

# Robert Anderson KC

*“One of the best advocates at the Bar – forensic, aggressive when he needs to be and very persuasive. You definitely want him on your side, and he is great to work with – he gets into the meat of any issue and clients love him.”*

– LEGAL 500, 2024

Year of call: **1986**  
Appointed to silk: **2006**  
Degree: **BA Hons Law (Cantab)**



Robert is an experienced and highly regarded silk specialising in commercial litigation, civil fraud and arbitration. He has additional expertise in sports law and media and entertainment disputes.

Robert regularly appears in the High Court (Commercial Court and Chancery Division) and appellate courts in England, as well as foreign courts and international arbitrations. He has a reputation as a very strong trial lawyer, with the Directories frequently praising his abilities as a cross-examiner.

Robert's particular area of expertise lies in international fraud and asset recovery work. He has appeared in most of the high profile commercial fraud cases over the last 30 years. He has extensive experience of search orders, freezing orders and other pre-emptive relief, as well as leading a team taking such cases to trial.

Robert is also highly experienced in general commercial work, including particular expertise in the financial services sector. His practice has a distinctly international flavour; frequently involving issues of private international law. In addition to his commercial caseload, Robert also undertakes sports and media work. His sports law practice embraces Premiership and Football League clubs, cricket, rugby union, tennis, horse racing, world rallying and formula one. In media, Robert has acted for many well-known artists, recording and publishing companies. He also increasingly undertakes television, film, theatre and other media work.

Robert is ranked in Chambers UK and Legal 500 in several practice areas and he is also ranked in Chambers Global in Commercial Dispute Resolution, as well as recognised as one of the world's leading practitioners in the Who's Who Legal: Asset Recovery.

Recent comments include:

- "One of the best advocates at the Bar – forensic, aggressive when he needs to be and very persuasive. You definitely want him on your side, and he is great to work with – he gets into the meat of any issue and clients love him."- Legal 500, 2024
- "He is at the top of his game. He is very smooth and unflappable in court."- Chambers UK, 2023
- "A very decisive and extremely effective commercial lawyer."- Chambers UK, 2023

Previous comments include:

- "Extremely effective advocate – can take down even the most robust witness without them even realising it. Able to master huge amounts of information quickly – you want him in your corner when you're working round the clock on an urgent matter."- Legal 500, 2023
- "Robert is a pre-eminent trial lawyer; the best cross-examiner in town."- Legal 500, 2023
- "He is undoubtedly one of the best cross-examiners in the country - he is absolutely devastating, especially on big fraud cases."- Chambers UK, 2022

Robert is a member of Middle Temple and Gray's Inn.

## EXPERIENCE

### Commercial

Robert Anderson KC has been involved in many of the most high profile commercial fraud cases of recent years. He regularly obtains pre-emptive relief for putative claimants in both the Queen's Bench (Commercial Court) and Chancery Divisions.

***"Excellent cross-examiner and always on top of the key issues."***

– LEGAL 500, 2024

Robert is also very experienced and highly regarded in general commercial work. His practice has a distinctly international flavour; frequently involving arbitration and issues of private international law. He has developed a particular expertise in international hedge funds and derivatives markets.

### Cases

#### **Horlick & ors v Cavaco & ors**

[2022] EWHC 2935 (KB)

Successfully acting for the Claimants at trial in disputes concerning a lucrative mining licence for one of the world's leading titanium mineral sands deposits in Mozambique.

#### **Tecnimont Arabia Limited v National Westminster Bank plc**

[2022] EWHC 1172 (Comm)

Important decision on the extent of a bank's liability to a non-customer which was the victim of an APP fraud, part of the proceeds of which were paid into an account with the recipient bank.

#### **The Republic of India v Devas (Mauritius) Ltd & ors**

Acting as an expert witness in English law in proceedings before the District Court of the Hague, the Netherlands in relation to the enforcement of investment arbitration awards rendered pursuant to the Mauritius-India Bilateral Investment Treaty.

**Gens v Goldenburg & ors**

Acting for the “St Petersburg Defendants” in claim arising from debt finance in IT industry.

**Winlink Ltd v Liverpool Football Club**

[2020] EWHC 2271 (Comm)

Acting on behalf of Liverpool FC. Successfully defeated Claimant’s claim at trial alleging entitlement to be paid commission on major kit sponsorship deal with BetVictor.

**Dana Gas PSJC v Dana Gas Sukuk Limited & ors**

Successfully obtained an urgent interim anti-suit interim injunction from the Commercial Court (Leggatt J) on behalf of BlackRock to protect the English Court’s jurisdiction over this substantial Financial List dispute concerning the validity and effect of a US\$850 million Islamic finance transaction. The order was initially made at a without notice hearing upon the application of BlackRock in circumstances where an injunction had been obtained from the Sharjah Court the previous day threatening to derail the trial. Subsequently successfully obtained final judgment (including for anti-suit relief): see [2018] EWHC 277 (Comm) and [2018] EWHC 278 (Comm). The case has attracted considerable press interest.

**Ingenious Group Litigation**

Acting for 111 of 470+ Claimants in collective litigation concerning film investment schemes promoted by the Ingenious Group, following the decision of HMRC to deny c.£620m tax relief, upheld by the First-Tier Tribunal: see [2016] UKFTT 521 (TC), [2017] UKFTT 429 (TC).

**Angel Group Limited (in liquidation) & ors v McBrides Accountants LLP & ors**

Acting for the Claimant companies in claims against their former auditors and advisers for dishonest assistance in breach of trust, unlawful means conspiracy and professional negligence in connection with the declaration of a fraudulent £11m dividend and the misappropriation of various properties in California, Cyprus and Israel by the companies' former director and ultimate beneficial owner: see Angel Group Limited v Davey [2018] EWHC 1781 (Ch).

**Plantation Holdings (FZ) LLC v Dubai Islamic Bank PJSC**

[2017] EWHC 520 (Comm)

Acting successfully at trial for the Dubai Islamic Bank in a claim against it for US\$2 billion arising out of a restructuring agreement concluded in the wake of a multi-million commercial credit fraud. Following a 9 week trial in the Commercial Court (before Picken J) the Claimant recovered only nominal damages of £1. The Bank was awarded indemnity costs of the action.

**CMOC v Bank of China**

Acting for Bank of China in claim for breach of mandate arising from allegedly fraudulent misappropriation of over £6.5 million from CMOC's accounts with the bank.

**Connaught Income Fund, Series 1 (In liquidation) v Capita Financial Managers LKtd & anr**

(2013 -2016) [2014] EWHC 3619 (Comm)

Acted for the Joint Liquidators of an unregulated Collective Investment Scheme in claims against its former operators under FSMA 2000 for in excess of £100 million. Successfully obtained summary judgment entitling the liquidators to bring the claims on the basis of assignments from investors. Settled on confidential terms in early 2016.

**ESO Capital Luxembourg Holdings II SARL v GSA Invest Management SA & ors**

[2017] EWHC 1351 (Ch)

Successfully obtaining judgment at trial before Snowden J for a hedge fund in a claim concerning the dilution of its shareholding in a company which owns an hotel in the Swiss Alps.

**W Nagel & Co v Pluczenik Diamond Company NV**

Acting for Defendant at trial before Popplewell J in the largest ever claim by an alleged commercial agent against its former principal in relation to the purchase of diamonds at De Beers Sights. Successfully argued that the Commercial Agents (Council Directive) Regulations 1993 did not apply because the purchases facilitated by the broker involved the wholesale rough diamond market and were characteristic of commodity trading. The transactions therefore fell within the exclusion under reg.2(2)(b) of the Regulations.

**Fern Advisers Ltd v Withers LLP**

Acting for Defendant solicitors in professional negligence and breach of trust claims arising from the commission of a multi-million pound fraud by Claimant's former CEO. Settled shortly after first CMC

**Norgine BV v Salix Pharmaceuticals Inc**

Acting for licensee of pharmaceutical product in multi-million dollar dispute with licensor concerning the rights to exploit a derivative product. Settled at trial in July 2016.

**Chiang & anr v Mishcon de Reya; Gore & anr v Mishcon de Reya**

[2015] EWHC 164 (Ch)

Successfully represented leading firm of solicitors at trial in the Chancery Division in January 2015 over allegations of fraud, conspiracy and monies impressed with a Quistclose trust relating to the receipt by the firm of a sum in excess of US\$4 million.

**Jeffrey Archer v Karl Sydow & ors; Liberty Investing Ltd v Karl Sydow & ors**

(2014 - 2016) [2015] EWHC 608 (Comm)

Acting for well-known theatre producer in claims by Lord Archer and his companies in the Commercial Court arising out of a dispute relating to the stage production of Dirty Dancing. Successfully opposed application to amend to plead a new claim based on implied terms (before Leggatt J). Case settled prior to trial in March 2016.

**Accident Exchange Limited v PCJ Solicitors**

Acting for company that hires out vehicles to drivers whose cars are unusable following road accidents in claims against its former solicitors in the Chancery Division. Successfully obtained injunctive relief against the Defendants (before Arnold J) and defended an application for summary judgment brought by the Defendants (before Asplin J).

**Weaving Macro Fixed Income Fund Limited v Peterson & anr**

Originally acting for Joint Liquidators of a very substantial hedge fund based in the Cayman Islands which collapsed in 2009 in a claim against its former directors: see also Weaving Capital v Peterson & ors [2012] EWHC 1480 (Ch); [2013] EWCA Civ 71 below. Thereafter retained to argue an appeal to the Privy Council against the decision of the Court of Appeal of the Cayman Islands finding that the directors were not guilty of wilful default in respect of their breaches of duty to the fund. Case settled shortly prior to the Privy Council hearing.

**Confidential**

Advising major international tobacco manufacturer in respect of a distribution agreement.

**Honda of the UK Manufacturing Limited v Amtek Investments (UK) Limited**

(2014 - 2016) [2015] EWHC 672 (Comm)

Acting for defendant automotive supplier in claim brought by Honda in the Commercial Court under certain alleged contracts of guarantee. Successfully resisted application for summary judgment (before Phillips J). Case settled shortly thereafter.

**Dubai Islamic Bank PJSC v PSI Energy Holding Co & ors**

(2013 - 2014) [2013] EWCA Civ 1229; [2013] EWHC 3186 (Comm); [2013] EWHC 3781 (Comm)

Acting for DIB in a claim arising from a major commercial credit fraud. Three week trial in Commercial Court in October 2013 (before Flaux J) resulting in judgment for the Bank for \$440 million. The claim also raised interesting issues in relation to banking, conflict of laws and foreign security. Successfully opposed permission to appeal. The case has led to two further actions in the Commercial Court: Plantation Holdings v DIB (see above) and DIB v Oiax, which are ongoing.

**Interretire v HSBC Securities (IoM)**

Acting for HSBC in a claim for in excess of US\$80 million in the Isle of Man High Court relating to the operation of an off-shore pension fund. Action settled shortly before trial.

**Dresser-Rand v Global Supplies**

Acting for American claimant in an international arbitration concerning a major energy project in India. Successful award following final hearing.

**Neovia Logistics v Affinia Group**

Acting for respondent American venture capital company in an international arbitration dispute relating to a major logistics centre in England. Case settled following mediation.

**Sukhoruchkin & ors v Van Bekstein & ors**

[2013] EWHC 1993 (Ch)

Acted for the Joint Liquidators of a Cayman Island Hedge Fund in multi-million dollar claims against former advisers. Action settled on confidential terms shortly before one week interim hearing in July 2014.

**N S Holdings v Vier Holdings**

Acting for Guernsey defendant in a large shareholder dispute in the Chancery Division arising from the redevelopment of West India Dock. Settled shortly before the hearing of an application for summary judgment.

**Desarrollo Inmobiliario v Kader Holdings Co**

[2014] EWHC 1640

Acting for a Hong Kong company in a dispute concerning the recognition and enforcement of an Arizona judgment in England, Bermuda and Hong Kong.

**Re: The Consulting Association**

Advising a number of major construction companies in relation to claims arising out of the alleged "blacklisting" of potential workers.

**Khalilif Amilienstiftung v Farbod**

Acted for Claimant family trust (owner of world's largest and most important collection of Islamic Art) in a \$50 million claim against former adviser. Claim raised interesting and unusual allegations of duress. The trial was listed to be heard in October 2013, but successfully obtained summary judgment against the Defendants in January 2013, together with a worldwide freezing order. The Defendants were ultimately committed to prison for contempt of court.

## Magdeev v Tsvetkov

[2019] EWCA Civ 1802

Acting for First Additional Party (Mr Gaynulin) and successfully struck out claim in conspiracy brought against him by the Defendants (Mr Tsvetkov). The Claimant (Mr. Magdeev) claimed sums in debt against the Defendant. The Defendant, in response, counterclaimed against the Claimant and the First Additional Party in conspiracy. The Defendant alleged that the Claimant and First Additional Party had conspired together to cause damage to the Defendant's business, which in turn caused any liability which the Defendant might have to the Claimant. All those allegations were denied. The business in question was principally a franchise of Graff Diamonds in Cyprus, ultimately operated by Russian investors. The claim had attracted wide press interest.

In an important judgment the Court struck out the claim against the First Additional Party, finding that the claim had no realistic prospect of success, on two separate Grounds. First, if the conspiracy was made out, the claim made by the Claimant against the Defendant would fail for set off or circuity of action. Since the only loss claimed was the amount of any liability which the Defendant might have to the Claimant, there were as such no circumstances in which the Defendant could have suffered any loss which he could recover from the First Additional Party. Second, the losses sought by the Defendant (as well as additional heads of loss sought by way of amendment) were barred by the rule against reflective loss. Picken J exercised his discretion to strike out the claim on that basis, notwithstanding that the Supreme Court may alter the law on reflective loss in its forthcoming judgment in the case of *Marex v Sevilleja*.

Successfully resisted Defendant's appeal to the Court of Appeal: [2019] EWCA Civ 1802

## Civil Fraud, Asset Recovery & Injunctive Relief

Robert Anderson KC has been involved in many of the most high profile commercial fraud cases of recent years. He regularly obtains pre-emptive relief for putative claimants in both the Queen's Bench (Commercial Court) and Chancery Divisions.

***"He is at the top of his game. He is very smooth and unflappable in court."***

— CHAMBERS AND PARTNERS, 2023

## Cases

### Privatbank v Kolomoisky and ors

Instructed as Co-Leading Counsel for the Claimant Ukrainian Bank. The case concerns an alleged scheme perpetrated by the defendants to misappropriate c. US\$2 billion from the Bank. The Bank alleges that the scheme was orchestrated by Ds 1 and 2, Ukrainian "oligarchs" domiciled in Switzerland, with the assistance of English and BVI companies through which the Bank alleged that misappropriated monies were laundered. The Bank sues Ds 1 and 2 and the BVI companies in England, using the English companies as "anchor defendants". It sought, and was granted by Nugee J, a Worldwide Freezing Order in the amount of US\$2.6 billion. Trial listed for 13 weeks commencing in June 2023.

**JSC BTA Bank v Abylazov & Ors**

(2020-2021)

Acting for the well-known Kazakh oligarch, Bulat Utemuratov, in relation to allegations that he had assisted Mukhtar Abylazov and Ilyas Khrapunov to launder over \$4 billion of the proceeds of a fraud on BTA Bank. The bank had obtained an unlimited worldwide freezing order against Mr Utemuratov and others on a without notice application. The case settled on confidential terms involving the withdrawal of the claims against Mr Utemuratov and the discharge of the freezing order. A press release recorded that “The reason for settlement of BTA Bank’s claims against Bulat Utemuratov and his related persons and entities is an agreement on provision of documents that can prove the non-participation of Bulat Utemuratov, his affiliated and related persons and entities in laundering funds embezzled from BTA Bank by Mukhtar Abylazov and his co-conspirators and their affiliated and related persons and companies. Some significant documents were provided prior to the execution of the agreement. The parties have also agreed to cooperate in relation to any data exchange that might be helpful for BTA Bank’s asset recovery efforts.”

**Ridley v Dubai Islamic Bank PJSC**

[2022] EWHC 1912 (Comm)

Successfully acting for Dubai Islamic Bank PJSC at trial in relation to Commercial Court proceedings for injunctive relief requiring the Bank to take steps to procure Mr Ridley's release from prison in Dubai. The case arose from Mr Ridley's imprisonment as a result of his earlier participation in a \$550 million fraud on the Bank: see *Dubai Islamic Bank v PSI Energy Holding Co* [2013] EWCA Civ 1229; [2013] EWHC 3186 (Comm).

**Public Institution for Social Security of Kuwait v Al Rajaan & Ors**

Commercial Court, 2020—

Acting for the 20th defendant to a claim by PIFSS, a public institution authorised to operate the State of Kuwait's social-security system and pension scheme. The claim concerns bribes alleged to have been paid by various financial institutions and intermediaries. 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 2020.

**Arcadia Petroleum Limited & ors v Bosworth & ors**

Acting for Claimants in claim for US \$335 million in conspiracy, breach of fiduciary duty and dishonest assistance against its former CEO and others arising out of an alleged crude oil trading fraud.

**Vneshprombank LLC v Bedzhamov**

Acting for the Defendant in fraud claim for £1.34 billion arising from the collapse of a Russian bank. Numerous interim hearings, in the course of which Robert obtained variations to worldwide freezing relief to allow for the sale of assets and increase in living expenses allowance.



**Commercial Bank of Dubai v Alqebaisi & Almheiri**

Successfully obtained Section 25 freezing injunction and associated disclosure in support of major proceedings in Abu Dhabi arising out of the demise of NMC.

**Magdeev v Tsvetkov**

[2019] EWCA Civ 1802

Acting for First Additional Party (Mr Gaynulin) and successfully struck out claim in conspiracy brought against him by the Defendants (Mr Tsvetkov). The Claimant (Mr. Magdeev) claimed sums in debt against the Defendant. The Defendant, in response, counterclaimed against the Claimant and the First Additional Party in conspiracy. The Defendant alleged that the Claimant and First Additional Party had conspired together to cause damage to the Defendant's business, which in turn caused any liability which the Defendant might have to the Claimant. All those allegations were denied. The business in question was principally a franchise of Graff Diamonds in Cyprus, ultimately operated by Russian investors. The claim had attracted wide press interest.

In an important judgment the Court struck out the claim against the First Additional Party, finding that the claim had no realistic prospect of success, on two separate Grounds. First, if the conspiracy was made out, the claim made by the Claimant against the Defendant would fail for set off or circuity of action. Since the only loss claimed was the amount of any liability which the Defendant might have to the Claimant, there were as such no circumstances in which the Defendant could have suffered any loss which he could recover from the First Additional Party. Second, the losses sought by the Defendant (as well as additional heads of loss sought by way of amendment) were barred by the rule against reflective loss. Picken J exercised his discretion to strike out the claim on that basis, notwithstanding that the Supreme Court may alter the law on reflective loss in its forthcoming judgment in the case of *Marex v Sevilleja*.

Successfully resisted Defendant's appeal to the Court of Appeal: [2019] EWCA Civ 1802

**Abdullah Nasser Bin Obaid, Oh-Na Real Estate Co Ltd, and Taqa Investment Co v Khalid Abdullah Al-Hezaimi, Ofy Ltd, and Latifah Assets Ltd**

Acting for Defendants in 35 million Euro fraud claim relating to investment property in the UK. 3-4 week trial listed in Chancery Division for June 2019. Case settled during Robert's cross-examination of the Claimant's principal witness.

**Wildbrain Family International Limited v Robson & anr**

Acting for Claimant in claim in Chancery Division against former employees for misuse of confidential information and diversion of valuable commercial opportunities to a rival new venture in the children's media industry. Four week trial listed for October 2021.

**Steven Harris v Underbelly**

Acting for the Defendant production company in claim brought in fraud by an investor in the recent London production of "5 Guys Named Moe". Case settled shortly before trial in July 2020.

### **Ingenious Group Litigation**

Acting for 111 of 470+ Claimants in collective litigation concerning film investment schemes promoted by the Ingenious Group, following the decision of HMRC to deny c.£620m tax relief, upheld by the First-Tier Tribunal: see [2016] UKFTT 521 (TC), [2017] UKFTT 429 (TC).

### **Angel Group Ltd (in liquidation) & ors v Davey**

Acting for Liquidators of Claimant companies in £11+ million claims in fraud against former CEO. Successfully obtained extensive interim relief. Successful at trial in April 2018 before Fancourt J, who found that the Defendant acted in breach of trust and fiduciary duty by purporting to transfer to herself the beneficial interest in properties which she had held on trust for the Claimant companies: see [2018] EWHC 1781 (Ch). Awarded costs of the action on the indemnity basis.

### **Accident Exchange Ltd & anr v McLean & ors**

Acting for Claimants in claim for £127 million arising from the deployment of thousands of expert reports and witness statements allegedly containing false information in legal proceedings against Accident Exchange and other credit hire providers. The case involves claims in conspiracy and deceit against the providers of the evidence as well as the solicitors who deployed it. Settled shortly before 15-week first stage trial listed in 2018.

### **Duchess of York v Mazher Mahmood & News Group Newspapers**

Acting for Mazher Mahmood ("the Fake Sheikh") and News Group in claims brought by Sarah Ferguson, the Duchess of York, arising from "sting" in which Duchess allegedly offered access to Prince Andrew in return for cash. Raises interesting and novel questions in respect of deceit and conspiracy in field of privacy, confidentiality and data protection. Listed for trial in March 2019.

### **Plantation Holdings (FZ) LLC v Dubai Islamic Bank PJSC**

[2017] EWHC 520 (Comm)

Acting successfully at trial for the Dubai Islamic Bank in a claim against it for US\$2 billion arising out of a restructuring agreement concluded in the wake of a multi-million commercial credit fraud. Following a 9 week trial in the Commercial Court (before Picken J) the Claimant recovered only nominal damages of £1. The Bank was awarded indemnity costs of the action.

### **Angel Group Limited (in liquidation) & ors v McBrides Accountants LLP & ors**

Acting for the Claimant companies in claims against their former auditors and advisers for dishonest assistance in breach of trust, unlawful means conspiracy and professional negligence in connection with the declaration of a fraudulent £11m dividend and the misappropriation of various properties in California, Cyprus and Israel by the companies' former director and ultimate beneficial owner: see Angel Group Limited v Davey [2018] EWHC 1781 (Ch).

**Weaving Macro Fixed Income Fund Limited v Peterson & anr**

Originally acting for Joint Liquidators of a very substantial hedge fund based in the Cayman Islands which collapsed in 2009 in a claim against its former directors: see also *Weaving Capital v Peterson & ors* [2012] EWHC 1480 (Ch); [2013] EWCA Civ 71 below. Thereafter retained to argue an appeal to the Privy Council against the decision of the Court of Appeal of the Cayman Islands finding that the directors were not guilty of wilful default in respect of their breaches of duty to the fund. Case settled shortly prior to the Privy Council hearing.

**Confidential**

Acting for putative claimants in multi-million dollar multi-jurisdictional family dispute

**Sheikh Abdulrahman Khalid Bin Mahfouz & ors v Muhamed El-Rashid & ors**

Acting for claimants in €35 million fraud claim in Commercial Court arising out of a purported oil trading joint venture. Successfully obtained and retained freezing, and search orders. Successfully obtained other novel interim relief; including delivery-up of a fleet of luxury supercars. Obtained summary judgment in absence of Defendant (and successfully resisted attempts to set aside judgment).

**Libyan Investment Authority v Societe Generale SA & ors**

Acted for Fifth Defendant in claims brought by the LIA to set aside \$1.5 billion of structured investments with SocGen on the basis that they formed part of a corrupt scheme involving the alleged bribery of Libyan officials.

**Chiang & anr v Mishcon de Reya; Gore & anr v Mishcon de Reya**

[2015] EWHC 164 (Ch)

Successfully represented leading firm of solicitors at trial in the Chancery Division in January 2015 over allegations of fraud, conspiracy and monies impressed with a Quistclose trust relating to the receipt by the firm of a sum in excess of US\$4 million.

**Dubai Islamic Bank PJSC v PSI Energy Holding Co & ors**

(2013 - 2014) [2013] EWCA Civ 1229; [2013] EWHC 3186 (Comm); [2013] EWHC 3781 (Comm)

Acting for DIB in a claim arising from a major commercial credit fraud. Three week trial in Commercial Court in October 2013 (before Flaux J) resulting in judgment for the Bank for \$440 million. The claim also raised interesting issues in relation to banking, conflict of laws and foreign security. Successfully opposed permission to appeal. The case has led to two further actions in the Commercial Court: *Plantation Holdings v DIB* (see above) and *DIB v Oiax*, which are ongoing.

**Commercial Bank of Dubai v Al Sari & ors**

Successfully obtained and retained multi-million dollar freezing order for the bank under Section 25 of CJA 1982 in support of proceedings in Sharjah.

**Standard Chartered Bank plc v EFAD**

Acted for bank in multi-million dollar claim in the Commercial Court arising out of a murabaha finance facility, including allegations that the defendants fraudulently induced the grant of the facility and disposed of the security in Kuwait. Successfully opposed application to set aside service out of the jurisdiction (before Males J). Case settled shortly before hearing in Court of Appeal.

**Weaving Capital v Peterson & ors**

[2012] EWHC 1480 (Ch); [2013] EWCA Civ 71

Acting for the Joint Administrators of UK based Fund Manager which acted as investment adviser to a very substantial hedge fund based in the Cayman Islands which collapsed in 2009. Claim involved serious allegations of fraud against the former MD of the Fund Manager arising out of huge losses sustained in derivatives trading. In April 2009, successfully obtained (and retained) worldwide freezing order in the sum of US \$475,000,000 (one of the largest freezing orders ever granted by the UK Courts) and ancillary relief. Successfully obtained judgment for US \$450,000,000 in May 2012 following an eight week trial before Proudman J in October-December 2011. Successfully resisted appeals by two defendants to the Court of Appeal in February 2013. Thereafter retained by Liquidators of the hedge fund in respect of appeal to the Privy Council arising from proceedings against Cayman directors: see above.

**Gorbunova v Berezovsky & ors**

[2013] EWHC 76 (Ch)

Acting for the former partner of the deceased Russian oligarch in multi-million dollar claim. Successfully resisted application to discharge proprietary injunction.

**Khalilif Amilienstiftung v Farbod**

Acted for Claimant family trust (owner of world's largest and most important collection of Islamic Art) in a \$50 million claim against former adviser. Claim raised interesting and unusual allegations of duress. The trial was listed to be heard in October 2013, but successfully obtained summary judgment against the Defendants in January 2013, together with a worldwide freezing order. The Defendants were ultimately committed to prison for contempt of court.

**Arbitration**

Robert has significant experience of high-value domestic and international arbitration. He has appeared before a variety of tribunals in various jurisdictions. He has experience of both ad hoc arbitration and institutional arbitration under ICC, UNCITRAL and LCIA Rules.

***“He has a great combination of intellectual ability and commercial awareness – very articulate and to the point, and has the ability to command a hearing room.”***

– LEGAL 500, 2021

**Cases****ICSID: BIT Arbitration**

Party appointed arbitrator in BIT/ICSID Arbitration.

### **The Republic of India v Devas (Mauritius) Ltd & ors**

Acting as an expert witness in English law in proceedings before the District Court of the Hague, the Netherlands in relation to the enforcement of investment arbitration awards rendered pursuant to the Mauritius-India Bilateral Investment Treaty.

### **ICC Arbitration (Paris)**

Acting for the Chinese Respondent in a claim for in excess of US \$100 million arising from the termination of distributorship agreements in the MENA region. Hearing in November 2020. Award awaited.

### **Von Pezold v Border Timbers Ltd**

Acting for Defendant in dispute relating to the enforcement of ICSID arbitration awards against the Government of Zimbabwe.

### **ICC Arbitration**

Party appointed arbitrator in a major ICC Arbitration.

### **DIFC; LCIA Arbitration**

Acting for the claimant in a dispute concerning an African National telecoms operator. Hearing in Dubai in October 2019. Award awaited.

### **Confidential Arbitration**

Acting for major bank in relation to multi-jurisdictional proceedings and international arbitrations arising out of the allegedly fraudulent misapplication of millions of dollars of loan monies to CIS institutions.

### **Dresser-Rand v Global Supplies**

Acting for American claimant in an international arbitration concerning a major energy project in India. Successful award following final hearing.

### **ICC Arbitration**

Acting for three of multiple Respondents in a large ICC arbitration relating to complex financial arrangements in the Middle East.

### **LCIA Arbitration**

Acting for claimants in Kazakhstan oil and gas arbitration.

**LCIA Arbitration**

Acting for major international fashion house in relation to a dispute involving branding of an important new development in Dubai. Case raises interesting issues of jurisdiction and conditions precedent to arbitration. Preliminary jurisdiction challenge extant.

**LCIA Arbitration**

One of a team of QCs acting for well-known financier and his corporate entities in conjoined LCIA international arbitrations and related foreign proceedings.

**Neovia Logistics v Affinia Group**

Acting for respondent American venture capital company in an international arbitration dispute relating to a major logistics centre in England. Case settled following mediation.

**Financial Services & Banking**

Robert is highly rated for his expertise in banking and financial services litigation. He has developed a particular expertise in international hedge funds and derivatives markets.

***“Has a great tactical mind combined with a smooth and effortless courtroom style.”***

– CHAMBERS AND PARTNERS, 2018

**Cases****Dubai Islamic Bank PJSC v PSI Energy Holding Co & ors**

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**Tecnimont Arabia Limited v National Westminster Bank plc**

[2022] EWHC 1172 (Comm)

Important decision on the extent of a bank's liability to a non-customer which was the victim of an APP fraud, part of the proceeds of which were paid into an account with the recipient bank.

**CMOC v Bank of China**

Acting for Bank of China in claim for breach of mandate arising from allegedly fraudulent misappropriation of over £6.5 million from CMOC's accounts with the bank.

**Dana Gas PSJC v Dana Gas Sukuk Limited & ors**

Successfully obtained an urgent interim anti-suit interim injunction from the Commercial Court (Leggatt J) on behalf of BlackRock to protect the English Court's jurisdiction over this substantial Financial List dispute concerning the validity and effect of a US\$850 million Islamic finance transaction. The order was initially made at a without notice hearing upon the application of BlackRock in circumstances where an injunction had been obtained from the Sharjah Court the previous day threatening to derail the trial. Subsequently successfully obtained final judgment (including for anti-suit relief): see [2018] EWHC 277 (Comm) and [2018] EWHC 278 (Comm). The case has attracted considerable press interest.

**Weaving Capital v Peterson & ors**

[2012] EWHC 1480 (Ch); [2013] EWCA Civ 71

Acting for the Joint Administrators of UK based Fund Manager which acted as investment adviser to a very substantial hedge fund based in the Cayman Islands which collapsed in 2009. Claim involved serious allegations of fraud against the former MD of the Fund Manager arising out of huge losses sustained in derivatives trading. In April 2009, successfully obtained (and retained) worldwide freezing order in the sum of US \$475,000,000 (one of the largest freezing orders ever granted by the UK Courts) and ancillary relief. Successfully obtained judgment for US \$450,000,000 in May 2012 following an eight week trial before Proudman J in October-December 2011. Successfully resisted appeals by two defendants to the Court of Appeal in February 2013. Thereafter retained by Liquidators of the hedge fund in respect of appeal to the Privy Council arising from proceedings against Cayman directors: see above.

**Commercial Bank of Dubai v Al Sari & ors**

Successfully obtained and retained multi-million dollar freezing order for the bank under Section 25 of CJA 1982 in support of proceedings in Sharjah.

**Connaught Income Fund, Series 1 (In liquidation) v Capita Financial Managers LKtd & anr**

(2013 -2016) [2014] EWHC 3619 (Comm)

Acted for the Joint Liquidators of an unregulated Collective Investment Scheme in claims against its former operators under FSMA 2000 for in excess of £100 million. Successfully obtained summary judgment entitling the liquidators to bring the claims on the basis of assignments from investors. Settled on confidential terms in early 2016.

**Interretire v HSBC Securities (IoM)**

Acting for HSBC in a claim for in excess of US\$80 million in the Isle of Man High Court relating to the operation of an off-shore pension fund. Action settled shortly before trial.

**Libyan Investment Authority v Societe Generale SA & ors**

Acted for Fifth Defendant in claims brought by the LIA to set aside \$1.5 billion of structured investments with SocGen on the basis that they formed part of a corrupt scheme involving the alleged bribery of Libyan officials.

**Sukhoruchkin & ors v Van Bekstein & ors**

[2013] EWHC 1993 (Ch)

Acted for the Joint Liquidators of a Cayman Island Hedge Fund in multi-million dollar claims against former advisers. Action settled on confidential terms shortly before one week interim hearing in July 2014.

**Weaving Macro Fixed Income Fund Limited v Peterson & anr**

Originally acting for Joint Liquidators of a very substantial hedge fund based in the Cayman Islands which collapsed in 2009 in a claim against its former directors: see also *Weaving Capital v Peterson & ors* [2012] EWHC 1480 (Ch); [2013] EWCA Civ 71 below. Thereafter retained to argue an appeal to the Privy Council against the decision of the Court of Appeal of the Cayman Islands finding that the directors were not guilty of wilful default in respect of their breaches of duty to the fund. Case settled shortly prior to the Privy Council hearing.

**Plantation Holdings (FZ) LLC v Dubai Islamic Bank PJSC**

[2017] EWHC 520 (Comm)

Acting successfully at trial for the Dubai Islamic Bank in a claim against it for US\$2 billion arising out of a restructuring agreement concluded in the wake of a multi-million commercial credit fraud. Following a 9 week trial in the Commercial Court (before Picken J) the Claimant recovered only nominal damages of £1. The Bank was awarded indemnity costs of the action.

**Standard Chartered Bank plc v EFAD**

Acted for bank in multi-million dollar claim in the Commercial Court arising out of a murabaha finance facility, including allegations that the defendants fraudulently induced the grant of the facility and disposed of the security in Kuwait. Successfully opposed application to set aside service out of the jurisdiction (before Males J). Case settled shortly before hearing in Court of Appeal.

## Insurance & Reinsurance

Robert has substantial experience of insurance and reinsurance litigation.

He was heavily involved in the Lloyd's litigation. In particular, he acted for the members' agents in *Bates v Barrow* [1995] 1 Lloyd's Rep 680, the actuaries in *Abernathy v Secretan*, and *Merrett's E&O underwriters* in *Aiken v Cox*. In addition, he advised the PSL and E&O markets in respect of Reconstruction and Renewal. He continues to be involved in heavy insurance and reinsurance litigation and arbitrations.

***“A superb advocate and cross-examiner.”***

— CHAMBERS AND PARTNERS, 2018



## Cases

### **Covid-19 pandemic advice**

Advising the Independent Public Schools and Glynebourne in relation to business interruption insurance in the wake of the Covid-19 pandemic.

### **Randall Quiter Investment Holdings Ltd v Tryg**

Acting for Lloyd's brokers in dispute with reinsurance and retrocessionaire clients involving Equitas. Settled.

### **ANZEF Ltd v Export Credits & Guarantee Department**

Successfully acting for the Government's Export Credits Guarantee Department in relation to a political insurance claim by several international banks arising from the alleged expropriation of a major power station project in India.

### **Agnew v Sirius & FAI**

Acting for Claimant Lloyd's syndicates in XL reinsurance coverage dispute. Settled.

### **Bonner v Cox**

[2005] Lloyd's Rep IR 569; [2004] All ER (D) 360 (the "Aon 77" litigation)

Acting for Claimant Lloyd's syndicates in US\$100 million reinsurance coverage dispute which culminated in a highly successful six month trial in the Commercial Court. The Court of Appeal dismissed the Defendants' appeal following a three day hearing.

### **Swiss Re v Abu Dhabi National Insurance Co**

Acting for Defendant Insurance Company in coverage dispute concerning the facultative reinsurance of a luxury super yacht. Settled.

### **Sphere Drake (Bermuda) Ltd v Centre Re**

Acting for Sphere Drake in coverage dispute in respect of 3-year aggregate stop loss reinsurance contract placed with Centre Re. Settled.

### **Charman v GIO Re, NewCap Re & HIH**

Successfully acting for Claimant Lloyd's syndicates in respect of coverage dispute concerning the validity and duration of the XL reinsurance of the Syndicates' whole account (and its retrocession) and, in particular, with the portion of that reinsurance that was placed in the Australian market.

### **Equitas v Horace Holman**

Acting for the Defendant brokers in claim brought by Equitas on behalf of certain Lloyd's syndicates for an account of monies allegedly due from reinsurance recoveries. Culminated in partially successful trial before Andrew Smith J in the Commercial Court.

### **Lexington Insurance v Zurich Re**

Acting for professional indemnity insurers in coverage dispute arbitration with its reinsurers. Settled during final hearing.

### **Ryan v Spinney**

Acting for Claimant Lloyd's syndicates in coverage dispute under a Space Reinsurance Facility concerning whether Claimant Syndicates had ceded their interest arising under a contract of satellite launch and post separation insurance to the facility. Settled.

## **Sport**

Robert's sports law practice has included acting for and against Premiership and Football League clubs, players and players' agents. He has also undertaken cases concerned with cricket, rugby union, tennis, world rallying, horse racing and formula one racing. He has appeared in F.A. arbitrations, and before the Premier League and Football League Appeals Committees. Robert is a member of the Committee for the Bar Sports Law Group.

***“Bright, thoughtful and unfailingly courteous. He is well prepared and succinct when on his feet”***

– CHAMBERS AND PARTNERS, 2017

## **Cases**

### **Confidential**

Acting for Claimants in Singapore arbitration relating to football broadcasting rights in MENA.

### **Confidential**

Acting for Claimants in claim for commission in respect of a training kit deal for a major premiership football club. Settled.

### **Winlink Ltd v Liverpool Football Club**

[2020] EWHC 2271 (Comm)

Acting on behalf of Liverpool FC. Successfully defeated Claimant's claim at trial alleging entitlement to be paid commission on major kit sponsorship deal with BetVictor.

**Confidential**

Advising a major Premier League club as to the legal consequences of cancelling a foreign pre-season tour.

**Confidential**

Advising a major Premier League club in respect of ticket pricing issues.

**Times Newspapers v Lance Armstrong**

Acting for the Sunday Times in action to recover settlement monies paid to the disgraced former cyclist arising from the compromise of earlier libel proceedings.

**Confidential**

Advising owners of major football club in relation to a potential sale.

**Brady v Birmingham City FC**

Acted for Karen Brady in her dispute with Birmingham City Football Club.

**Portsmouth City FC v HMRC**

Acted for Portsmouth City Football Club in its dispute with HMRC over unpaid VAT.

**Reebok v Liverpool FC**

Acted for Liverpool Football Club in a multi-million pound dispute with its kit manufacturer, Reebok.

**BCCI**

Advising licensee of the global television rights to coverage of Indian Test Cricket in respect of a dispute with its sub-licensee for the United States.

**Re Obi Mikel**

Acted for the Player's Agents in dispute between Chelsea and Manchester United over young Nigerian midfielder, John Obi Mikel.

**Racing UK v ATR/SIS**

Acted for SIS/At the Races in dispute about the intellectual property rights to on-course horse racing data.

**Mooney v FA**

Acted for photography company in its dispute with the FA following the termination of its retainer to take match pictures and “behind the scenes” photographs of the England team.

**Media & Entertainment**

Robert acts for artists, recording and publishing companies. He has been involved in cases concerning amongst others Jimi Hendrix, Michael Jackson, Tom Jones, Seal, the Sex Pistols, Motown Records and Live Aid. He also increasingly undertakes television, film, theatre and other media work. Robert is shortlisted for 'Silk of the Year' in the IP, IT and Media category by the Legal 500 at its 2016 Awards.

*“In complex matters he goes the extra mile to get to the key issues and find a strategic path for the client. A first class act.”*

— LEGAL 500, 2022

**Cases****Steven Harris v Underbelly**

Acting for the Defendant production company in claim brought in fraud by an investor in the recent London production of “5 Guys Named Moe”. Case settled shortly before trial in July 2020.

**Duchess of York v Mazher Mahmood & News Group Newspapers**

Acting for Mazher Mahmood (“the Fake Sheikh”) and News Group in claims brought by Sarah Ferguson, the Duchess of York, arising from “sting” in which Duchess allegedly offered access to Prince Andrew in return for cash. Raises interesting and novel questions in respect of deceit and conspiracy in field of privacy, confidentiality and data protection. Listed for trial in March 2019.

**TIME SpA Unipersonale v Tibor**

Acting for Claimant record company seeking to enforce contractual options for the release of further sound recordings by the Defendant (p.k.a Dennis Lloyd) following the global success of the track “Nevermind”. Expedited trial due to be heard in December 2018.

**Carmen Briscoe v Hodder & Stoughton & Constance Briscoe**

Acting for the publishers of “Ugly” by Constance Briscoe. The publishers and Ms Briscoe were successful in defending a libel action brought by her mother in 2008. Retained to advise publishers following the recent conviction of Ms Briscoe for perverting the course of justice in relation to the Huhne/Pryce “speeding points” scandal.

**Paul McKenna v Clare Staples**

Acted for the business manager of the well-known television and stage hypnotist and self-help author in relation to a multi-million pound partnership dispute. Proceedings brought in England and California. Successfully resisted application to exclude evidence in relation to jurisdiction challenge in the Chancery Division. Case settled shortly thereafter.

**Jeffrey Archer v Karl Sydow & ors; Liberty Investing Ltd v Karl Sydow & ors**

(2014 - 2016) [2015] EWHC 608 (Comm)

Acting for well-known theatre producer in claims by Lord Archer and his companies in the Commercial Court arising out of a dispute relating to the stage production of Dirty Dancing. Successfully opposed application to amend to plead a new claim based on implied terms (before Leggatt J). Case settled prior to trial in March 2016.

**Paul Burrell v Newsgroup International**

Acted for Princess Diana's former butler in "phone hacking" claims against News of the World.

**BCCI**

Advising licensee of the global television rights to coverage of Indian Test Cricket in respect of a dispute with its sub-licensee for the United States.

**Confidential**

Advising major telephony provider in respect of the impact of the Commercial Agents (Council Directive) Regulations 1993.

**Channel 4 v Eckoh Technologies**

Acted for Channel 4 in claim against former telephony services provider arising from £1 million penalty imposed by Ofcom for breaches of Ofcom Code in relation to phone-in competition on the Richard & Judy Show.

**Rick Wakeman v Imagen Songs & BMG**

Acting for well-known musician and songwriter in claim for publishing royalties.

**Demand Media Ltd v Discovery Communications Europe Ltd**

Acted for Claimant licensee in a dispute relating to the exploitation on DVD of "Discovery Channel" programmes. Case settled shortly before hearing of a jurisdiction challenge.

## ACHIEVEMENTS

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### Memberships

- COMBAR
- London Court of International Arbitration
- Committee of the Bar Sports Law Group

### Selected earlier reported cases

#### Commercial

- Safeway Stores Ltd and others v Twigger and others [2010] EWHC 11 (Comm); [2010] EWCA Civ 1472; [2011] 1 Lloyd's Rep 462

#### Media & Entertainment

- Butters & anr v BBC Worldwide Ltd & anr [2009] EWHC 1954 (Ch); [2009] All ER (D) 171 (Aug), 20 August 2009
- T-Mobile v Ofcom

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