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*“Someone who is on top
of their game.”*

Chambers & Partners, 2020

“An outstanding silk.”

The Legal 500, 2020

Practice Overview

Alan is a prominent and very experienced commercial silk, who was listed as one of The Lawyer's Hot 100 in 2020, which recognises 100 "lawyers of the moment who are shaping the legal profession right now" across the Bar, private practice and in-house. Furthermore, he was shortlisted for Commercial Litigation Silk of the Year Award at The Legal 500 UK Awards 2019. He is recommended by the legal directories as **"a real star"** for civil fraud as well as commercial dispute resolution, commercial chancery, insolvency and IT litigation. Regarded as **"a brilliant all-rounder"** who is truly **"outstanding"** and a **"go to for high value briefs"**, his areas of practice also cover arbitration, banking litigation and company law.

In addition to appearing/advising the English Courts, Alan also has considerable international experience in commercial disputes particularly in relation to international arbitration.

Clients note **"his intellectual agility and strong advocacy skills"** as well as the fact that **"he is very user-friendly and supportive"**, **"a real team player"**. They also value the fact that he is **"a very impressive cross-examiner who is completely on the ball and has all the facts at his fingertips"**. He is regarded as **"a really great advocate who is absolutely outstanding in court"**.

The legal directories note that he is a highly respected commercial counsel who is most adept at handling civil fraud matters and has further expertise in IT, company law and insolvency.

The 2020 edition of Chambers & Partners describes Alan as **"very thorough and clever"**, **"he combines a superb legal brain with a no-nonsense attitude"**. He is **"highly intelligent and analytical"** who is also **"a terrific leader who marshals his team well"**. **"He is superb on paper, gives lightning-fast advice and is adept at working with foreign lawyers on complex matters."** Alan is **"someone who is on top of their game"**, **"experienced and highly capable"**, **"user-friendly and willing to get his hands dirty"**.

The Legal 500 2020 edition describes Alan as **"an outstanding silk"**, **"he has a fantastic brain"**. He is also **"outstandingly good on his feet, very able legally and tactically, and excellent with solicitors and clients"**.

The 2019 edition of Chambers & Partners describes Alan as **"an unrivalled expert on contractual and commercial matters, who has an excellent brain and who gives clear legal advice"**. **"He's tough and brave and willing to explore difficult avenues of argument."** He is also **"phenomenal on his feet"** and has a **"second to none work ethic"**.

The 2019 edition of The Legal 500 says that Alan is **"an excellent trial advocate and skilled cross-examiner, having him retained is a huge asset"**. He is **"extremely hardworking and approachable, and of great assistance in fraud cases."**



Commercial

"A popular silk known for his intellectual agility and strong advocacy skills", Alan has long been recommended in the legal directories for commercial dispute resolution as well as commercial chancery work. He is also recommended in the related areas of civil fraud and information technology disputes. He has a "**formidable reputation**"; his experience covering a very wide variety of areas such as joint venture and shareholder disputes, claims involving banks and other financial institutions, contractual disagreements and complex commercial litigation generally. Clients praise the fact that he is "**highly intelligent and analytical**", He is "**someone who is on top of their game**".

His recent experience:

- **Gazprom v Nafogaz**: Acting for Gazprom in two SCC arbitrations relating to gas pricing and transit disputes. Awards delivered in December 2017 and February 2018 in these multi billion dollar disputes
- Joint venture dispute over the development of oil and gas field in the Middle East – dispute concerns governance, investment and earn out issues..
- **Libyan Investment Authority v JP Morgan & Ors** [2019] EWHC 1452 (Comm): Acting for Libyan businessman accused of fraud and corruption in relation to \$200m investment. Claim dismissed on grounds of lack of jurisdiction and limitation.
- Acting for state gas company in the Middle East in gas dispute concerning long term supply contract with claims circa \$5bn. ICC arbitration concluded March 2020
- Acting for claimant in linked LCI arbitrations concerning Joint venture dispute in relation to the exploration and development of a gas field in CIS region. Concluded late 2019.
- **VTB Bank v Antipinsky**: Acting on behalf of Russian Bank in Commercial Court proceedings, in support of LCIA arbitrations, where freezing orders and mandatory injunctions granted.
- **JSC Bank of Moscow v Kekhman** [2018] EWHC 791 (Comm): acting for bank in successful claims for over \$150m in respect of deceit and unlawful dissipation of assets. Claims brought under article 1064 of Russian Civil Code.
- **IPCO (Nigeria) Limited v Nigerian National Petroleum Corporation**: acting for claimant seeking to resist an arbitration award for US\$152m plus interest being set aside on the grounds that it was allegedly procured by fraud. Action settled at trial early 2018.
- **Roussev**: acting for party in various ongoing proceedings in Nevis and St Vincent relating to trust and contract disputes.
- **Munroe v Bank of Scotland**: acting for claimant in ongoing proceedings advancing swaps and LIBOR claims. .
- **Gerald Metals SA v Timis** [2017] EWHC 1375 (Comm): acting for claimant in securing and the resisting the discharge of a freezing order in support of unlawful means conspiracy claim for circa \$75m.
- **A v B**: acting for claimant in a series of LCIA arbitrations concerning joint venture disputes.
- **Interactive Technology Corporation v Ferster** [2016] EWHC 2896 (Ch): claim for breaches of fiduciary duty, misappropriation of assets and other wrong doing in respect of operation of an online gaming business. Together with an unfair prejudice position.

Banking & Finance

Litigation involving banks and other financial institutions has long been a feature of Alan's practice. His work focuses on general commercial/contractual disputes, breach of duty and fraud claims.

His recent work includes:

- ICC arbitration in Geneva concerning a substantial fraud claim against a major bank.



Banking & Finance continued

- *Bank of Moscow JC BVI & Ors*: a US\$150m claim for misappropriation assets where Alan has been instrumental in obtaining default judgments, freezing orders and committal proceedings.
- *Silva Property Investment Ltd v Co-operative Bank*: dispute concerning the enforcement of an agreement to purchase an hotel by way of purchase of shares and requiring that a charge in favour of the bank be expunged.
- *Clydesdale Bank v Stoke Place Hotel*: claims relating to conspiracy to defraud by shareholder directors.

Civil Fraud

Civil fraud is one of Alan's main areas of practice and on in which he has been recommended by the legal directories for many years. "**Outstandingly good on his feet**" as well as "**very commercial**", Alan's experience covers deceit and bribery, misappropriation and claims for breach of duty across a wide variety of subject areas from joint venture disputes to private equity litigation. He is also known for his skill in international asset tracing, where his excellent advocacy skills make him ideal for dealing with freezing injunctions and search orders.

His recent work includes:

- *JSC Bank of Moscow v Kekhman* [2018] EWHC 791 (Comm): acting for bank in successful claims for over \$150m in respect of deceit and unlawful dissipation of assets. Claims brought under article 1064 of Russian Civil Code.
- *IPCO (Nigeria) Limited v Nigerian National Petroleum Corporation*: acting for claimant seeking to resist an arbitration award for US\$152m plus interest being set aside on the grounds that it was allegedly procured by fraud. Action settled at trial early 2018.
- *Gerald Metals SA v Timis* [2017] EWHC 1375 (Comm): acting for claimant in securing and subsequently resisting the discharge of a freezing order in support of unlawful means conspiracy claim for circa \$75m.
- *Interactive Technology Corporation v Ferster* [2016] EWHC 2896 (Ch): claim for breaches of fiduciary duty, misappropriation of assets and other wrong doing in respect of operation of an online gaming business. Together with an unfair prejudice position.
- An ICC arbitration involving fraud claims against a major bank arising out of the Madoff fraud.
- *VTB v Nutritek*: acting for VTB in claims for unlawful means conspiracy and deceit raised issues of applicable law under PILA.

Insolvency

Alan routinely deals with a multitude of issues relating to company and insolvency disputes as part of his commercial litigation practice, details of which are shown above.

This involves him with:

- Shareholder disputes of all types, including claims by minority shareholders and disputes concerning board control.
- Application of the Duomatic Principle on claim by former director against company.
- Directors' disqualification proceedings.
- Registration and priority of charges.
- Appointment and removal of administrators, liquidators and interim receivers.



International Arbitration

Alan is a prominent and very experienced commercial silk who is recommended by the legal directories as "**a real star**" for commercial dispute resolution and civil fraud. Regarded as "**a brilliant all-rounder**" who is truly "**outstanding**" and a "**go to for high value briefs**", his areas of practice also cover arbitration, banking litigation, company and insolvency.

In addition to appearing/advising the English Courts, Alan also has considerable international experience in commercial disputes particularly in relation to international arbitration. He also sits as an arbitrator.

Clients note "**his intellectual agility and strong advocacy skills**" as well as the fact that "**he is very user-friendly and supportive**", "**a real team player**". They also value the fact that he is "**a very impressive cross-examiner who is completely on the ball and has all the facts at his fingertips**". He is regarded as "**a really great advocate who is absolutely outstanding in court**".

Alan has extensive experience of high value and large scale domestic and international arbitrations, be they under UNCITRAL, ICC, LCIA, Stockholm Chamber of Commerce or ad hoc procedures.

His arbitrations in relation to gas supply contracts have involved issues over price adjustments or price formula revisions under long term supply contracts and have required extensive cross-examination of experts on a range of issues including gas pricing, industry practice, economics of gas supply, quantum and foreign law (including for example section 36 of the Swedish Contracts Act).

Alan is a team-player who is well used to slotting into an already established arbitration team and working with the team to present the case before a common law or a civil law tribunal or a combination of the two.

Some of his recent experience includes:

- **Gazprom v Nafogaz**: Acting for Gazprom in two SCC arbitrations relating to gas pricing and transit disputes. Awards delivered in December 2017 and February 2018 in these multi billion dollar disputes
- Acting for state gas company in the Middle East in gas dispute concerning long term supply contract with claims circa \$5bn. ICC arbitration. Concluded March 2020.
- Acting for claimant in LMIA arbitration relating to supply of copper concentrate in China. Concluded summer 2019.
- Acting for claimant in LCIA arbitration (ongoing) concerning joint venture dispute for development of a mine in Russia.
- Acting for claimant in linked LCIA arbitrations concerning Joint venture dispute in relation to the exploration and development of a gas field in CIS region. Concluded late 2019.
- Acting for defendant in Joint venture dispute over the development of oil and gas field in the Middle East – dispute concerns governance, investment and earn out issues. Linked LCIA arbitrations (ongoing)
- UNCITRAL arbitration in London concerning breaches of distribution agreements relating to mining equipment.
- ICC arbitration in Geneva concerning a substantial fraud claim against a major bank.
- A Stockholm Chamber of Commerce arbitration involving claims of around \$1.5 billion on a gas contract dispute.
- An ICC arbitration concerning price revision, construction and factual issues in respect of a long term take or pay gas supply contract.
- An UNCITRAL arbitration concerning an offshore mooring agreement between an African State and international contractor.
- An ICC arbitration concerning contractual claims relating to major infrastructure project involving parties in London, the USA and Turkey.



International Arbitration continued

- LCIA arbitration concerning the operation of a space satellite.
- An UNCITRAL arbitration concerning a major distribution agreement, raising a range of factual and expert issues.
- An LCIA arbitration concerning a government defence contract.