



Bobby Friedman

Call: 2011

bfriedman@wilberforce.co.uk

“He is exceptional – very user-friendly, incredibly hard-working and accommodating.”

Chambers & Partners 2020

Memberships

- Commercial Bar Association
- Fraud Lawyers Association
- Chancery Bar Association
- Association of Pension Lawyers

Publications

- Contributing author, Kerr & Hunter on Receivers and Administrators
- The Commercial Court: a guide to the Guide
- Braganza and beyond: attacking the exercise of contractual discretion
- Continental Drift: Challenges and Possible Solutions to Cross-Border Insolvency Issues Following Brexit
- Defences in Tort: Ex Turpi Causa

Practice Overview

Bobby is a much in demand senior junior. He is described in the legal directories as a *"rising star"* who is *"staggeringly clever"* and *"noted for his advocacy capabilities and the practical approach he takes to cases."*

Bobby specialises in general commercial disputes, with an emphasis on civil fraud – with extensive experience of freezing injunctions, as well as Russian/CIS disputes; company and insolvency; commercial trusts; commercial pensions disputes; energy/mining; and art-related disputes with a commercial angle.

Bobby appears regularly in both the Commercial and Chancery Courts as well as in arbitrations. He has substantial offshore experience and is called in the BVI.

Bobby enjoys working as sole counsel (or leading a junior); he frequently appears unled, often against silks, or silk and junior teams, in high-value and complicated matters. He also enjoys acting as a junior on substantial disputes (either as sole junior, or as the senior junior in a larger team). Bobby's experience involves acting in some of the most high-profile and high value cases of recent years.

Bobby has also acted as an expert, determining disputes between parties by way of alternative dispute resolution.

Bobby recognises the importance of a detailed and analytical approach, and combines this with pragmatism and tenacity.

Other directory recommendations include that he is *"enthusiastic and technically excellent"*, *"unafraid to make difficult calls and he portrays a confidence that belies his years"*; is *"very consistent and authoritative"* in his advice; and has a *"tenacious advocacy style."* Other comments include that Bobby *"is fun to work with, super clever and incredibly responsive"*; and that *"He is a very good junior who gives very efficient and effective service, and has strong advocacy skills."*

Clerks' Details

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Qualifications and Appointments

- First Class Degree from Emmanuel College, Cambridge
- GDL, City University, Distinction and placed 1st in year. Awarded the 3 Verulam Buildings Prize
- Bar Professional Training Course, City University: graded "Outstanding"
- Visiting tutor, contract law and EU law, City University (2010-2011)
- Awarded the Lord Atkin Senior Scholarship by Gray's Inn (the Inn's highest award for students) as well as a Prince of Wales Scholarship and a David Karmel Award
- President, Cambridge Union (2004)
- Previously, worked as a presenter, investigative reporter and producer for the BBC's news and current affairs output.



Practice Overview continued

A snapshot of ongoing and recent cases includes:

- Acting as sole counsel for a defendant resisting a major Commercial Court fraud claim worth over £1 billion.
- As sole counsel in a number of separate High Court fraud claims arising out of email “phishing” attacks. These include: **Solid property v Singh** [2018] 3 WLUK 589, where Bobby successfully obtained and held a freezing injunction (otherwise ongoing); and the ongoing, high-profile **Rijksmuseum Twenthe v Simon C Dickinson**.
- Acting as sole counsel against a silk and junior team in a high-value Chancery Division dispute concerning the termination of a commercial agency (ongoing).
- Acting (being led by Alan Gourgey QC and leading Jia Wei Lei) in an ongoing LCIA arbitration concerning a major commercial dispute relating to a Russian mine, worth many hundreds of millions of dollars.
- As sole counsel, acting against a silk and junior team in a major High Court share dispute, scheduled for a 3-week trial in late 2020.
- Acting as sole counsel for the claimant in a Commercial Court claim for conspiracy against private equity investors (ongoing).
- Acting as sole counsel for a Kazakh bank in a Commercial Court fraud claim (ongoing, Norwich Pharmacal relief obtained).
- Acting as sole counsel for the defendants in a High Court dispute concerning joint venture agreements relating to the artworks of Robert Indiana (ongoing).
- Acting as a junior in the major litigation between the city brokerages BGC and Tradition, which settled during a 3-week trial in late 2019.
- Acting as sole counsel in an ICC arbitration (award awaited).
- Successfully resisting the enforcement of an arbitration award worth some \$3 billion, in the Commercial Court: **Gazprom v Naftogaz** [2019] 2 Lloyd’s Rep. 20.
- BVI proceedings concerning whether a trust of shares in a very high-profile Ukrainian company is a fraud (ongoing).
- Acting in a number of LME arbitrations, including successfully acting for a trading company seeking relief for non-delivery of copper concentrate (2019), and representing a trading company in a dispute relating to want of title (ongoing).
- Bobby has expertise in pensions and frequently acts in pensions cases involving pensions liberation, fraud and/or in pensions regulatory proceedings, particularly concerning the removal of trustees.

Commercial

Bobby is a busy and successful commercial practitioner.

He has extensive experience of general commercial disputes, with a particular interest and expertise in civil fraud (with substantial experience of obtaining and responding to freezing injunctions and of other interim commercial remedies such as Norwich Pharmacal relief). Bobby is also often instructed on company and partnership matters.

Bobby’s work often includes an international element. Many of his cases relate to Russia/ CIS, and he has been instructed in numerous offshore jurisdictions. He is also a member of the BVI bar.

Bobby appears frequently in the Commercial Court; dealing with commercial matters in the Chancery Division; and in arbitrations. He is well-suited to the demands of commercial work, and combines intellectual rigour with the tenacity needed to deal with high-value and complex claims.



Commercial continued

Recent matters of note include:

- Acting as sole counsel for a defendant resisting a major Commercial Court fraud claim worth over £1 billion (ongoing).
- As sole counsel in a number of separate High Court fraud claims arising out of email “phishing” attacks. These include: **Solid property v Singh** [2018] 3 WLUK 589, where Bobby successfully obtained and held a freezing injunction (otherwise ongoing); and the ongoing, high-profile **Rijksmuseum Twenthe v Simon C Dickinson**.
- Successfully resisting the enforcement of an arbitration award worth some \$3 billion, in the Commercial Court: **Gazprom v Naftogaz** [2019] 2 Lloyd’s Rep. 20.
- Acting (being led by Alan Gourgey QC and leading Jia Wei Lei) in an ongoing LCIA arbitration concerning a major commercial dispute relating to a Russian mine, worth many hundreds of millions of dollars.
- Acting as a junior in the major litigation between the city brokerages BGC and Tradition, which settled during a 3-week trial in late 2019. The claims related to alleged conspiracy, an alleged team move and alleged breach of confidentiality.
- Acting as sole counsel for a Kazakh bank in a Commercial Court fraud claim (ongoing, Norwich Pharmacal relief obtained).
- Acting as sole counsel against a silk and junior team in a high-value Chancery Division dispute concerning the termination of a commercial agency (ongoing).
- As sole counsel, acting against a silk and junior team in a major High Court share dispute, scheduled for a 3-week trial in late 2020.
- Acting as sole counsel for the claimant in a Commercial Court claim for conspiracy against private equity investors (ongoing).
- Acting in a number of LME arbitrations, including successfully acting for a trading company seeking relief for non-delivery of copper concentrate (2019), and representing a trading company in a dispute relating to want of title (ongoing).
- Acting as sole counsel for the defendants in a High Court dispute concerning joint venture agreements relating to the artworks of Robert Indiana (ongoing).
- Acting as sole counsel in an ICC arbitration (award awaited).
- A major Commercial Court claim for a client seeking damages in deceit and unlawful means conspiracy. Bobby was part of a team that successfully obtained a number of freezing injunctions (**Gerald Metals v Timis** [2017] EWHC 1375).
- Acting as sole counsel in a Chancery Division claim arising from a commercial contract worth £60 million, which settled shortly before trial in 2017 (**Frogmore v Nationwide**).
- BVI proceedings concerning whether a trust of shares in a very high-profile Ukrainian company is a fraud (ongoing).

International Arbitration

Bobby has a very busy arbitration practice. He is currently instructed in a wide range of arbitral matters, including numerous LCIA arbitrations, and LME and ICC arbitrations. Bobby’s work in arbitrations covers all stages of proceedings, from the pre-action stage through to the hearing itself, and enforcement after successfully obtaining an Award.

Although the details are mostly confidential, the type of work Bobby has recently been involved in includes:

- Acting (being led by Alan Gourgey QC and leading Jia Wei Lei) in an ongoing LCIA arbitration concerning a major commercial dispute relating to a Russian mine, worth many hundreds of millions of dollars.



International Arbitration continued

- Acting in a series of significant LCIA arbitrations concerning Russian fraud claims worth many hundreds of millions of pounds (with connected ICAC arbitrations) (ongoing).
- Successfully resisting the enforcement of an arbitration award worth some \$3 billion, in the Commercial Court: **Gazprom v Naftogaz** [2019] 2 Lloyd's Rep. 20.
- Acting in an LME arbitration concerning the non-delivery of copper concentrate in a high-value dispute (successfully concluded, 2019).
- Acting in an LME arbitration relating to a failure to pass title/possession of alumina (ongoing).
- Acting as sole counsel in an arbitration worth approximately £30 million concerning the construction of a number of ships (settled, late 2019).
- Acting as sole counsel in an ICC arbitration concerning a contractual dispute worth over £5 million (ongoing, award awaited).
- Acting for a FTSE 100 company in a two-week hearing concerning a dispute as to whether a commercial contract could be terminated.
- Advising in respect of an anti-suit injunction, and applying for a stay of proceedings in Sierra Leone, for a dispute governed by an arbitration award (ongoing).
- Obtaining freezing injunctions in support of arbitration proceedings.
- Acting in enforcement proceedings relating to an LCIA arbitral award (ongoing).

Insolvency

Bobby has a busy insolvency practice and has acted in a number of high-profile and difficult cases. He is also a contributing author of Kerr & Hunter on Receivers and Administrators and has been published in International Corporate Rescue.

Recent and ongoing cases of note include:

- Acting as sole counsel for the Claimant in a claim concerning the insolvency of a Kazakh company (ongoing).
- Acting for the liquidators of a substantial company bringing claims against the former director (ongoing).
- Representing the administrators of Force India defending a very substantial Chancery Division claim concerning the sale of the Formula One team's business and assets.
- Acting as a junior in **Re ARM Asset Backed Securities**, a significant High Court insolvency claim concerning the distribution of assets on the insolvency of a bond provider, which settled immediately prior to trial in 2017.
- Successfully acting for a fixed charge-holder resisting an injunction sought against a receiver, and then obtaining the appointment of an administrator on a contested application (**Re SS Agri Power Limited** [2017] EWHC 2431 (Ch)).
- **Re Carlos Chang Abate** (2017 and ongoing). Bobby is acting for the Chilean liquidator following the bankruptcy of a well-known Chilean businessman amidst allegations of a widespread international "Ponzi" type fraud, perpetrated within the Arcano Group, in Chile, the US and the BVI. Bobby obtained recognition of the Chilean bankruptcy in the UK (thought to be the first such order ever to be obtained).
- **Csuack v Martinez**. Acting for an IP in a High Court dispute concerning the transfer of appointments.
- Successfully obtaining, in the High Court, an order declaring a notice of intention to appoint an administrator as being of no effect.
- **Re Beech Holdings**: Acting as sole counsel for a major creditor of a company, appealing the liquidator's decision on its proof of debt (2017).



Insolvency continued

- *Re Leyton Orient*: Advising and appearing for the fans' trust in respect of the potential insolvency of this well-known football club (2017).
- Successfully obtaining judgment in favour of an IP in claims against a company director.
- Successfully resisting the appointment of a liquidator.
- Acting in a number of contested bankruptcy proceedings.

Pensions

Bobby is "a rising star" of the pensions bar who is "excellent on paper and a punchy advocate, with a very good knowledge of pensions and related areas of law." Bobby "has acted in some of the most high-profile pensions disputes and trials" (Chambers and Partners). Bobby has extensive experience across all areas of the field, with a particular emphasis on pensions liberation, fraud and trustee replacement. He has also successfully obtained a number of trustee prohibitions.

Recent matters of note include:

- Acting for a major power network in relation to a fraud claim concerning its pension scheme (ongoing).
- Successfully acting in numerous prohibition proceedings, including *Salih v TPR* [2018] UKUT 0338 (TCC), and others ongoing.
- Acting for the targets in high profile moral hazard proceedings including in GPG, Brunel and Staveley, and Silentnight.
- Advising a pension scheme administrator on the release of funds under a freezing injunction.
- In respect of pensions liberation, Bobby appeared as a junior in *Pi v The Pensions Regulator* and *Dalriada v Nidd Vale Trustees Limited* determining whether a number of pension schemes were occupational pension schemes within Pension Schemes Act 1993. He has also acted for the Pensions Regulator obtaining worldwide freezing injunctions and trustee appointments under the Regulator's powers and the court's inherent jurisdiction.
- Bobby continues to act in a wide range of pensions professional negligence claims.

Trusts, Tax, Probate and Estates

Bobby has a particular interest in trust matters with a commercial, company or fraud element.

Bobby is also particularly interested in art-related matters, and is currently instructed in a number of very high profile art cases.

Matters of note include:

- Acting in BVI proceedings concerning whether a trust of shares in a very high-profile Ukrainian company is a fraud (ongoing).
- Acting as junior in a major dispute concerning the trusts arising on the insolvency of a major bond provider.
- As sole counsel, acting against a silk and junior team in a major High Court dispute as to whether shares are held under a trust, scheduled for a 3-week trial in late 2020.
- Acting in a claim concerning the validity of a will, with the matter involving a significant international aspect.
- Advising in a number of cases as to trustees' powers under a trust.
- Acting in respect of cases involving trusts in the divorce context.



Professional Liability

Bobby has significant experience of professional liability matters generally, acting both as sole counsel and as a junior. He has particular experience of finance-related disputes, as well as pensions-related negligence and solicitors' negligence.

Recent cases include:

- Acting for the claimant, that was provided with allegedly incorrect financial modelling by a major accountancy firm prior to entering into an SPA (settled, 2020).
- Acting as sole counsel for the administrator of a SSAS in a High Court professional liability claim with a headline value of many millions of pounds (*Hague v Rowanmoor*).
- Acting as sole counsel for a defendant financial adviser in a High Court claim worth many millions of pounds (settled shortly before trial, 2020).
- Acting (as a junior) for an international corporation bringing High Court proceedings against a major law firm for negligent advice.
- Acting for a company bringing a claim against solicitors for negligent drafting of a share purchase agreement.
- Acting for a barrister resisting a High Court claim concerning allegedly negligent advice.
- Advising a member of a SSAS in respect of potential breaches of trust.
- Acting for a Sipp provider in respect of allegedly negligent advice.
- Advising and acting for a member of a pension scheme whose pension had been incorrectly applied.
- Advising and acting for the administrators of a pension scheme in a professional negligence claim.
- Acting for solicitors defending a professional negligence claim.
- Acting for the claimant in a claim arising for negligent financial advice.