



Alan Gourgey QC

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“An unrivalled expert on contractual and commercial matters.”

Chambers & Partners, 2019

Practice Overview

Alan is a prominent and very experienced commercial silk, who 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 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", has a "second to none work ethic" and has "an excellent commercial mind set".

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 "**incredibly bright and hardworking; a real team player**".

His recent experience:

- **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.
- **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.
- **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.
- **A v B**: acting for respondent defending proceedings to enforce an arbitration award for \$2.5bn and in application to discharge freezing order.
- **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.
- Acting for a state gas company in ICC arbitration relating to gas supply contract. Around \$5bn at stake.
- Libyan Investment Authority litigation: acting for a defendant in latest round of this long-running litigation concerning bribery claims.
- **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.
- **Andanza Technologies v 724 Solutions & Ors**: acting for defendants in relation to contract for internet optimization software where defendants are facing claims of circa \$200m.
- **Westburg v Profitstar**: acting for the claimant in proceedings in the BVI. Seeking to enforce a judgment of the Liechtenstein style court in the sum of \$105m against securities.

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. "*Super bright and very quick*" 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:

- Acting for subsidiaries of a Russian State owned gas company in Stockholm arbitrations relating to the transit of natural gas to Europe and the supply of natural gas.
- 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.
- 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.
- Beth Din arbitration concerning a joint venture dispute.
- Alan is currently sitting as an arbitrator in an LCIA arbitration on a joint venture dispute concerning assets in Russia.