MAITLAND

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BENJAMIN JOHN

CALL: 2002
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OVERVIEW

Ben is recognised in the directories as a leading barrister for all manner of commercial and business disputes, with glowing recommendations in all areas of his practice. In recent years he has been shortlisted for both Commercial Junior of the Year (Legal 500 Bar Awards) and Chancery Junior of the Year (Chambers UK Bar Awards).

He is described by commentators as "***one of the best***", "***an absolute star***" and "***like a silk in every respect***". Praised as "***one of the finest legal minds I have come across***", as "***intellectually off the scale***" and as having "***analytical skills…in a class of their own***", Ben is also recognised as "***a supreme tactician***" whose "***judgement, even in the most difficult situations, is second to none***": "***not afraid to give a view***…, ***Ben's skill is that he calls things correctly…***". He is "***an extremely charming and persuasive advocate***" and is "***excellent on his feet***". "***Judges respect him very highly indeed***" and he "***has the ability to produce results***". Ben is also "***brilliant with clients***" and "***will run through brick walls for you in pursuit of a good result***"; he is "***brilliantly responsive***" and "***so energetic***", "***so easy to deal with***" and "***tremendous fun***

Ben's work encompasses the full range of commercial disputes (contractual or otherwise), civil fraud and asset tracing, banking and finance, company and partnership matters (including insolvency) and claims against fiduciaries & trustees. He has appeared in tribunals from the Supreme Court down and has wide advocacy experience in the Court of Appeal, the Commercial Court and the Chancery Division.

Much of Ben's work has a major international dimension and he has considerable experience of jurisdictional issues, worldwide freezing injunctions and associated relief, dealing with substantive foreign law points, advising in offshore jurisdictions, enforcement of foreign judgments and arbitral awards in the UK and the management of proceedings in multiple jurisdictions.

He is also an expert in litigation involving Sovereign states, including issues of state immunity, the 'Act of State' doctrine and the 'one voice' principle, having acted for the Republic of Argentina (in a leading case on state

immunity in the Supreme Court), for the Libyan Investment Authority (in the Court of Appeal), for the Russian state oil company Rosneft in the long-running Yukos Oil/Mikhail Khodorkovsky affair and against several African, Asian and Middle Eastern states.

Instructed in some of the most high profile and substantial matters litigated from London, irrespective of the subject matter or legal context, Ben acted for one of the two main claimants in the ***Brexit: Article 50 Litigation*** (***Miller & Dos Santos v The Secretary of State for Exiting the EU***), heard by all eleven justices of the Supreme Court in 2017. Other current or recent major cases include the ***Libyan Investment Authority's*** litigation before the Commercial Court and the Court of Appeal flowing from the collapse of the Gaddafi regime in Libya, ***Tugushev v Orlov***, one of the largest commercial fraud cases of recent years, various pieces of litigation in the ***Nomura v Banca Monte dei Paschi di Siena*** case relating to massive questioned derivative trades in the wake of the 2008 financial crisis (one of The Lawyer's top 20 cases), the ***Dar al Arkan v Al Refai & Bank Alkhair*** litigation (another of The Lawyer's top 20 cases), acting for Mr Ablyazov himself in the main proceedings in ***JSC BTA Bank v Ablyazov***, the $6billion fraud claim arising out of the nationalisation of the Kazakh bank; and the Hong Kong litigation over the estate of Hong Kong billionaire Mr Fok Ying Tung Henry.

Before coming to the Bar, Ben took a double First in Chemistry at Oxford. He then completed the Graduate Diploma in Law at City University, coming top of his year and winning the 3VB prize for best overall performance. He was a Duke of Edinburgh, a Major and then a Princess Royal Scholar of the Inner Temple and, at Bar School, won the Barstow Prize Scholarship

COMMERCIAL LITIGATION & ARBITRATION

Ben is acting or has acted in several of the most high profile and substantial cases litigated from London in the last fifteen years (in tribunals from the Supreme Court down to the Commercial Court), including ***Miller - the Brexit Article 50 litigation***, heard before a Supreme Court bench of 11 Justices, the ***Libyan Investment Authority*** litigation following the collapse of the Gaddafi regime and ***Tugushev v Orlov*** – one of the most recent "mega money" Russian oligarch cases.

He has wide experience of running important commercial litigation from inception to conclusion, developing strategy as well as doing the advocacy. His case load covers domestic and international litigation (including dealing with the challenges created by multiple proceedings running in tandem in different jurisdictions) and often involves very high profile parties (which have included Sovereign states, sovereign wealth funds, major (often state owned) companies, major international banks, oligarchs and other ultra high net worth individuals).

Ben often leads a counsel team; and is also led both in and out of chambers by leading silks. He is praised by commentators in the field of commercial litigation as "***brilliant strategically***" with "***intellectual rigour second to none***"; "***client's love***" him and he has "***great judgment***": overall "***he delivers a great service***".

Ben's cases in this arena include:

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- ***Tugushev v Orlov*** [2021] EWHC 1514 (Comm); [2021] EWHC 926 (Comm); [2019] EWHC 2031 (Comm); [2019] EWHC 645 (Comm); [2018] EWHC 3471 (Comm): a "mega-money Russian dispute", as it was described in the press, over the ownership of the vast international fishing business run by the Norebo Group, giving rise to global litigation in six jurisdictions.

- ***JSC Karat-1 v Tugushev*** [2021] EWHC 743 (Comm): an $10m application to enforce the cross-undertaking in damages arising out of a discharged world-wide freezing injunction. A new leading case in relation to the availability of security for costs in such an inquiry as to damages.

- ***Re the Libyan Investment Authority: Ali Mahmoud Mohamed v Breish & others*** [2020] EWCA Civ 637; [2020] EWHC 696 Comm); [2019] EWHC 1765 (Comm); [2019] EWHC 786 (Comm); [2019] EWHC 306 (Comm): a dispute of unusual geo-political sensitivity about who is properly entitled to control the considerable UK assets of the sovereign wealth fund of Libya – the Libyan Investment Authority. Ben successfully secured declarations from the English Court as to the identity of the government of Libya following the collapse of the Gaddafi regime in 2011 and as to the validity of the appointment of the Chairman of the LIA.

- ***Ricci v Nomura International Plc***: a very substantial claim by a former employee of the bank relating to a number of substantial financial transactions.

- ***Pirtek Limited v Hosefast Limited***: Ben acted in the trial of this franchise dispute involving complex contested factual and technical evidence and novel points of law in a franchise context.

- ***The Brexit: Article 50 Litigation – Miller & Dos Santos v The Secretary of State for Exiting the EU*** [2018] AC 61 ([2017] UKSC 5); [2017] 1 All ER 158 ([2016] EWHC 2768 (Admin)): described as one of the most significant cases ever to come before the English Courts, this action concerned whether Article 50 of the Lisbon Treaty (the mechanism by which the UK would leave the EU following the EU referendum) could be invoked by the Prime Minister without the express approval of Parliament. It was tried, on an expedited basis, before a Divisional Court presided over by the Lord Chief Justice, followed by a (then) unprecedented leapfrog appeal to the Supreme Court sitting ***en banc***.

- ***Nomura International Plc v Banca Monte dei Paschi di Siena SpA***: a €3.5 billion dispute arising out of a series of complex derivative transactions entered into by the famously troubled Italian bank.

- ***Slocom Trading Limited v Tatik Inc & Sibir Energy Plc*** [2014] EWCA Civ 831; [2013] EWHC 1201 (Ch) and [2012] EWHC 3464 (Ch): Chancery Division action against the Russian energy giant arising out of various loan and security agreements relating to multi million euro French assets. Ben acted unled in the Court of Appeal for the successful Claimant/Respondent Slocom.

- ***Blue Angel Capital I LLC v Republic of Argentina; Capital Ventures International v Republic of Argentina and Capital Markets Financial Services Inc. v Republic of Argentina***: acting unled in relation to enforcement of judgments (worth well over a billion dollars) of the courts of the Southern District of New York in Argentina's long-running worldwide hedge fund litigations arising from bond defaults in the early 2000s.

- ***Re: TourX Inc.***: contractual and other claims by a major global music star in relation to concerts in Azerbaijan.

- ***NML Capital Limited v Republic of Argentina*** [2011] UKSC 31 (SC); [2010] 3 WLR 874 (CA); [2009] QB

579 (Comm): a $300m claim against Argentina in the UK courts raising novel issues relating to sovereign immunity in relation to the enforcement of foreign judgments against states. The case is now the leading Supreme Court authority on various aspects of sovereign immunity.

- ***Yukos Capital S.a.r.l. v OJSC Rosneft Oil Company*** [2011] EWHC 1461 (Comm): part of the long running Yukos affair, these claims are to enforce arbitration awards worth nearly half a billion dollars which have been set aside by the supervisory courts in Russia. The case raised important issues on issue estoppel and the Act of State doctrine.

CIVIL FRAUD

Praised in this field as "***one of the best***", Ben is regularly instructed in the largest scale and most high profile commercial frauds to come before the English Court, including acting in cases like ***Tugushev v Orlov***; the litigation arising out of the ***Banca dei Monte Paschi di Siena*** scandal; for Mr Ablyazov himself in the main proceedings in ***JSC BTA Bank v Ablyazov***; and in ***Wirecard AG v Scott***, the Beijing Olympic ticket fraud case.

Also highly experienced in global litigation involving allegations of massive governmental corruption such as the ***Zambia*** vulture fund litigation and the ***Yukos-Rosneft*** litigation, and cases involving the application of the Patev v Mirza "illegality" doctrine, he is often consulted for his expertise in relation to fraud, corruption and committal angles in important litigation in other fields of law such as – recently – complex banking litigation, $100m employment proceedings, insurance claims and criminal confiscation proceedings.

Ben is described by commentators in the Civil Fraud field as "***simply one of the cleverest barristers***" and "***an extremely charming and persuasive advocate***". He is "***brilliantly responsive***" and "***extremely user-friendly***".

Highlights in this area include:

- ***Malekshad v Malek & Others***: a multi-million pound conspiracy claim relating to the ownership and dealings of a company holding very valuable property on Harley Street in London.
- ***International Pipeline Products Limited v IK-UK Ltd & others***: a claim in conspiracy, breach of contract and IP infringement by a major international pipeline product designer and manufacturer against its former senior management team and a rival Norwegian group of companies – Ben was recruited for trial for his fraud expertise.
- ***Tugushev v Orlov*** [2021] EWHC 1514 (Comm); [2021] EWHC 926 (Comm); [2019] EWHC 2031 (Comm); [2019] EWHC 645 (Comm); [2018] EWHC 3471 (Comm): A $350m claim in conspiracy in relation to the ownership of a massive international fishing business, supplying household brands in the United Kingdom.
- ***Nomura International Plc v Banca Monte dei Paschi di Siena SpA***: several different, related cases, arising out of a series of allegedly fraudulent complex derivative transactions entered into by the troubled Italian bank. Ben was instructed as the fraud expert on the legal team.
- ***Supermax Offshore Holdings Limited v Malhotra*** [2017] EWHC 3246 (Comm): a major dispute between

different shareholder/investor groups in Supermax, a major player the Indian razor market. Ben was instructed to advise and represent Mr Malhotra in relation to the committal aspects of this case.

- ***Terra Raf Trans Traiding Limited v Assaubayev*** [2014] EWHC 4211 (Comm); [2013] EWHC 2824 (Comm): Ben acted unled in these Commercial Court claims relating to an alleged fraud connected to sale of substantial oil & gas assets.
- ***Dar al Arkan Real Estate Development Company & Bank Alkhair BSC v Al Refai & others*** [2013] EWHC 3682 (Comm): conspiracy and blackmail claims in the Commercial Court worth billions.
- ***Re D*** (in private) [2012] EWHC 1090 (Admin): A successful application in the Administrative Court for discharge of worldwide freezing relief and interim receivership orders worth billions of dollars (pursuant to the restraint order jurisdiction under the Criminal Justice Act 1988) in relation to alleged bribery and corrupt procurement of natural resources contracts in the Middle East.
- ***JSC BTA Bank v Ablyazov and others*** [2011] EWCA 1588 (CA); [2011] EWHC 202 (Comm) and [2011] EWHC 1136 (Comm): then the highest value series of actions ever brought in the English Court involving claims against the bank's former owner and chairman alleging massive frauds and diversion of funds. The case raised a multiplicity of complicated and novel issues of law and fact (including in relation to the Act of State doctrine).
- ***S v MH***: a multi-million pound claim brought by several former shareholders of a major UK company alleging deceit, conspiracy and breach of duty by various former directors and their associates (and consequential tracing and proprietary claims).
- ***Cadogan Petroleum plc v Tolley***: fraud, conspiracy and constructive trust claims by a listed petroleum company against its former CEO and others for alleged bribery relating to the procurement of valuable plant contracts for gas exploitation in Ukraine.
- ***Wirecard Bank v Scott and others*** [2010] EWHC 451 (QB): a high profile fraud case relating to the supply of tickets to the 2008 Beijing Olympics.

COMPANY & PARTNERSHIP

Ben has wide experience in the full range of company law proceedings, often of very high value and/or involving household names, including major shareholder disputes, breach of director's duty claims, claims relating to reflective loss and derivative actions, and unfair prejudice petitions. In this arena, the market values "***his intellectual rigour and strategic thinking*** [which are] ***are second to none***".

Ben is also frequently instructed to provide specialist company law advice – or to provide company expertise on a wider legal team – both in heavy commercial litigation and in other fields, such as (recently) in a highly complex criminal matter.

He has particular expertise in questions of attribution in the corporate context, having advised in several recent cases raising difficult questions of attribution and having been published on the topic in ***Civil Fraud: Law Practice***

and Procedure.

Recent major instructions include:

- ***Re 76HSP Ltd*** [2023]: an unfair prejudice petition relating to a very valuable London real estate company property.
- ***Roth v Orlov*** [2021] EWHC 926: claims and cross-claims between two shareholders in a series of companies which own and operate a major international enterprise. The case involved difficult legal issues as to the interaction of unfair prejudice proceedings in Hong Kong with shareholder claims in London.
- ***Re C Holdings Ltd*** [2019]: a company law dispute involving alleged breaches of company law provisions on property acquisitions by directors and associated breaches of duty (and allied shareholder disputes) in relation to the business empire of a world-renowned designer and entrepreneur.
- ***Re L M*** [2018]: A significant shareholder/unfair prejudice dispute arising out of the running of the company which owns a famous periodical publication.
- ***Supermax Offshore Holdings Limited v Malhotra*** [2017] EWHC 3246 (Comm): a major shareholder dispute in relation to the Supermax Group, a major player the Indian razor market.
- ***Re F Plc*** [2016]: a derivative action/dispute relating to a substantial CIS mining venture.
- ***Re RR*** [2015]: advising in relation to inter-partner liability issues arising from a professional negligence action worth over £150 million.
- ***Re NIP*** [2015]: multi-billion € dispute involving a range of complex company law issues relating to breach of duty, authority and corporate attribution.
- ***Re A B.S.C.*** [2013]: advising on various company law issues (in particular, the attribution of knowledge to a company) in relation to alleged bribery and corruption in contract procurement by a major industrial public company in the Middle East.
- ***Cherrin v ETF Securities Limited*** [2012]: a dispute relating to share options in a global investment company.
- ***Re U Ltd*** [2011]: a multi-million pound shareholder dispute in relation to the running of, and sale of shares in, a major UK energy company.
- ***Tyte v MAG Limited***: an unfair prejudice petition under s. 994 of the Companies Act 2006 relating to a planned management buy-out in a global design company.

INTERNATIONAL, OFFSHORE & TRUSTS

Lauded as "***so energetic, so astronomically clever and so easy to deal with***", Ben has huge experience of international and offshore litigation and arbitration: the vast majority of his cases have a very significant international element, often involving major offshore proceedings (including in the Channel Islands, Cayman, the

BVI and Hong Kong), and often involving trusts and other typically encountered offshore structures.

Accordingly, Ben is an expert in dealing with jurisdictional issues, worldwide freezing and proprietary relief and associated interlocutory proceedings and applications, enforcement of foreign judgments and arbitration awards in the UK (under common law and under a number of the bi- or multi-lateral enforcement regimes), and dealing with litigation and arbitration where the substantive law is foreign (including, for example, the law of Russia, Kazakhstan, Hong Kong, Cayman, the BVI, Libya, Egypt, Saudi Arabia, Jersey, Dubai, Norway, France, Zambia, Italy and Congo).

Ben has acted in, or advised in relation to, substantial offshore litigation in the major hubs in the Caribbean, Hong Kong and the Channel Islands, often including the management of such litigation in tandem with major proceedings in London and in the Court's in other parts of the world. Ben is experienced in dealing with the challenges presented by overlapping litigation and arbitration in a number of jurisdictions, including where there are concurrent criminal proceedings in other countries.

He is also an expert in litigation involving sovereign states, including issues of state immunity, 'Act of State' and the 'one voice' doctrine. He has acted for or against states or major sovereign entities/interests in Argentina, Libya, Russia, Kazakhstan, Congo, Zambia and Saudi Arabia in the Commercial Court, the Court of Appeal and the Supreme Court.

Ben's notable cases include:

- ***Tugushev v Orlov***: A global litigation and arbitration fight in relation to the ownership of a $billion international fishing business, supplying household brands in the United Kingdom. With litigation in 6 jurisdictions, including major unfair prejudice proceedings in Hong Kong and concurrent applications in the Channel Islands, the case involves all the features of international and offshore litigation, including an extensive 4 day jurisdiction challenge in the English Court, successfully discharging world-wide freezing relief granted in the UK, the Channel Islands and in Hong Kong, successfully resisting the domestication of interlocutory relief in Russia, and the management of the interaction between litigation in London and civil and criminal proceedings in Russia and Norway.
- ***Re the Libyan Investment Authority***: ***Ali Mahmoud Mohamed v Breish & others***: a dispute before the courts in the Cayman and the UK of great geo-political sensitivity. involving resolution of who is properly entitled to control the LIA's assets following the collapse of the Gaddafi regime in 2011.
- ***Re the Estate of Mr Fok Ying Tung Henry***: a long-running dispute in the Hong Kong courts relating to the multi-billion HKD estate of Henry Fok, including valuable rights to development options in mainland China.
- ***A v B***: a dispute between a global insurance provider and a sovereign state in relation to very large liabilities in the United Kingdom: involving novel questions in relation to both state and diplomatic immunity.
- ***Ricci v Nomura International Plc***: a very substantial claim by a former employee of the bank relating to a number of substantial financial transactions, managed in tandem with extensive and on-going criminal and regulatory proceedings in Italy.

- ***Re D***: A successful application in the Administrative Court and in various offshore jurisdictions (the Channel Islands, Cayman and the BVI) for discharge of worldwide freezing relief and interim receivership orders worth billions of dollars (pursuant to the restraint order jurisdiction under the Criminal Justice Act 1988) in relation to alleged bribery and corrupt procurement of natural resources contracts in the Middle East.

- ***JSC BTA Bank v Ablyazov and others***: litigation in a number of jurisdictions involving claims against the bank's former owner and chairman alleging massive frauds and diversion of funds under Kazakh law. The case involved extensive interim proceedings – for freezing relief and the grant of interim receiverships – in the UK and the Channel Islands; and the main UK proceedings are a leading case under the Act of State doctrine.

- ***NML Capital Limited v Republic of Argentina***: a $300m claim against Argentina raising novel issues relating to sovereign immunity in relation to the enforcement of foreign judgments against states. The case is now the leading Supreme Court authority on various aspects of sovereign immunity.

- ***Yukos Capital S.a.r.l. v OJSC Rosneft Oil Company***: part of the long running Yukos affair, these claims are to enforce arbitration awards worth nearly half a billion dollars which have been set aside by the supervisory courts in Russia. The case raised important issues on the Act of State doctrine.

- ***WestLB AG v Yacub & another***: a claim for breach of fiduciary duty and accessory liability in relation to the operations of the claimant bank, including issues as to the scope of fiduciary duties in Hong Kong law.

- ***Re the Estate of Shaker Al Abood***: multi-jurisdictional and complex claims against trustees relating to the administration of very substantial ***inter vivos*** and will trusts of Shaker Al Abood.

BANKING & FINANCIAL SERVICES

Ben is sought out for large scale swaps, derivative and other financial product mis-selling claims, claims involving LIBOR manipulation allegations, cases involving note and financial product construction and banking disputes arising out of counterparty defaults. He is often instructed for his cross-disciplinary expertise in both banking/finance and other areas such as fraud or company law; and has spent much time in recent years on multiple different cases springing from the near collapse of the Italian bank ***Banca dei Monte Paschi di Siena***, following the revelation of allegations that a number of very large derivative trades were entered into and structured so as to hide losses on the Bank's books.

Major cases in this area include:

- ***Ricci v Nomura International Plc***: a substantial claim by a former employee of the bank relating to a number of substantial financial transactions. Ben acts for the bank.

- ***Bank Leumi v Akrill***: Ben acted unled for the Bank in this case relating to enforcement of various rights and obligations arising out of derivative contracts.

- ***Nomura International Plc v Banca Monte dei Paschi di Siena SpA***: a €3.5 billion dispute arising out of a

series of complex derivative transactions.

- ***Panagopoulos v Lloyds Bank Plc***: a complex and valuable swaps alleged mis-selling claim.
- ***Dar al Arkan Real Estate Development Company & Bank Alkhair BSC v Al Refai & others*** [2013] EWHC 3682 (Comm): claims in the Commercial Court engaging extensive allegations relating to finance transactions and banking regulation in the Middle East.

Proton Bank S.A. v Greenoak Renewable Energy: claims by a Greek bank in relation to various interlocking finance agreements, giving rise to various issues under Directive 2001/24/EC on the reorganisation and winding up of credit institutions

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PRIVATE CLIENT

Praised as "***phenomenally clever, a supreme tactician and someone much loved by clients***", Ben has wide experience of private client work both on and off-shore, including in relation to very large value family settlements, along with the full gamut of fiduciary and trust litigation (in both a private client and family business context).

Key cases include:

- ***Re C Holdings Ltd***: Ben acts in relation to claims for breaches of fiduciary duty and company law provisions on property acquisitions by directors in relation to the family business empire of a world-renowned designer and entrepreneur.
- ***Re the Estate of Mr Fok Ying Tung Henry***: a long-running dispute in the Hong Kong courts relating to the multi-billion HKD estate of Henry Fok and the rights to development options in mainland China.
- ***Re the M B Trust***: advising as to the revocation of a major family trust pursuant to section 1 of the Variation of Trusts Act 1958.
- ***WestLB AG v Yacub & another***: a claim for breach of fiduciary duty and accessory liability in relation to the operations of the claimant bank, including issues as to the scope of fiduciary duties in Hong Kong law.
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EXPERTISE

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CIVIL FRAUD

Praised in this field as "***one of the best***", Ben is regularly instructed in the largest scale and most high profile commercial frauds to come before the English Court, including acting in cases like ***Tugushev v Orlov***, the litigation arising out of the ***Banca dei Monte Paschi di Siena*** scandal; for Mr Ablyazov himself in the main proceedings in ***JSC BTA Bank*** **v** ***Ablyazov***, and in ***Wirecard AG*** **v** ***Scott***, the Beijing Olympic ticket fraud case.

Also highly experienced in global litigation involving allegations of massive governmental corruption such as the ***Zambia*** vulture fund litigation and the ***Yukos-Rosneft*** litigation, and cases involving the application of the Patev v Mirza "illegality" doctrine, he is often consulted for his expertise in relation to fraud, corruption and committal angles in important litigation in other fields of law such as – recently – complex banking litigation, $100m employment proceedings, insurance claims and criminal confiscation proceedings.

Ben is described by commentators in the Civil Fraud field as "***simply one of the cleverest barristers***" and "***an extremely charming and persuasive advocate***". He is "***brilliantly responsive***" and "***extremely user-friendly***".

Highlights in this area include:

- ***Malekshad v Malek & Others***: a multi-million pound conspiracy claim relating to the ownership and

dealings of a company holding very valuable property on Harley Street in London.

- ***International Pipeline Products Limited v IK-UK Ltd & others***: a claim in conspiracy, breach of contract and IP infringement by a major international pipeline product designer and manufacturer against its former senior management team and a rival Norwegian group of companies – Ben was recruited for trial for his fraud expertise.
- ***Tugushev v Orlov*** [2021] EWHC 1514 (Comm); [2021] EWHC 926 (Comm); [2019] EWHC 2031 (Comm); [2019] EWHC 645 (Comm); [2018] EWHC 3471 (Comm): A $350m claim in conspiracy in relation to the ownership of a massive international fishing business, supplying household brands in the United Kingdom.
- ***Nomura International Plc v Banca Monte dei Paschi di Siena SpA***: several different, related cases, arising out of a series of allegedly fraudulent complex derivative transactions entered into by the troubled Italian bank. Ben was instructed as the fraud expert on the legal team.
- ***Supermax Offshore Holdings Limited v Malhotra*** [2017] EWHC 3246 (Comm): a major dispute between different shareholder/investor groups in Supermax, a major player the Indian razor market. Ben was instructed to advise and represent Mr Malhotra in relation to the committal aspects of this case.
- ***Terra Raf Trans Traiding Limited v Assaubayev*** [2014] EWHC 4211 (Comm); [2013] EWHC 2824 (Comm): Ben acted unled in these Commercial Court claims relating to an alleged fraud connected to sale of substantial oil & gas assets.
- ***Dar al Arkan Real Estate Development Company & Bank Alkhair BSC v Al Refai & others*** [2013] EWHC 3682 (Comm): conspiracy and blackmail claims in the Commercial Court worth billions.
- ***Re D*** (in private) [2012] EWHC 1090 (Admin): A successful application in the Administrative Court for discharge of worldwide freezing relief and interim receivership orders worth billions of dollars (pursuant to the restraint order jurisdiction under the Criminal Justice Act 1988) in relation to alleged bribery and corrupt procurement of natural resources contracts in the Middle East.
- ***JSC BTA Bank v Ablyazov and others*** [2011] EWCA 1588 (CA); [2011] EWHC 202 (Comm) and [2011] EWHC 1136 (Comm): then the highest value series of actions ever brought in the English Court involving claims against the bank's former owner and chairman alleging massive frauds and diversion of funds. The case raised a multiplicity of complicated and novel issues of law and fact (including in relation to the Act of State doctrine).
- ***S v MH***: a multi-million pound claim brought by several former shareholders of a major UK company alleging deceit, conspiracy and breach of duty by various former directors and their associates (and consequential tracing and proprietary claims).
- ***Cadogan Petroleum plc v Tolley***: fraud, conspiracy and constructive trust claims by a listed petroleum company against its former CEO and others for alleged bribery relating to the procurement of valuable plant contracts for gas exploitation in Ukraine.
- ***Wirecard Bank v Scott and others*** [2010] EWHC 451 (QB): a high profile fraud case relating to the supply of tickets to the 2008 Beijing Olympics.

OFFSHORE & TRUSTS

Lauded as "***so energetic, so astronomically clever and so easy to deal with***", Ben has huge experience of international and offshore litigation and arbitration: the vast majority of his cases have a very significant

international element, often involving major offshore proceedings (including in the Channel Islands, Cayman, the BVI and Hong Kong), and often involving trusts and other typically encountered offshore structures.

Accordingly, Ben is an expert in dealing with jurisdictional issues, worldwide freezing and proprietary relief and associated interlocutory proceedings and applications, enforcement of foreign judgments and arbitration awards in the UK (under common law and under a number of the bi- or multi-lateral enforcement regimes), and dealing with litigation and arbitration where the substantive law is foreign (including, for example, the law of Russia, Kazakhstan, Hong Kong, Cayman, the BVI, Libya, Egypt, Saudi Arabia, Jersey, Dubai, Norway, France, Zambia, Italy and Congo).

Ben has acted in, or advised in relation to, substantial offshore litigation in the major hubs in the Caribbean, Hong Kong and the Channel Islands, often including the management of such litigation in tandem with major proceedings in London and in the Court's in other parts of the world. Ben is experienced in dealing with the challenges presented by overlapping litigation and arbitration in a number of jurisdictions, including where there are concurrent criminal proceedings in other countries.

He is also an expert in litigation involving sovereign states, including issues of state immunity, 'Act of State' and the 'one voice' doctrine. He has acted for or against states or major sovereign entities/interests in Argentina, Libya, Russia, Kazakhstan, Congo, Zambia and Saudi Arabia in the Commercial Court, the Court of Appeal and the Supreme Court.

Ben's notable cases include:

- ***Tugushev v Orlov***: A global litigation and arbitration fight in relation to the ownership of a $billion international fishing business, supplying household brands in the United Kingdom. With litigation in 6 jurisdictions, including major unfair prejudice proceedings in Hong Kong and concurrent applications in the Channel Islands, the case involves all the features of international and offshore litigation, including an extensive 4 day jurisdiction challenge in the English Court, successfully discharging world-wide freezing relief granted in the UK, the Channel Islands and in Hong Kong, successfully resisting the domestication of interlocutory relief in Russia, and the management of the interaction between litigation in London and civil and criminal proceedings in Russia and Norway.
- ***Re the Libyan Investment Authority***: ***Ali Mahmoud Mohamed v Breish & others***: a dispute before the courts in the Cayman and the UK of great geo-political sensitivity. involving resolution of who is properly entitled to control the LIA's assets following the collapse of the Gaddafi regime in 2011.
- ***Re the Estate of Mr Fok Ying Tung Henry***: a long-running dispute in the Hong Kong courts relating to the multi-billion HKD estate of Henry Fok, including valuable rights to development options in mainland China.
- ***A v B***: a dispute between a global insurance provider and a sovereign state in relation to very large liabilities in the United Kingdom: involving novel questions in relation to both state and diplomatic immunity.
- ***Ricci v Nomura International Plc***: a very substantial claim by a former employee of the bank relating to a number of substantial financial transactions, managed in tandem with extensive and on-going criminal and regulatory proceedings in Italy.
- ***Re D***: A successful application in the Administrative Court and in various offshore jurisdictions (the Channel Islands, Cayman and the BVI) for discharge of worldwide freezing relief and interim receivership

orders worth billions of dollars (pursuant to the restraint order jurisdiction under the Criminal Justice Act 1988) in relation to alleged bribery and corrupt procurement of natural resources contracts in the Middle East.

- ***JSC BTA Bank v Ablyazov and others***: litigation in a number of jurisdictions involving claims against the bank's former owner and chairman alleging massive frauds and diversion of funds under Kazakh law. The case involved extensive interim proceedings – for freezing relief and the grant of interim receiverships – in the UK and the Channel Islands; and the main UK proceedings are a leading case under the Act of State doctrine.
- ***NML Capital Limited v Republic of Argentina***: a $300m claim against Argentina raising novel issues relating to sovereign immunity in relation to the enforcement of foreign judgments against states. The case is now the leading Supreme Court authority on various aspects of sovereign immunity.
- ***Yukos Capital S.a.r.l. v OJSC Rosneft Oil Company***: part of the long running Yukos affair, these claims are to enforce arbitration awards worth nearly half a billion dollars which have been set aside by the supervisory courts in Russia. The case raised important issues on the Act of State doctrine.
- ***WestLB AG v Yacub & another***: a claim for breach of fiduciary duty and accessory liability in relation to the operations of the claimant bank, including issues as to the scope of fiduciary duties in Hong Kong law.
- ***Re the Estate of Shaker Al Abood***: multi-jurisdictional and complex claims against trustees relating to the administration of very substantial ***inter vivos*** and will trusts of Shaker Al Abood.

BANKING & FINANCIAL SERVICES

Ben is sought out for large scale swaps, derivative and other financial product mis-selling claims, claims involving LIBOR manipulation allegations, cases involving note and financial product construction and banking disputes arising out of counterparty defaults. He is often instructed for his cross-disciplinary expertise in both banking/finance and other areas such as fraud or company law; and has spent much time in recent years on multiple different cases springing from the near collapse of the Italian bank ***Banca dei Monte Paschi di Siena***, following the revelation of allegations that a number of very large derivative trades were entered into and structured so as to hide losses on the Bank's books.

Major cases in this area include:

- ***Ricci v Nomura International Plc***: a substantial claim by a former employee of the bank relating to a number of substantial financial transactions. Ben acts for the bank.
- ***Bank Leumi v Akrill***: Ben acted unled for the Bank in this case relating to enforcement of various rights and obligations arising out of derivative contracts.
- ***Nomura International Plc v Banca Monte dei Paschi di Siena SpA***: a €3.5 billion dispute arising out of a series of complex derivative transactions.
- ***Panagopoulos v Lloyds Bank Plc***: a complex and valuable swaps alleged mis-selling claim.
- ***Dar al Arkan Real Estate Development Company & Bank Alkhair BSC v Al Refai & others*** [2013] EWHC 3682 (Comm): claims in the Commercial Court engaging extensive allegations relating to finance transactions and banking regulation in the Middle East.

Proton Bank S.A. v Greenoak Renewable Energy: claims by a Greek bank in relation to various interlocking finance

agreements, giving rise to various issues under Directive 2001/24/EC on the reorganisation and winding up of credit institutions

PRIVATE CLIENT

Praised as "***phenomenally clever, a supreme tactician and someone much loved by clients***", Ben has wide experience of private client work both on and off-shore, including in relation to very large value family settlements, along with the full gamut of fiduciary and trust litigation (in both a private client and family business context).

Key cases include:

- ***Re C Holdings Ltd***: Ben acts in relation to claims for breaches of fiduciary duty and company law provisions on property acquisitions by directors in relation to the family business empire of a world-renowned designer and entrepreneur.
- ***Re the Estate of Mr Fok Ying Tung Henry***: a long-running dispute in the Hong Kong courts relating to the multi-billion HKD estate of Henry Fok and the rights to development options in mainland China.
- ***Re the M B Trust***: advising as to the revocation of a major family trust pursuant to section 1 of the Variation of Trusts Act 1958.
- ***WestLB AG v Yacub & another***: a claim for breach of fiduciary duty and accessory liability in relation to the operations of the claimant bank, including issues as to the scope of fiduciary duties in Hong Kong law.
- ***Re the Estate of Shaker Al Abood***: complex claims against trustees relating to the administration of the English will and very substantial inter vivos and will trusts of Shaker Al Abood.

DIRECTORY QUOTES

"Ben's advocacy is excellent. Ben is able to digest facts quickly, is great with clients, but importantly does not shy away from difficult messages. Ben is truly a class act."

Legal 500 UK Commercial Litigation (2027)

"A really engaging and brilliant barrister. Both his oral and written advocacy are excellent."

Chambers UK Chancery: Commercial (2027)

"He's a really engaging, brilliant barrister. I think his oral and written advocacy are excellent."

Chambers UK Fraud: Civil (2027)

"Benjamin John is extremely clever and one of the best barristers I have worked with. His written work is superb."

Chambers UK Commercial Dispute Resolution (2027)

"Ben John is a barrister who is very detailed in his approach. He's very, very clever and a pleasure to work with."

Chambers UK Commercial Dispute Resolution (2027)

"Benjamin John is an accomplished senior junior who is frequently instructed in large-value fraud proceedings involving various allegations including corruption, dishonesty and bribery. He has dealt with cases pertaining to numerous regions of the world including Africa, the Middle East, Europe and Asia".

Chambers UK - Fraud: Civil (2026)

"When I worked with Benjamin John, he was very detail-oriented and got to grips with the legal issues. He was always willing to assist".

Chambers UK - Dispute Resolution (2026)

"Fun, user friendly and a man who both displays phenomenal attention to detail and has a keen eye for strategy. Ben is a great team player and a powerful asset to any team he joins".

Chambers UK - Chancery Commercial (2026)

"Ben provided a first-rate service, demonstrating an ability to quickly assimilate substantial amounts of background information and distil this into technical, robust and client-friendly legal advice".

Chambers UK - Dispute Resolution (2026)

"Benjamin John is incredibly bright and very, very hard-working. He is very much part of the team".

Chambers UK - Dispute Resolution (2026)

"Hugely personable and a great team player. Very sharp mind and covers a huge amount of ground effortlessly".

Legal 500 - Commercial Litigation (2026)

"He has strategic nous and is utterly brilliant on finding a way through difficult cases".

Legal 500 - Fraud: Civil (2026)

"Benjamin has always been incredibly adaptable and user-friendly. He has a mega-brain but doesn't let that get

in way of commerciality."

Chambers UK Commercial Fraud Civil (2025)

"He is extremely clever and has an encyclopaedic knowledge in this practice area."

Chambers UK Commercial Fraud Civil (2025)

"He is extremely clever and has an encyclopaedic knowledge of the law."

Chambers UK Commercial Dispute Resolution (2025)

"Benjamin is not a silk but the way he operates, this man is clearly destined for the very top of the Bar. He is so energetic, astronomically clever and easy to deal with."

Chambers UK Commercial Dispute Resolution (2025)

"Benjamin is not a silk but the way he operates, this man is clearly destined for the very top of the Bar. He is so energetic, astronomically clever and easy to deal with."

Chambers UK Commercial Dispute Resolution (2025)

"Benjamin is superb. He really gets into the weeds, and is all over absolutely everything to a terrifying degree at times. He is also great at written communication."

Chambers UK Commercial Dispute Resolution (2025)

"He is very pragmatic and user friendly. He understands the dynamics of the relationships behind the case and the drivers from the client's perspective, and advises accordingly. On top of that, he is really clever."

Legal 500 UK Fraud: Civil (2024)

"Technically outstanding and entirely dedicated to the cause."

Legal 500 Commercial Litigation (2023)

"He has one of the finest legal minds I have come across, and he can unravel the most complex legal knots. His analytical skills are in a class of their own."

CHAMBERS UK FRAUD: CIVIL (2023)

"Incredibly technical, strategically strong and someone with exceptional writing skills." He has a forensic knowledge of company law."

CHAMBERS UK COMMERCIAL (2023)

"Ben is exceptionally thorough and detailed in his approach. He is incredibly technical, strategically strong and someone with exceptional writing skills."

CHAMBERS GLOBAL COMMERCIAL CHANCERY (2023)

"He is the whole package - very clever, excellent on paper and in oral advocacy, charming, good-humoured and client-friendly. A really superb barrister."

Legal 500 UK Commercial Litigation (2022)

"Incredibly good strategically and all over the detail, he operates at silk level."

Chambers UK Commercial Dispute Resolution (2022)

"Ferociously hard-working and brilliantly responsive." "He is extremely user-friendly and a lovely person to work with - clients rely on him and he is very much part of the team."

Chambers UK Fraud: Civil (2022)

"Simply one of the cleverest barristers. He's also great fun as part of a team. One of the best."

Legal 500 UK Fraud: Civil (2022)

"He is so energetic, so astronomically clever and so easy to deal with. Ben's skill is that he calls things correctly for much of the time, he's not afraid to give a view and the views often turn out to be right."

Chambers UK Chancery: Commercial (2022)

"Thorough and detailed in approach; intellectually rigorous and gets to grips with the detail."

Legal 500 UK Commercial Litigation (2021)

"He is pleasant to deal with, very thorough, and exactly what you want from a barrister. He's also extremely hard-working."

Chambers UK Chancery: Commercial (2021)

"Very clever and diligent – approachable and works well with different members of the team and of differing seniorities and experience."

Legal 500 UK Fraud: Civil (2021)

"Very clever and diligent."

Legal 500 UK Company (2021)

"He is enthusiastic and has a personable advocacy style."

Chambers UK Fraud: Civil (2021)

"Brilliant strategically and very good with clients, he delivers a great service." "He's tremendous fun, has great judgement and is very responsive."

Chambers UK Commercial Dispute Resolution (2021)

"Extremely effective and very bright, he fits in seamlessly with the whole team and is like a silk in every respect."

Chambers UK Commercial Dispute Resolution (2020)

"A really excellent junior." "He is not a silk but he's like a silk in every other way. He's an extremely effective and very bright barrister who fits in seamlessly with the whole team."

Chambers UK Chancery: Commercial (2020)

"A very good court performer with bags of personality."

Legal 500 UK Commercial Litigation (2020)

"He is a delight to work with."

Legal 500 UK Company (2020)

"A really excellent junior." "He is not a silk but he's like a silk in every other way. He's an extremely effective and very bright barrister who fits in seamlessly with the whole team."

Chambers Global Dispute Resolution: Commercial/Commercial Chancery (2020)

"Extremely effective and very bright, he fits in seamlessly with the whole team and is like a silk in every respect."

Chambers Global Dispute Resolution: Commercial/Commercial Chancery (2020)

"A standout senior junior, he's definitely got the talent, drive and ambition that you need to take silk."

Legal 500 UK Fraud: Civil (2020)

"His intellectual rigour is second to none, as is his strategic thinking."

Legal 500 UK Commercial Litigation (2019)

"Intellectual rigour and strategic thinking."

Chambers UK Fraud: Civil (2019)

"Ben's intellectual rigour is second to none, as is his strategic thinking."

Chambers Global Dispute Resolution: Commercial/Commercial Chancery (2019)

"Ben's intellectual rigour is second to none, as is his strategic thinking."

Chambers UK Commercial Dispute Resolution (2019)

"His intellectual rigour and strategic thinking are second to none."

Legal 500 UK Company (2019)

"Immensely clever. His attention to detail is exemplary, and judges respect him very highly indeed." "Very, very bright and meticulous, he doesn't leave any stone unturned and has a very nice way of expressing himself."

Chambers Global Dispute Resolution: Commercial/Commercial Chancery (2019)

"He is phenomenally clever, a supreme tactician and someone much loved by clients."

Chambers Global Dispute Resolution: Commercial/Commercial Chancery (2018)

"He is very responsive, bright and fun to work with, and he has great technical ability." "Ben has excellent judgement and a formidable intellect."

Chambers Global Dispute Resolution: Commercial/Commercial Chancery (2018)

"He is always really cheery" and "he really has a great eye for detail. Whatever you throw at him he can turn around, and he's quite voracious in dealing with work."

Chambers UK Commercial Dispute Resolution (2018)

"An excellent draughtsman and tactician." "A fantastic barrister with a very easy manner. He is a pleasure to work with."

Chambers UK Fraud: Civil (2018)

"Highly recommended for complex litigation."

Legal 500 UK Company (2017)

"He is a delight to deal with, very versatile and really adds to the productivity of the team."

Legal 500 UK Commercial Litigation (2017)

"He is very responsive, bright and fun to work with, and he has great technical ability." "Ben has excellent judgement and a formidable intellect."

Chambers UK Commercial Dispute Resolution (2017)

"He has a sharp mind, is a lovely person to deal with and is a good team player." "He is an excellent draftsman and tactician."

Chambers UK Fraud: Civil (2017)

He is very versatile and has some great ideas."

Legal 500 UK Fraud: Civil (2017)

"He is fiercely intelligent but also human. He works well with clients, is excellent on his feet and his advice is always thorough and to the point. He will leave no stone unturned if the case demands it. His judgement even in the most difficult situations is second to none."

Chambers Global Dispute Resolution: Commercial/Commercial Chancery (2017)

"Extremely talented. He is fiercely intelligent, works well with clients, is excellent on his feet and his advice is thorough but to the point." "He has the capacity to drill down and explain really difficult issues. His intellectual grasp of factual details is amazing."

Chambers Global Dispute Resolution: Commercial/Commercial Chancery (2017)

AWARDS



Commercial Litigation Junior of the Year (shortlisted)
Legal 500 Bar Awards 2025



Commercial Litigation Junior of the Year (shortlisted)
Legal 500 Bar Awards 2022



Chancery Junior of the Year (shortlisted)
Chambers UK Bar Awards 2020

MEMBERSHIPS

- COMBAR
- Chancery Bar Association
- Financial Services Lawyers Association

QUALIFICATIONS

- MChem (Oxon)