damages of more than \$1 billion (assisting Victoria Windle).

### **Rift Valley Corporation Limited v Heinrich von Pezold**

(2021)

Acted for the claimant in a claim for an injunction to restrain the defendant from breaching the terms of a framework agreement in relation to settlement of arbitration awards regarding expropriated land in Zimbabwe (assisting Victoria Windle).

### **Advice on collateral use of documents**

(2021)

Advised on whether Joint Official Liquidators are permitted to disclose information, documents, and witnesses statements to the Liquidation Committee, a non-party to the action, under Caymanian law (assisting Victoria Windle).

### **[Consultant] v [Company]**

(2021)

Advised on potential claim against a consultant for breaches of confidence, contract, and fiduciary duties (assisting Victoria Windle).

## **Public & Regulatory**

Marlena accepts instructions in all areas of public and regulatory law.

Prior to joining Blackstone, Marlena taught administrative law at the University of Oxford.

As a judicial assistant in the Court of Appeal, Marlena worked on public and constitutional law appeals including: *R (Bridges) v Chief Constable of South Wales Police* [2020] 1 WLR 5037 (a challenge to the lawfulness of the use of automated facial recognition technology concerning Art 8, data protection issues, and the PSED); *R (British Telecommunications Plc) v HM Treasury* [2020] Pens. LR 12 (concerning HM Treasury's decision to implement full indexation of the guaranteed minimum pension of certain members of public sector pension schemes); and *R (Badmus) v Secretary of State for the Home Department* [2020] 1 WLR 4609 (about lawfulness of rates of pay set for work in immigration removal centres and judicial review time limits).

## Cases

### **R (Duke of Sussex) v Secretary of State for the Home Department**

Ongoing

Representing the Duke of Sussex in a challenge to the arrangements for the provision of State security when he is in the UK (with Shaheed Fatima KC, Jason Pobjoy and Gayatri Sarathy).

### **Non-binary legal recognition**

Ongoing

Acting for a person who seeks recognition of their foreign acquired non-binary gender pursuant to s.1(1)(b) Gender Recognition Act 2004 (led by Chris Buttler KC).

### **Advice for the Welsh Parliament**

(2021)

Provided the Welsh Parliament with an opinion on the lawfulness of the the co-operation agreement made between the Welsh Government and Plaid Cymru (led by Lord Pannick KC).

### **Advice on Political Impartiality in Schools**

(2022)

Advised a network of educators on the Secretary of State's guidance on political impartiality in schools (led by Jude Bunting KC).

### **R (Langton) v Secretary of State for the Environment**

[2021] EWHC 2199 (Admin)

Acted for the Secretary of State in resisting a claim for judicial review seeking to challenge the Government's approach to licensing the supplementary culling of badgers in the Next Steps for the Strategy for Achieving Bovine Tuberculosis Free Status for England (assisting Hanif Mussa).

### **R (Andrews) v Minister for the Cabinet Office**

[2021] EWHC 2233 (Admin)

Acted for the defendant in a judicial review of the arrangements made for blind voters at the 2019 General Election (assisting Hanif Mussa).

### **R (BF (Eritrea)) v Secretary of State for the Home Department**

[2021] UKSC 38

Acted for the claimant in a judicial review challenging the lawfulness of the Government's policy for assessing the age of asylum-seekers who claim to be children (assisting Jason Pobjoy).

### **R (AB) v Secretary of State for Justice**

[2021] UKSC 28

Acted for the Secretary of State in an appeal concerning whether the segregation of a child detained in a Young Offender Institution constituted a breach of Article 3 of the ECHR and the correct approach to international materials (assisting Jason Pobjoy).

### **All the Citizens v Prime Minister**

(2021)

Acted for the claimant in responding to an application to strike out on the basis that the statement of facts and grounds would impeach proceedings in Parliament contrary to Article 9 of the Bill of Rights (assisting Jason Pobjoy).

### **Arbitration Act Bias**

(High Court, QBD, 2021)

Resisted an application pursuant to s.24(1)(a) of the Arbitration Act 1996 to remove an arbitrator on the ground of bias (assisting Jason Pobjoy).

### **Telecommunications JR Advice**

(2021)

Advised a broadband provider on a prospective appeal to the CAT concerning geographic market definition (assisting Hanif Mussa).

### **Proposed judicial review of the Charity Commission**

(2020)

Advised on issuing a judicial review against the Charity Commission for its alleged failure to use its statutory powers to act in respect of a school (assisting Jason Pobjoy).

### **Advice on JR of Parole Board**

(2020)

Advised on the merits of a judicial review against a decision of the Parole Board of England and Wales (assisting Jason Pobjoy).

## Civil Fraud, Asset Recovery & Injunctive Relief

Marlena accepts instructions in all areas of civil fraud, asset recovery, and injunctive relief.

### Cases

#### **Re Long View, PIF, and GFIF**

(Cayman Grand Court, ongoing)

Acting for an asset management and investment company resisting winding up petitions brought on just and equitable grounds against three investment fund companies. The petitioner contends that serious misconduct (including conspiracy, breach of directors' duties and charging of unlawful fees) occurred in relation to a total USD300 million investment. The case has involved various interlocutory applications for the discharge of provisional liquidators and Court-appointed receivers over shares in the funds (with Michael Bloch KC, Tom Weisselberg KC, Tom Mountford, and Andrew Trotter).

#### **Credit Suisse London Nominees and Chia Hsing Wang v Real Assets (RA) Global Opportunity Fund & Ors**

(Eastern Caribbean Supreme Court Court of Appeal, on appeal from the BVI Commercial Court, ongoing)

Acting for a shareholder resisting a winding up petition which another shareholder has brought against an investment fund. The shareholder petitioner alleges that various forms of wrongdoing (including conspiracy, breach of directors' duties and misrepresentation) occurred in connection with a USD200 million investment. The case has also involved an application to discharge an order appointing a provisional liquidator (with Andrew Hunter KC and Tom Mountford).

#### **Suppipat & Others v Narongdey, Siam Commercial Bank and Others**

(2021)

Acted for the claimants in a multi-jurisdictional fraud claim, against 17 separate defendants, for damages of more than \$1 billion (assisting Victoria Windle).

#### **PJSC National Bank Trust v Mints & Ors**

[2021] EWHC 692 (Comm)

Acted for the defendant Mr Shishkhanov in an application to set aside an order for service outside of the jurisdiction. Involved application of the Vedanta principles in relation to anchor defendants (assisting Victoria Windle).

#### **[Companies in administration] v [Former directors]**

(Commercial Court, 2021)

Acted for a defendant in a claim for damages totalling more than £100 million. The claim involved allegations of fraudulent trading, breach of directors' duties, knowing receipt, and dishonest assistance (assisting Victoria Windle).

**[Company] v [Former Employees]**

(Commercial Court, 2021)

Acted for the claimant in a claim for breach of fiduciary duty, dishonest assistance, and unlawful means conspiracy. Involved complex issues of jurisdiction under the Brussels Recast Regulation (assisting Victoria Windle).

## Civil Liberties & Human Rights

Marlena accepts instructions in all areas of civil liberties and human rights.

Before coming to the bar, Marlena worked for legal charities acting within the fields of LGBT rights, asylum law, and national security law.

Marlena has a particular interest in children's rights. She won the Oxford Law Faculty Prize for Children, Families, and the State and completed an MPhil on the interaction between the welfare principle and the autonomy rights of teenagers.

## Cases

**Delays in provision of healthcare to transgender men**

Ongoing

Acting for a transgender man who has had significant delays in provision of his medical care (with Jude Bunting KC and Isabel McArdle).

**London Gypsies and Travellers & ors v Wolverhampton City Council & ors**

Ongoing

Acting for Liberty in an intervention on an appeal concerning whether and in what circumstances a Court can grant injunctive relief which binds persons who were not parties to the proceedings at the date the injunction was made. The intervention is focussed on the human rights implications of such injunctions, and particularly whether they can be compliant with Articles 8, 10, and 11 (led by Jude Bunting KC).

**Megan and Whitney Bacon-Evans v Frimley CCG**

Ongoing

Acting for the claimants in a judicial review of a CCG's policy to require lesbian couples to undergo 12 rounds of self-funded artificial insemination to be eligible for NHS-funded assisted conception treatment where heterosexual couples are eligible if they have not conceived through unprotected sex. The claim concerns direct discrimination, indirect discrimination, the public sector equality duty, and Article 14 ECHR (led by Jude Bunting KC).

### **R (Malaksari & Anor) v Secretary of State for the Home Department**

(2021)

Acted for the claimants in a judicial review challenging the Home Office's policy of seizing the mobile phones of migrants who arrive to the UK by boat (assisting Jason Pobjoy).

### **LM v Secretary of State for the Home Department**

(2021)

Acted in an appeal against the decision of the Secretary of State to order the deportation of the appellant, an EU national who was a child at the time of committing the index offence (assisting Jason Pobjoy).

### **R (BF (Eritrea)) v Secretary of State for the Home Department**

[2021] UKSC 38

Acted for the claimant in a judicial review challenging the lawfulness of the Government's policy for assessing the age of asylum-seekers who claim to be children (assisting Jason Pobjoy).

### **R (AB) v Secretary of State for Justice**

[2021] UKSC 28

Acted for the Secretary of State in an appeal concerning whether the segregation of a child detained in a Young Offender Institution constituted a breach of Article 3 of the ECHR and the correct approach to international materials (assisting Jason Pobjoy).

## **Financial Services & Banking**

Marlena accepts instructions in all areas of financial services law.

## **Cases**

### **BlueCrest Capital Management (UK) LLP v Financial Conduct Authority**

Ongoing

Acting for BlueCrest, a hedge fund, in a challenge to the FCA's decision to impose a penalty and a requirement to pay redress on the basis of BlueCrest's management of an alleged conflict of interest (with Javan Herberg KC and Daniel Burgess).

### **Advice on PRA Investigations**

(2021)

Advised on the information gathering powers of the Prudential Regulation Authority (assisting Hanif Mussa).



### **[Borrower] v [Mortgage lender]**

(2021)

Acted for the defendant in a claim alleging that the interest rate variation clauses of a mortgage contract breached implied terms of the contract and were unfair pursuant to the Unfair Terms in Consumer Contracts Regulations 1999 (assisting Hanif Mussa).

### **FOS Loan Claim**

(2021)

Acted for the respondent to a complaint to the Financial Ombudsman Service alleging that the interest charged on a loan contract was unfair pursuant to s.140A of the Consumer Credit Act 1974 (assisting Hanif Mussa).

### **FSCS Mortgage Claim**

(2021)

Acted for the Financial Services Compensation Scheme in a claim alleging that a civil liability arose as a result of misselling of an interest-only mortgage (assisting Hanif Mussa).

### **LIBOR Transition Advice**

(2021)

Advised a mortgage lender on transitioning the benchmark interest rate from LIBOR to SONIA (assisting Hanif Mussa).

## **Discrimination**

Marlena accepts instructions in all areas of discrimination law.

Marlena was awarded the Oxford Law Faculty Prize for Comparative Equality Law.

## **Cases**

### **Non-binary legal recognition**

Ongoing

Acting for a person who seeks recognition of their foreign acquired non-binary gender pursuant to s.1(1)(b) Gender Recognition Act 2004 (led by Chris Buttler KC).

### **Delays in provision of healthcare to transgender men**

Ongoing

Acting for a transgender man who has had significant delays in provision of his medical care (with Jude Bunting KC and Isabel McArdle).

**Megan and Whitney Bacon-Evans v Frimley CCG**

Ongoing

Acting for the claimants in a judicial review of a CCG's policy to require lesbian couples to undergo 12 rounds of self-funded artificial insemination to be eligible for NHS-funded assisted conception treatment where heterosexual couples are eligible if they have not conceived through unprotected sex. The claim concerns direct discrimination, indirect discrimination, the public sector equality duty, and Article 14 ECHR (led by Jude Bunting KC).

**[Former Teacher] v [School]**

(Employment Tribunal, 2022)

Acted for a former teacher in a claim for disability discrimination, harassment, and victimisation. The matter settled in judicial mediation (unled).

**R (Andrews) v Minister for the Cabinet Office**

[2021] EWHC 2233 (Admin)

Acted for the defendant in a judicial review of the arrangements made for blind voters at the 2019 General Election (assisting Hanif Mussa).

**[Contractor] v [Company]**

(2021)

Acted for the respondent in a claim involving sex discrimination, sexual harassment, victimisation, and issues of worker status (assisting Diya Sen Gupta KC).

**[Former director] v [Company]**

(2020)

Advised the defendant on a potential appeal by the claimant of an ET decision which concerned direct and indirect sex discrimination (assisting Diya Sen Gupta KC).

**[Former employee] v [Law firm]**

(ET, 2020)

Acted for the claimant in a claim against their former employer alleging unfair dismissal, direct discrimination on the grounds of sex and sexual orientation, harassment, victimisation, and whistleblowing detriment. The case settled (assisting Diya Sen Gupta KC).

## Employment

Marlena accepts instructions in all areas of employment law. She has a particular interest in discrimination law and issues of worker status.

## Cases

### **[Official] v [Sport Regulatory Body]**

Ongoing

Acting for a sport regulatory body in a claim for direct and indirect racial discrimination and harassment (led by Nick De Marco KC).

### **[Former Teacher] v [School]**

(Employment Tribunal, 2022)

Acted for a former teacher in a claim for disability discrimination, harassment, and victimisation. The matter settled in judicial mediation (unled).

### **[Employee] v [Employer]**

(Employment Tribunal, 2022)

Advised an employer on a dismissal arising out of a redundancy situation. The matter settled (unled).

### **Hodgkinson v Mercedes AMG High Performance Powertrains Ltd**

(High Court QBD, 2022)

Acted for the defendant Formula 1 power unit manufacturer in a garden leave dispute. The case settled in the run-up to a speedy trial (with Paul Goulding QC and George Molyneaux).

### **[Company] v [Former Employees]**

(Commercial Court, 2021)

Acted for the claimant in a claim for breach of fiduciary duty, dishonest assistance, and unlawful means conspiracy. Involved complex issues of jurisdiction under the Brussels Recast Regulation (assisting Victoria Windle).

### **[Contractor] v [Company]**

(2021)

Acted for the respondent in a claim involving sex discrimination, sexual harassment, victimisation, and issues of worker status (assisting Diya Sen Gupta KC).

### **Sarnoff v YZ**

[2021] ICR 545

Acted for the appellant in an appeal concerning the extent of the Employment Tribunal's power to make a disclosure order against a person outside Great Britain (assisting Diya Sen Gupta QC).

**[Former director] v [Company]**

(2020)

Advised the defendant on a potential appeal by the claimant of an ET decision which concerned direct and indirect sex discrimination (assisting Diya Sen Gupta KC).

**[Former employee] v [Law firm]**

(ET, 2020)

Acted for the claimant in a claim against their former employer alleging unfair dismissal, direct discrimination on the grounds of sex and sexual orientation, harassment, victimisation, and whistleblowing detriment. The case settled (assisting Diya Sen Gupta KC).

## EU & Competition

Marlena accepts instructions in all areas of EU law.

While working as a judicial assistant to the Master of the Rolls, Marlena worked on appeals in the area of EU law, including *R (Friends of Antique Cultural Treasures Ltd) v Secretary of State for Environment, Food and Rural Affairs* [2020] 1 WLR 3876, which determined whether the Ivory Act 2018 violated EU rules on free movement of goods or the right to respect for property under the Charter or the ECHR.

## Cases

**LM v Secretary of State for the Home Department**

(2021)

Acted in an appeal against the decision of the Secretary of State to order the deportation of the appellant, an EU national who was a child at the time of committing the index offence (assisting Jason Pobjoy).

**Telecommunications JR Advice**

(2021)

Advised a broadband provider on a prospective appeal to the CAT concerning geographic market definition (assisting Hanif Mussa).

**Izuzquiza and Semsrott v Frontex**

Case T-31/18 DEP [2021]

Acted for journalists investigating the EU border regime and the transparency of public bodies of the EU in an application to reduce the costs payable following an unsuccessful claim in the General Court (assisting Jason Pobjoy).

### **A matter concerning compensation for personal injury claims arising on accidents on public land**

(2020)

Advised on whether the principles of equivalence and effectiveness apply to national rules which go beyond the minimum requirements provided for by an EU directive (assisting Jason Pobjoy).

### **Advice on Status of Bilateral Family Reunification Agreements**

(2021)

Advised a charity on the legal status of bilateral family reunification agreements that the UK may enter into with individual EU Member States (assisting Jason Pobjoy).

## **Public International Law**

Marlena accepts instructions in all areas of public international law.

## **Cases**

### **Newcastle United v The Premier League**

(2021)

Represented the Premier League in arbitral proceedings over which entities would own and/or have the ability to control Newcastle United Football Club following a takeover by an investment group led by the Public Investment Fund, the sovereign wealth fund of the Kingdom of Saudi Arabia. The case settled in October after the Premier League received legally binding assurances that the Kingdom of Saudi Arabia will not control the Club (with Adam Lewis KC and Jason Pobjoy).

### **His Highness Sheikh Mohammed Bin Rashid Al Maktoum v Her Royal Highness Princess Haya Bint Al Hussein & Ors**

[2021] EWCA Civ 129

Represented His Highness Sheikh Mohammed Bin Rashid Al Maktoum in an appeal of the High Court's decision that the Foreign Act of State doctrine did not prevent the Court from considering Her Royal Highness Princess Haya Bint Al Hussein's allegation that her and her solicitors' mobile phones were hacked by agents of Dubai or the UAE (assisting Jason Pobjoy).

### **Advice on Status of Bilateral Family Reunification Agreements**

(2021)

Advised a charity on the legal status of bilateral family reunification agreements that the UK may enter into with individual EU Member States (assisting Jason Pobjoy).

## Sport

Marlena accepts instructions in all areas of sports law.

## Cases

### **[Transgender Athlete]**

(2022)

Advising a transgender woman athlete in relation to eligibility with domestic and international sporting bodies (unled).

### **[Official] v [Sport Regulatory Body]**

Ongoing

Acting for a sport regulatory body in a claim for direct and indirect racial discrimination and harassment (led by Nick De Marco KC).

### **Newcastle United v The Premier League**

(2021)

Represented the Premier League in arbitral proceedings over which entities would own and/or have the ability to control Newcastle United Football Club following a takeover by an investment group led by the Public Investment Fund, the sovereign wealth fund of the Kingdom of Saudi Arabia. The case settled in October after the Premier League received legally binding assurances that the Kingdom of Saudi Arabia will not control the Club (with Adam Lewis KC and Jason Pobjoy).

## Data Protection, Freedom of Information & Privacy

Marlena accepts instructions in all matters relating to data protection, freedom of information, and privacy.

## Cases

### **BBC Freedom of Information Act**

Assisted with responding to a complaint made to the Information Commissioner (led by Jason Pobjoy).

### **Izuzquiza and Semsrott v Frontex**

Case T-31/18 DEP [2021]

Acted for journalists investigating the EU border regime and the transparency of public bodies of the EU in an application to reduce the costs payable following an unsuccessful claim in the General Court (assisting Jason Pobjoy).

**R (Malaksari & Anor) v Secretary of State for the Home Department**

(2021)

Acted for the claimants in a judicial review challenging the Home Office's policy of seizing the mobile phones of migrants who arrive to the UK by boat (assisting Jason Pobjoy).

## ACHIEVEMENTS

---

### Education

- MPhil in Law (Distinction), University of Oxford
- BCL (Distinction, top of year), University of Oxford
- LLB Hons (First Class, 2nd in year), University of Edinburgh

### Prizes & Scholarships

- Bedingfield Scholarship (Gray's Inn)
- Clarendon Scholarship (Oxford)
- Vinerian Scholarship for best performance on the BCL (Oxford)
- Law Faculty Prize for Comparative Equality Law (Oxford)
- Law Faculty Prize for Children, Families, and the State (Oxford)
- Jesus College BCL Prize (Oxford)
- Best performance in final year law exams (Edinburgh)
- Best performance in Criminal Law, EU Law, and Jurisprudence (Edinburgh)

### Other relevant experience

Before coming to the bar, Marlina taught public law at the University of Oxford and worked for a variety of human rights organisations, including the Human Dignity Trust and Rights Watch UK. Marlina also spent six months in Greece working pro bono for Refugee Legal Support-Athens, Khora Community Centre, and Refugee Law Clinic-Samos.

Marlena was a keen competitive debater at university and has taught debating and public speaking around the world. She was the winner and best speaker of a number of debating competitions and was a two-time Grand Finalist of the European Universities Debating Championships.

VAT registration number: 447008068

Barristers regulated by the Bar Standards Board