

RYAN TURNER

CALL: 2017



OVERVIEW

Ryan has a wide-ranging practice spanning private and public law that principally involves high-value, high-profile or complex disputes before superior courts and arbitral tribunals.

Ryan appeared in the landmark appeals before the Privy Council in *Convoy Collateral Ltd v Broad Idea International Ltd* and before the Supreme Court in *Re the Children's Investment Fund Foundation (UK); Cooper v Lehtimäki*. Ryan is also the author of a well-received book on commercial law, *Rights, Powers, and Remedies in Commercial Law* (Sweet & Maxwell 2021), and a contributor to the first supplement to the leading text on civil fraud, *Grant & Mumford on Civil Fraud: Law, Practice and Procedure* (Sweet & Maxwell 2022).

EXPERTISE

COMMERCIAL LITIGATION AND ARBITRATION

Ryan is regularly instructed in commercial disputes before domestic courts and arbitral tribunals across the full spectrum of commercial practice. His practice includes, in particular, disputes in the banking and finance, insurance and re-insurance, and media and entertainment sectors and disputes generally concerned with the management of businesses and investments through companies, partnerships, LLPs, trusts, funds, and unit trusts. Ryan also appears led or unled at interim hearings seeking or resisting interim remedies, often at short notice, and is the author of a recent book on commercial law, *Rights, Powers and Remedies in Commercial Law* (Sweet & Maxwell 2021).

Ryan has a growing arbitration practice. He has been instructed either as sole counsel or junior counsel in commercial arbitrations conducted under the rules of the International Chamber of Commerce (ICC), the

London Court of International Arbitration (LCIA), British Virgin Islands Arbitration Centre (BVI IAC), and the Grain and Feed Trade Association (GAFTA). He has also been instructed to advise or appear in ancillary proceedings in the Commercial Court in England and the BVI concerned with the enforcement and challenge of arbitral awards, anti-suit injunctions to restrain the breach of an arbitration agreement, and interim relief under s 44 of the Arbitration Act 1996.

NOTABLE CASES

In addition to the commercial arbitrations described below, Ryan has been instructed in the following reported cases involving commercial disputes or litigation between joint venture partners in the English Court:

- ***Goyal & Anor v BGF Investment Management Ltd*** [2023] EWHC 1180 (Comm): Ryan was instructed as junior counsel on behalf of four of the successful defendants in a claim for damages in excess of £40 million for deceit and unlawful means conspiracy arising out of an investment by a growth capital investor (led by **David Mumford KC**). The claims were dismissed after a three-week trial in the Commercial Court.
- ***UK College of Business & Computing Ltd v Bath Spa University*** [2020] EWHC 2157 (Comm): Ryan was instructed as junior counsel to obtain an urgent interim injunction following the purported termination of a long-term contract (led by Thomas Grant KC). The claim involved issues of estoppel, waiver, and force majeure in connection with the COVID-19 pandemic. The case settled on confidential terms shortly before an expedited trial.
- ***HML PM Ltd v Canary Riverside Estate Management Ltd*** [2019] EWHC 3496 (QB): Ryan was instructed as junior counsel in the successful defence of an application for an interim confidentiality injunction. After a contested hearing over three days, the proceedings were discontinued by the claimant (led by Thomas Grant KC).
- ***Balengani v Sharifpoor*** [2020] EWHC 1571 (QB): Ryan appeared as sole counsel and then as junior counsel in the Queen's Bench Division in defending enforcement measures raising jurisdictional issues and applying to set aside a historic judgment rendered in the applicant's absence and then to strike out the claims.

ARBITRATION

Ryan also has considerable arbitration experience:

- An arbitration under the BVI IAC Rules in which Ryan acts on behalf of offshore investments funds and a fund manager in resisting substantial claims in connection with the management of the funds. The arbitration followed a successful application to the BVI Commercial Court to stay domestic proceedings in favour of arbitration.
- Two (now consolidated) arbitrations under the LCIA Rules in which a substantial litigation funder seeks relief in connection with litigation funding contracts. Ryan is instructed as junior counsel on behalf of the litigation funder (led by **Benjamin John**).
- An arbitration under the GAFTA Rules concerned with a €5 million claim under grain supply contracts. Ryan acted as sole counsel throughout the arbitration, including appearing as sole counsel at ex parte and on-notice hearings before the English Commercial Court to obtain a freezing injunction under s 44 of the Arbitration Act 1996 and then to enforce the award

(reported as *OOO Nevkoe v UAB Alfagra* [2023] EWHC 15 (KB)).

- An arbitration under ICC Rules concerned with a US\$40 million insurance dispute. Ryan appeared as sole counsel on behalf of an insurance company in a two-day jurisdiction challenge.
 - An arbitration under ICC Rules concerned with a US\$2.5 million insurance dispute. Ryan appeared as junior counsel on behalf of an insurance company in a three-day jurisdiction challenge (led by Thomas Grant KC).
 - Proceedings in the English Commercial Court claiming an anti-suit injunction to enforce arbitration agreements contained in insurance policies. Ryan appeared as sole counsel on behalf of an insurance company.
 - An arbitration under the ICC Rules concerned with a joint venture agreement. Ryan acted as sole counsel before the English Court in an action to enforce the US\$45 million award.
 - An arbitration under the LCIA Rules concerned with a Limited Liability Partnership dispute. Ryan appeared as junior counsel at the trial of the claim (led by **Gregory Banner KC**).
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CIVIL FRAUD

Ryan is regularly instructed in disputes involving allegations of fraud and dishonesty, particularly those where a fiduciary is accused of wrongdoing in connection with the management of a company, partnership, or a trust. Ryan also appears as sole counsel or junior counsel at hearings seeking or resisting interim remedies such as freezing injunctions and debarring orders and in claims for *Norwich Pharmacal* orders prior to the commencement of a substantive claim.

NOTABLE CASES

Reported cases involving allegations of dishonesty or fraud or issues that arise in civil fraud claims include:

- *Convoy Collateral Ltd v Broad Idea International Ltd & Cho* [2021] UKPC 24: Ryan was instructed as junior counsel before the Privy Council in a challenge to the jurisdiction of the British Virgin Islands' Court and the power of the court to grant a freestanding freezing order in support of foreign proceedings (led by **David Mumford KC**).
- *Lakatamia Shipping Co Ltd v Su* [2021] EWCA Civ 1187: Ryan was instructed as junior counsel before the Court of Appeal in an appeal concerning the temporal limitations on a passport order and the effect of a passport order on the entitlements of a foreign national under Article 8 of the European Convention of Human Rights (led by Thomas Grant KC).
- *Glossop Cartons and Print Ltd v Contact (Print & Packaging) Ltd* [2021] EWCA Civ 639; [2021] 1 W.L.R. 4297: Ryan was instructed as junior counsel on behalf of the successful appellants before the Court of Appeal in a claim for damages for fraudulent misrepresentation as a result of the acquisition of loss-making business assets (led by Thomas Grant KC) **and subsequently in actions to debar the judgment debtors from defending detailed assessment proceedings and to enforce the judgment debt (unled)**.
- Ryan was instructed as junior counsel (led by Thomas Grant KC) in three high-profile group actions against Zurich Insurance plc concerning deceit and, in one case, an unlawful means conspiracy. The three disputes involved the (alleged) unlawful certification of apartments in three defective developments: the Meridian Quay development in Swansea, the John Green Building in Bradford, and New Lawrence House

in Manchester. The three proceedings settled on confidential terms after a number of interlocutory hearings and judgments: see **Goldman & Ors v Zurich Insurance plc** [2020] EWHC 192 (TCC); [2020] B.L.R. 236 (successfully resisting an application to strike out for **Henderson v Henderson** abuse); **Curtiss v Zurich Insurance plc** [2021] EWHC 1999 (disclosure under (what was then) Practice Direction 51U); [2022] EWHC 1749 (TCC) (application to strike out witness statements under Practice Direction 57AC); and [2022] EWHC 1514 (TCC) (indemnity costs awarded where application under Practice Direction 57AC oppressive).

- **Hanson & Ors v Carlino & Ors** [2019] EWHC 1940 (Ch): Ryan appeared as sole counsel and junior counsel in a series of proceedings successfully seeking a range of remedies against a director and related parties. The proceedings involved claims for breach of duty, breach of trust, dishonest assistance, knowing receipt, and a claim to relief under the Companies Act 2006 to convene company meetings. The proceedings ultimately led to the bankrupting of the malfeasant director.
- A claim to **Norwich Pharmacal** relief in the High Court concerning an authorised push payment / invoice hijacking fraud that resulted in payment of approximately £600,000 into the account of a dormant company that was immediately withdrawn by the fraudster(s). Ryan acted as sole counsel on behalf of the claimant at all stages until the money was repaid by the respondent bank shortly before the hearing.

COMPANY & PARTNERSHIP

Ryan is regularly instructed in disputes concerning companies, partnerships, LLPs and other incorporated and unincorporated associations. He also advises in relation to all aspects of company law, including the rights, powers, and obligations of directors, partners, and members or transactions that an entity proposes to enter into.

NOTABLE CASES

Some examples of Ryan's recent practice include acting or appearing in the following matters:

- Ryan was instructed after the liability trial of an unfair prejudice petition in **Re Enno Capital Ltd** [2022] EWHC 1819 (Ch), initially as junior counsel and then as sole counsel. The proceedings have since involved multiple applications under the Insolvency Act 1986 in connection with group companies placed in liquidation or administration and the commencement of further proceedings concerned with breaches of duty by the former de jure and de facto directors and related claims.
- Five proceedings before the Companies Court and the County Court concerned with the business affairs of a prominent businessman. Ryan acts as junior counsel on behalf of the claimants (led by Alec McCluskey).
- Ryan is instructed as sole counsel on behalf of a substantial fund manager and funds (structured as limited companies) engaged in crypto-currency investments. The dispute concerns the entitlements of certain shareholders under the Articles of Association and a side-letter with an investor.
- Multiple separate proceedings in the Business List of the High Court involving a derivative action against directors alleged to have diverted (or attempted to divert) corporate opportunities that ought to have accrued to the benefit of the companies.

INSOLVENCY & ASSET RECOVERY

Ryan welcomes instructions in all aspects of insolvency, bankruptcy, and company law. He regularly advises and appears on behalf of shareholders, creditors, insolvency practitioners, and company management in contentious matters, including claims against directors and claims to avoid transactions prior to the commencement of an insolvency procedure.

Ryan also advises on non-contentious matters, such as restructurings, the conduct of domestic insolvency procedures, and the domestic component of foreign insolvency procedures. He is regularly instructed to appear on applications under the Insolvency Act 1986 and the Insolvency Rules.

NOTABLE CASES

Some examples of Ryan's recent practice include acting or appearing in the following matters:

- **Re Greensill Capital (UK) Limited:** Acting as junior counsel on behalf of a secured creditor owed a debt of US\$60 million in connection with the high-profile administration of Greensill Capital (UK) Limited (led by **Catherine Addy KC**).
- Acting as junior counsel on behalf of the proposed special administrators of an English subsidiary of a foreign corporate group in connection with the Electronic Money Regulations 2011 and the Payment and Electronic Money Institution Insolvency Regulations 2021 (led by Michael Gibbon KC).
- **Re Xpress Money Services Limited (in Special Administration)** [2023] EWHC 1120 (Ch): Acting as junior counsel on behalf of the special administrations of an authorised payment institution in an application for novel orders authorising the setting of a hard bar date and the approval of a distribution plan (led by **Michael Gibbon KC**).
- Advising on the treatment of liabilities under the various Emissions Trading Scheme Regulations in an insolvency procedure (led by **Michael Gibbon KC**).
- Acting on behalf of a creditor seeking to enforce a judgment debt against the domestic assets of a company in liquidation abroad in the absence of an application for recognition or assistance under The Cross-border Insolvency Regulations 2006 (reported as **OOO Nevkoe v UAB Alfagra** [2023] EWHC 15 (KB)).
- Appearing as sole counsel on behalf of administrators before the High Court and the County Court at the hearing of applications concerned with the conduct of administrations.
- Appearing as sole counsel before the High Court and the County Court in proceedings to restrain the presentation of winding-up petitions, to set aside statutory demands, or to wind-up companies.

CHARITIES

Ryan has a growing practice in relation to the law of charities and associations. In his first year in practice, he was instructed on behalf of the British Government to advise on a major expansion of the scope of the Dormant Bank and Building Society Accounts Act 2008. He was subsequently instructed as junior counsel in **Re The Children's Investment Fund Foundation (UK); Cooper v Lehtimäki** [2020] UKSC 33; [2020] 3 W.L.R. 461, a

landmark appeal to the Supreme Court concerning the scope of the court's supervisory jurisdiction in respect of charities and the duties of the members of a charitable company.

MEDIA & ENTERTAINMENT

Ryan's commercial and chancery practice involves disputes in the media, entertainment, and fashion sectors. For example, he has been instructed in multiple claims for unpaid commission and royalties, disputes between the members of a partnership/LLP, and disputes concerned with the ownership of intellectual property.

OFFSHORE

Much of Ryan's work has a foreign or cross-border component. He is called to the Bar of the British Virgin Islands and has assisted with proceedings in other foreign jurisdictions (such as Gibraltar). The proceedings often begin with a challenge to the exercise of jurisdiction by the foreign court.

Notable cases include:

- ***Tolkynneftegaz LLP (in bankruptcy) v Terra Raf Trans Trading Limited***: acting for the Claimants in US\$500m fraud proceedings before the Gibraltar Supreme Court (led by **Richard Morgan KC** and Paul CK Wee)
 - ***Convoy Collateral Ltd v Broad Idea International Ltd & Cho*** [2021] UKPC 24: Ryan was instructed as junior counsel before the Privy Council in a challenge to the jurisdiction of the British Virgin Islands' Court and the power of the court to grant a freestanding freezing order in support of foreign proceedings (led by **David Mumford KC**).
 - ***R&S Trust***: Ryan is instructed as junior counsel (led by **David Mumford KC**) on behalf of two defendants in (allegedly) high value claims before the BVI Commercial Court. The claims concern the alleged fabrication of a trust in order to seize control of a substantial Ukrainian business group from a deceased business partner.
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APPELLATE PRACTICE

Ryan is building an appellate practice. He has appeared before the Supreme Court, the Privy Council, and the Court of Appeal, and assisted with appeals in foreign jurisdictions.

NOTABLE CASES

Reported appellate cases include:

- ***Convoy Collateral Ltd v Broad Idea International Ltd & Cho*** [2021] UKPC 24: The majority judgment of a seven-member panel of the Privy Council advanced an expanded conception of the Court's power to grant injunctive relief and overruled the prevailing understanding of *The Siskina*. Ryan was instructed as junior counsel throughout the proceedings (led by **David Mumford KC**).
- ***Re The Children's Investment Fund Foundation (UK); Cooper v Lehtimäki*** [2020] UKSC 33; [2020] 3 W.L.R. 461: The Supreme Court described a new test of fiduciary status and held that the members of a charitable company are fiduciaries and subject to fiduciary duties as such. Ryan was instructed as junior counsel in the Supreme Court (led by Guy Morpuss KC, Professor Sarah Worthington KC (Hon), and Theo Barclay).
- ***Lakatamia Shipping Co Ltd v Su*** [2021] EWCA Civ 1187: The Court of Appeal set out temporal and purpose-based limitations on passport orders. Ryan was instructed as junior counsel in the Court of Appeal (led by Thomas Grant KC; leading Rory Forsyth).
- ***Glossop Cartons and Print Ltd v Contact (Print & Packaging) Ltd*** [2021] EWCA Civ 639; [2021] 1 W.L.R. 4297: The Court of Appeal restated the principles governing the measure of damages in a deceit claim that induced the claimants to acquire loss-making business assets. Ryan was instructed as junior counsel in the Court of Appeal (led by Thomas Grant KC).

PUBLIC LAW AND ELECTION LAW

Ryan has a specialist practice in relation to the law of elections. He has been instructed on election petitions challenging the result of an election under the Representation of the People Act 1983 and on behalf of candidates and election agents to make applications under that Act in connection with an election.

Ryan is also generally instructed to make or oppose claims for judicial review in the Administrative Court.

QUALIFICATIONS

- BA (First Class); LLB (First Class), Australian National University
- LL.M (First Class); PGDLS, Trinity College, University of Cambridge