MAITLAND

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THOMAS MUNBY KC

CALL: 2006 **KC:** 2022

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OVERVIEW

Thomas specialises in commercial and chancery disputes, both in litigation and arbitration.

Recommended by the directories for Commercial Litigation, Commercial Chancery, Civil Fraud, Company Law and Insolvency. Thomas has been described as "***absolutely fantastic, great to deal with and seriously clever***", "***exceptional on his feet***", "***outrageously clever and always calm***", "***known for his intellectual firepower***", "***doughty and determined in court***" and "***a really powerful advocate***"; someone who "***has strong international expertise and handles the most complex matters with ease and confidence***" and "***speaks a language the client can understand***" while "***his advocacy is always very thorough and complete, and judges trust him***". Before taking silk, he was also a member of the Attorney General's "A" Panel of Junior Counsel to the Crown, dealing with the most complex cases on behalf of the UK government.

In litigation, Thomas practices across the English court system. He also has experience in many offshore jurisdictions, and is admitted to the Bar of the British Virgin Islands.

In arbitration, Thomas has experience as counsel under various arbitral rules. He is also a Fellow of the Chartered Institute of Arbitrators, a member of the List of Arbitrators at several major arbitral institutions (HKIAC, DIAC, BVIIAC) and happy to accept suitable appointments as arbitrator.

Much of Thomas' time is spent on heavy international business disputes, including cases with specialist civil fraud, banking / financial services, company law, professional negligence and jurisdiction / conflict of laws issues. He also enjoys a longstanding practice in more traditional chancery areas including trusts, estates, insolvency, partnerships and real property. Freezing orders and other interim relief have been a significant part of his practice for many years, as have disputes concerning legal professional privilege.

Alongside work for private individuals, he has handled cases arising in a wide variety of industries including:

aviation, banking, financial services, IT, accountancy/audit, media & entertainment, mining & minerals, oil & gas, private client / wealth management, shipping and property development.

DIRECTORY QUOTES

"All over the details. Powerfully persuasive. Great advocacy style. Very well respected."

Legal 500 UK Commercial Litigation (2027)

"Thomas is a fantastic barrister who always makes time to be available and is a highly persuasive advocate."

Chambers UK Fraud: Civil (2027)

"Thomas is methodical, effective and persuasive. He's a very clever man."

Chambers UK Commercial Dispute Resolution (2027)

"Tom is extremely user-friendly and razor-sharp as to his legal analysis. He quickly gets to the heart of a matter, and I would not hesitate to use him again."

Chambers UK Fraud: Civil (2027)

"Measured and on top of all the details, Thomas did a brilliant job. His delivery of the case in court was compelling. "

Chambers UK Chancery: Commercial (2027)

"An impressive advocate who is exceptionally strong on his feet, remaining calm, measured, and effective even under significant pressure. He builds immediate credibility with clients through his clear communication and reassuring manner. He remains my insolvency barrister of choice."

Legal 500 UK Insolvency (2027)

"A joy to work with, Thomas is a very responsive lawyer who gets results... A man of calm confidence who has the ear of judges, he is absolutely loved by all of our team."

Chambers UK Commercial Dispute Resolution (2027)

"Thomas is a highly skilled barrister, someone who sets your mind at ease simply by virtue of his ability. He has a calm, commanding presence in court and easily builds a rapport with judges. Affable and unstuffy, he is a

pleasure to work with."

Legal 500 UK Company (2027)

"Thomas is scarily bright but also totally down to earth. He masters difficult legal positions and is extremely effective at communicating them to clients and judges."

Legal 500 Insolvency (2026)

"A joy to work with, he is considered and measured in his approach, leaving you feeling that you're in very safe hands."

Chambers UK Fraud: Civil (2026)

"Thomas has a brain the size of a planet and is a workhorse with great instincts for how to run a case. He's an exceptional person."

Chambers UK Chancery: Commercial (2026)

"Thomas is an exceptional talent and also a delight to work with. He exudes calm confidence."

Chambers UK Chancery: Commercial (2026)

"He is excellent on paper and is highly articulate and very persuasive."

Chambers UK Fraud: Civil (2026)

"His advocacy has a smooth and mature delivery."

Chambers UK Fraud: Civil (2026)

"Very good with clients, down to earth and user-friendly."

Legal 500 Company (2026)

"An industrious silk."

Legal 500 Fraud: Civil (2026)

"Thomas is extremely innovative and a pleasure to work with."

Chambers UK Chancery: Commercial (2025)

"Thomas is really hands-on and very approachable. The good thing about him is that you know you will get a really well-thought-out piece of advice."

Chambers UK Chancery: Commercial (2025)

"Thomas has an impressive legal mind. He works well with his juniors, who clearly respect and enjoy operating alongside him."

Chambers UK Chancery: Commercial (2025)

"His advocacy is beautifully presented and very persuasive."

Chambers UK Commercial Dispute Resolution (2025)

"Thomas is creative with strategy and inspires the confidence of the court. He has wonderful judgement."

Chambers UK Commercial Dispute Resolution (2025)

"Thomas is incredibly clever and a joy to work with. He works extremely hard and is a real stickler for detail."

CHAMBERS UK COMMERCIAL CHANCERY (2023)

"Thomas is a new silk with great technical skills, who is very client-friendly."

CHANCERY COMMERCIAL CHANCERY (2023)

"He is a walking brain."

Chambers UK Company (2023)

"Thomas has first-rate analytical skills. He immediately gets to the heart of any legal issue and identifies arguments that others would miss. He is also very tactically astute and immensely hard-working and professional."

Chambers UK Chancery: Commercial (2022)

"Thomas has first-rate analytical skills - he immediately gets to the heart of any legal issue and will identify arguments that others would miss. He is also very tactically astute, immensely hard-working and professional." "He has a really measured and likeable advocacy style."

Chambers UK Fraud: Civil (2022)

"Fantastic to deal with, he displays a willingness to talk through issues, and is calm, collected, and really clear in

his thinking. Thomas has a prodigious knowledge of the law, and is a fighter but in a measured way."

Chambers UK Commercial Dispute Resolution (2022)

"He is highly in demand having become a prominent figure in his field. Extremely bright, works brilliantly within a team. His advocacy is also first class."

Legal 500 UK Fraud: Civil (2022)

"Exceptional on his feet. A really powerful advocate with an authority in court well beyond his year of call. His written work is excellent and his judgment is sound. All in all hugely impressive."

Legal 500 UK Commercial Litigation (2022)

"Knows the law inside out and is most eloquent in front of the appellate courts."

Legal 500 UK Company (2022)

"He is a serious brain and a great person to work with. He is a real stickler for detail, works extremely hard, and he knows his stuff."

Chambers UK Chancery: Commercial (2021)

"An incredibly hard-working junior who is an asset to any team. His written advocacy is consistently impressive." "He is an experienced and effective junior who is extremely user-friendly."

Chambers UK Commercial Dispute Resolution (2021)

"He is a serious brain, a real stickler for detail and he works extremely hard." "He is technically excellent and tactically astute."

Chambers UK Fraud: Civil (2021)

"A pleasure to deal with and a key member of the team."

Legal 500 UK Fraud: Civil (2021)

"Very smart and his written work is excellent, he is excellent on his feet, and often outperforms more senior advocates."

Legal 500 UK Commercial Litigation (2021)

"He is excellent on his feet and often out performs more senior advocates."

Legal 500 UK Company & Partnership (2021)

"Highly recommended."

Legal 500 UK Fraud: Civil (2020)

"A standout senior junior."

Legal 500 UK Commercial Litigation (2020)

"He is exceptionally bright, and brings a depth of technical analysis to any case on which he is instructed."

Legal 500 UK Company & Partnership (2020)

"Has encyclopaedic knowledge and is impressively on top of huge bodies of material. He has gravitas beyond his years, and is very measured and sensible in what he says." "His advocacy is always very thorough and complete, and judges trust him."

Chambers UK Chancery: Commercial (2019)

"Very bright and hardworking and has a great eye for detail."

Legal 500 UK Commercial Litigation (2019)

"First port of call with complex matters requiring a junior who will get into the fine detail."

Legal 500 UK Fraud: Civil (2019)

"A wonderfully clever civil fraud junior who works on a number of offshore matters involving high-value claims."

Who's Who Legal Fraud: Civil (2019)

"Perfect for complex matters requiring a junior who will get into the fine detail."

Legal 500 UK Company & Partnership (2019)

"He speaks a language that clients understand and is excellent at distilling advice down."

Legal 500 UK Fraud: Civil (2019)

"A wonderfully clever civil fraud junior who works on a number of offshore matters involving high-value claims."

Who's Who Legal Fraud: Civil (2019)

"A very strong all-round performer, whose written work is excellent. He's doughty and determined in court, and he can come up with an angle on something that gives you a new view on the case." "Very personable to deal with and clearly very bright."

Chambers UK Chancery: Commercial (2018)

"An extremely clever barrister with very thorough knowledge of fraud work."

Who's Who Legal Fraud: Civil (2018)

"Known for his "intellectual firepower""

Chambers UK Chancery: Commercial (2017)

"Absolutely fantastic, great to deal with and seriously clever."

Chambers UK Chancery: Commercial (2017)

"He has a truly superior intellect."

Legal 500 UK Company & Partnership (2017)

"He has phenomenal intellectual capability."

Chambers UK Chancery: Commercial (2017)

MEMBERSHIPS

- COMBAR (Executive Committee member)
- Chancery Bar Association
- Chartered Institute of Arbitrators (FCIArb)
- Financial Services Lawyers Association
- Insolvency Lawyers Association
- Society for Computers and Law
- London Court of International Arbitration

APPOINTMENTS

- Senior Decision Maker for the Guernsey Financial Services Commission

QUALIFICATIONS

- Admission to the Bar of the BVI (2022)
- Appointment as Queen's Counsel (2022)
- Appointment to the Attorney General' "A" Panel of Junior Counsel to the Crown (2019)
- Fellow of the Chartered Institute of Arbitrators (2018)
- Call to the Bar of England & Wales (2006)
- Bar Vocational Course (Inns of Court School of Law, 2006) - Outstanding; Van der Hayden Prize; OUP Advocacy and Procedure Prize
- Sir Stephen Chapman Scholarship (Inner Temple, 2005-2006)
- Graduate DIploma in Law (City University, 2005) - Commendation; Tort Law Prize
- Princess Royal Scholarship (Inner Temple, 2004-2005)
- BA (Oxon, 2003) – Congratulatory First in Classics (the highest in the year); various university prizes

EXPERTISE

COMMERCIAL DISPUTES

Thomas acts regularly in heavy Commercial Court litigation, arbitrations and other commercial disputes, covering a wide variety of business arrangements and industries including: aviation, banking, financial services, IT, accountancy / audit, media & entertainment, mining & minerals, oil & gas, private client / wealth management, shipping and property development. He currently serves on the executive committee of Combar (the Commercial Bar Association).

Notable cases include:

- [2024]EWHC 901 (Comm) [2023] EWHC 1948 (Comm) Interim injunctions and summary judgment in relation to security arrangements (blocked accounts, receivership, power of attorney etc)for lending for investment in substantial infrastructure project in West Africa
- ***Kireeva v Zolotova*** [2024] EWHC 552 (Ch) [2024] BPIR 772 Claims by Russian insolvency manager in trust and under s.423 Insolvency Act, giving rise to significant issues in the law of champerty, abuse of process and under the UK's Russian sanctions regime
- ***AWAS 36694 Ireland Ltd v Spicejet Ltd*** [2023] EWHC 1466 (Comm) Jurisdictional dispute relating to effect of aircraft lease jurisdiction clauses under the Cape Town Convention
- Arbitration of warranty claims relating to international sale of a substantial technology company
- ***Hellard v OJSC Rossiysky Kredit Bank & ors*** [2024] EWHC 1783 (Ch) An important case on the "control" test in the UK's Russian sanctions regime

- Acting in numerous claims under leases of Boeing, Airbus and other aircraft

- ***Bugsby Property LLC v LGIM Commercial Lending Limited & anr*** [2022] EWHC 2001 (Comm) [2021] EWHC 1054 (Comm) High value claim arising from alleged breaches of exclusivity and breaches of confidence in relation to a major London property acquisition, with heavy interlocutory issues as to third party disclosure and confidentiality clubs
- ***Palmali Shipping SA v Litasco SA*** [2021] EWHC 1161 (Comm); [2018] EWHC 2634 (Comm) A high value claim by a shipping company for alleged breach of a contract of affreightment
- ***State of Qatar v Banque Havilland SA & anr*** [2021] EWHC 2127 (Comm): A high value claim concerning alleged conspiracy to manipulate financial markets, with heavy interlocutory issues as to legal professional privilege and disclosure
- Acting in a confidential and high value dispute over interpretation of pricing mechanisms in a multi-year procurement contract
- ***UC Rusal PLC v Crispian Investments Limited and Whiteleave Holdings Limited*** [2019] BCC 237: a shareholder dispute under an English law shareholder agreement concerning the proposed c.US$1.5bn sale of a minority stake in one of the world's leading nickel companies
- Acting in an LCIA arbitration on behalf of an international group of lenders seeking to recover over US$750 million from a group of borrowers and guarantors largely located in CIS jurisdictions
- ***Maximov v Novolipetsk Steel*** [2017] 2 Lloyds Rep 519: Acting in Commercial Court proceedings successfully resisting claims for the enforcement in England of a c.US$150million arbitration award set aside by the Russian courts
- ***FBN Bank (UK) Ltd v Leaf Tobacco A Michailides SA*** [2017] EWHC 3017 (Comm): Acting for a bank obtaining judgment seeking judgment in relation to c.€160m outstanding borrowing from a group of borrowers and guarantors in Greece, Bulgaria and Albania
- Acting for one of the "big four" accountancy firms against another in disputes arising out of a merger between affiliates
- ***Islamic Investment Company of the Gulf (Bahamas) Limited v Symphony Gems & ors*** Acting for judgment creditors seeking to commit a judgment debtor to prison for contempt in relation to asset disclosure under CPR Part 71 in this high value and long running litigation
- ***Dar Al Arkan Real Estate Development Company & anr v Majid Al Refai & ors***: acting for a Bahraini bank and Saudi property development company in a major Commercial Court dispute in conspiracy, breach of confidence and blackmail.
- Acting for a claimant seeking to enforce significant entitlements under OTC coffee derivatives against a South American counterparty
- Acting for Lady Bracewell-Smith in her high profile dispute with Alistair Barclay
- Acting for claimant trustees in professional negligence claims against a range of property and planning professionals in relation to a substantial proposed development in the Isle of Wight.
- Acting in claims between the beneficial owners of a freehold office-block in the City of London in relation to the contractual and other arrangements for distribution of the proceeds of sale of the property
- ***Photolibrary Group Ltd & ors v Burda Senator Verlag GMBH*** [2008] 2 All E.R. (Comm) 881: acting for a German magazine publisher defending contract and bailment claims brought by a group of professional photographers following the loss in transit of a large number of photographic negatives
- ***Apvodedo NV v Terry Collins*** [2008] EWHC 775 (Ch): claims relating to the attribution of losses among the victims of the "Ritz Hotel fraud", involving issues of common law mistake in the context of finance

documentation.

INTERNATIONAL ARBITRATION AND RELATED LITIGATION

Thomas has significant experience as counsel in domestic and international arbitrations; as well as arbitration-related proceedings before the English courts, including in relation to ancillary injunctions, enforcement of awards, appeals and stay applications.

Thomas is also a Fellow of the Chartered Institute of Arbitrators (FCIArb); and a member of the List of Arbitrators at HKIAC, DIAC and BVIIAC. He is happy to accept suitable appointments as arbitrator.

Notable cases include:

- Acting for purchaser in arbitration of warranty claims relating to share sale of a substantial technology company
- Acting in LCIA arbitration relating to longstanding commercial trust arrangements
- Acting in five linked LCIA arbitrations (and assisting in related offshore proceedings) in a shareholder dispute concerning a very substantial trading business in a CIS state
- Acting in four linked LCIA arbitrations on behalf of an international group of lenders seeking to recover over US$750 million from a group of borrowers and guarantors largely located in CIS jurisdictions
- ***Maximov v Novolipetsk Steel*** [2017] 2 Lloyds Rep 519: Acting in Commercial Court proceedings successfully resisting claims for the enforcement in England of a c.US$150million arbitration award set aside by the Russian courts
- Acting in an LCIA arbitration in relation to the finance arrangements for a property development project in a CIS state
- Acting on applications, in private, for injunctive relief pursuant to s.44 Arbitration Act 1996 to preserve shares held subject to a complex off-shore escrow regime pending a London-seated arbitration
- Acting in an LCIA arbitration arising out of complex settlement agreements in relation to challenges to the jurisdiction of the tribunal
- Acting to obtain permanent stays of proceedings brought in the Chancery Division in breach of arbitration clauses contained in some (but not all) of the documents in a suite of finance documentation.

CIVIL FRAUD

Thomas has wide experience of civil fraud litigation involving (among other causes of action) deceit, conspiracy, the economic torts, bribery, breach of fiduciary duty, dishonest assistance, knowing receipt, trust / tracing claims, s90A FSMA 2000 and frauds under a variety of foreign laws.

He has appeared in numerous cases seeking or resisting fraud-related injunctive relief, including freezing orders, search orders, disclosure orders, ***Norwich Pharmacal*** / ***Bankers Trust*** orders and orders in support of foreign

litigation / arbitration under s.25 CJJA 1982 and s.44 AA 1996; as well as the range of further orders which can flow from such injunctions. Thomas is equally familiar with the complexities of post-judgment asset recovery in the fraud context, including enforcement of foreign judgments. His experience also extends to cases involving professionals and other third parties caught up, in one way or another, in alleged fraud; and he is familiar with many of the issues which arise in that context.

He is also one of the authors of Grant & Mumford, Civil Fraud: Law, Practice & Procedure (Sweet & Maxwell), a leading civil fraud textbook.

Notable cases include:

- [2023] EWHC 1948 (Comm) Interim proprietary and freezing injunctions arising from risk of dissipation by investor in substantial infrastructure project in West Africa
- Acting in a BVI fraud claim arising from collapse of a bank, and in ancillary freezing and enforcement proceedings in England
- ***State of Qatar v Banque Havilland SA & anr*** [2021] EWHC 2127 (Comm): A high value claim concerning alleged conspiracy to manipulate financial markets
- ***WWRT Limited v Tyshchenko*** [2021] Bus. L.R. 972: Claims arising from an alleged £65m fraud on a Ukrainian bank, with heavy interlocutory jurisdictional and freezing order disputes
- ***FRB v DCA*** [2020] Fam 211: The leading case on tort claims for so-called "paternity fraud" in the context of high value divorce proceedings
- [2020] Ch 243; [2020] EWHC 238 (Ch) acting against a firm of solicitors in a claim brought by investors in an allegedly fraudulent investment scheme, with heavy interlocutory disputes in relation to legal professional privilege
- ***Islamic Investment Company of the Gulf (Bahamas) Limited v Symphony Gems & ors:*** acting for judgment creditors seeking to commit a judgment debtor to prison for contempt in relation to asset disclosure under CPR Part 71 in this high value and long running litigation
- Acting for defendants to a claim brought by a liquidator of a company alleged to have been involved in a high value MTIC fraud in the electricity market
- Advising and settling proceedings for a claimant in a very high value fraud claim brought in an "offshore" jurisdiction against the managers of a corporate / partnership trust structure
- ***Alliance Bank JSC v Aquanta Corp & ors*** [2013] 1 All E.R. (Comm) 819: acting for the principal defendant on applications to challenge the jurisdiction of the Court and set aside billion-dollar freezing orders in litigation brought by a Kazakh bank against various of its former shareholders and management.
- ***Dar Al Arkan Real Estate Development Company & anr v Majid Al Refai & ors***: amajor Commercial Court dispute involving allegations of conspiracy, breach of confidence and blackmail.
- ***Re D***: applications (in private) 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).
- ***Cadogan Petroleum Plc & ors v Tolley & ors***: fraud, conspiracy and constructive trust claims by a LSE listed petroleum company against its former CEO and others for alleged bribery
- ***Irish Response Ltd v Direct Beauty Products & Simon Gook*** [2011] EWHC 37 (QB): acting, initially in a successful 7-day application to discharge freezing / search orders and subsequently at trial, in a claim for alleged inducement of breach of contract in relation to hair-loss products

- ***Wirecard Bank v Scott & ors***: acting for the successful claimants in relation to a wide range of enforcement and post-judgment injunction applications in this high profile fraud case arising out of ticket sales for the 2008 Beijing Olympics
- ***Belletti v Morici*** [2010] 1 All E.R. (Comm) 412: challenges to the jurisdiction of the Court in relation to freezing orders granted in support of foreign fraud proceedings under s.25 Civil Jurisdiction and Judgments Act 1982.

COMPANY & PARTNERSHIP

Thomas has wide-ranging expertise in the law of companies, LLPs, partnerships, LPs and other associations.

In the context of corporate bodies (companies and LLPs), he has appeared and advised in cases relating to matters such as: interpretation of articles, shareholder / members agreements; exit and buy-out / sell-out / ROFR rights; invalidity and ***ultra vires*** of meetings or corporate acts; pre-incorporation contracts; validity of company charges; voting and financial rights of different classes of shareholders / members; status of shareholders /directors / members; dividends and wrongful distribution of capital; rectification of registers; directors' duties and misconduct; unfair prejudice; just and equitable winding up; acquisition by way of Scheme of Arrangement under Part 26 Companies Act; and corporate dissolution, bona vacantia and escheat.

In the context of partnerships and LPs, his experience covers such matters as: partnership deeds, partners' duties, partnership property, dissolution and accounts.

Notable and recent cases include:

- Acting in relation to arbitration of warranty claims relating to share sale of a substantial technology company
- ***Breeze v Chief Constable of Norfolk*** Scope of application of the "reflective loss" principle to shareholder claims following the decision of the Supreme Court in ***Marex***
- Advising prospective purchasers by way of scheme of arrangement
- ***Wingfield-Digby v Melford Capital Holdings LLP*** [2021] 1 WLR 1553: complex membership dispute in relation to LLP and LP investment funds, giving rise to a leading appeal on costs of interim injunctions
- [2020] Ch 243: probably the leading case on legal professional privilege and ***bona vacantia*** when an overseas company is dissolved
- ***UC Rusal PLC v Crispian Investments Limited and Whiteleave Holdings Limited*** [2019] BCC 237*:* a shareholder dispute as to the operation of "right of first refusal" provisions in an English law shareholder agreement in respect of a prominent Russian company
- ***Koza Ltd v Akcil & ors*** [2018] 1 B.C.L.C. 591*:* acting in an appeal in relation to the proper operation of the exclusive jurisdictional provisions for corporate disputes under the EC Regulation on Jurisdiction and Judgments
- Acting in five linked LCIA arbitrations (and assisting in linked offshore proceedings) in a substantial shareholder dispute concerning control of a bank
- Advising offshore redeemable preference shareholders in relation to a host of issues arising out of the failure of a fund vehicle

- Acting for a claimant in a very high value fraud claim brought in an "offshore" jurisdiction against the managers of a corporate / partnership / trust structure
- ***Dominion Petroleum Limited v Carlo Seidel***: complex shareholder dispute within an AIM-listed petroleum company, involving parallel proceedings in England and Bermuda.

BANKING & FINANCIAL SERVICES

Thomas acts for and against major financial institutions in a broad range of situations, alongside cases involving smaller regulated and unregulated financial services entities.
He has acted in domestic and international disputes arising out of a wide variety of finance and security structures; bank instruments; OTC derivatives and other complex financial arrangements.
He has also advised upon and litigated numerous issues arising under different parts of the UK regulatory regime, in particular under FSMA and related parts of the Consumer Credit Acts; as well as the common law and equitable duties of banks, mortgagees, intermediaries and financial advisers.
Notable cases include:
• [2024] EWHC 901 (Comm) [2023] EWHC 1948 (Comm) Interim injunctions and summary judgment in relation to security arrangements (blocked accounts, receivership, power of attorney etc)for lending for investment in substantial infrastructure project in West Africa
• ***State of Qatar v Banque Havilland SA & anr*** [2021] EWHC 2127 (Comm): A high value claim concerning alleged conspiracy by banks to manipulate financial markets
• Acting for a mortgage lender in High Court proceedings concerning the scope of the "second charge business loan" exemption
• Acting in an LCIA arbitration on behalf of an international group of lenders seeking to recover over US$750 million from a group of borrowers and guarantors largely located in CIS jurisdictions
• ***FBN Bank (UK) Ltd v Leaf Tobacco A Michailides SA*** [2017] EWHC 3017 (Comm): Acting for a bank obtaining judgment seeking judgment in relation to c.€160m outstanding borrowing from a group of borrowers and guarantors in Greece, Bulgaria and Albania
• ***Panagopoulos v Lloyds Bank plc***: a complex and high value claim alleging swaps mis-selling
• Acting for claimants seeking to enforce significant entitlements under OTC coffee derivatives against a South American counterparty
• ***Re Allanfield Property Insurance Services Limited*** [2016] Lloyd's Rep. I.R. 217: acting for administrators in a case concerning the interpretation of the regime under CASS5 within the FCA Handbook for the maintenance of client money by insurance intermediaries.
• Advising a lender in relation to claims alleging the payment of undisclosed commissions to brokers
• Advising and acting for numerous banks in relation to claims to enforce and recover a wide variety of secured and unsecured business lending.

TRUSTS, REAL ESTATE AND OTHER CHANCERY LITIGATION

Thomas has longstanding and significant experience across the core Chancery areas of:

- Trusts, including disputes over the creation of express, resulting, Quistclose and constructive trusts; trustees' duties and misconduct; breaches of trust; interpretation of trusts; distribution issues and access

to trust documents

- Estates, including disputes as to wills, contentious probate and claims under the Inheritance (Provision for Family and Dependants) Act 1975

- Real property, including disputes as to title, registration, trusts of land, easements / covenants, adverse possession, leaseholds, mortgages, bona vacantia and other matters

Notable Cases include:

- ***Manning (Joint Administrators of Festicket Ltd) v 2 Four 6 Marketing Ltd*** [2024] EWHC 1554 (Ch) Dispute over alleged creation of a trust by the standard terms of a commercial ticketing agent
- Acting for landlord of substantial commercial premises in forfeiture dispute arising from overseas reconstruction process of guarantor entity
- ***Malik, Malik & Malik v Malik*** [2023] EWHC 59 (Ch): Appearing in the Court of Appeal representing the successful paper title owner in a long-running dispute over alleged adverse possession of a valuable Knightsbridge flat
- ***Wilkinson & ors v JS Property Holdings & ors*** [2018] 4 WLR 41: Appearing for the successful appellants in the Court of Appeal in an appeal concerning the creation of express trusts of investments in a technology development business
- Acting in litigation over the ***bona vacantia*** status of high value leasehold property following the dissolution and restoration of a foreign company lessee
- Advising and acting both for active parties and for executors in relation to high value claims under the Inheritance (Provision for Family and Dependants) Act 1975
- Acting for a claimant in a major fraud claim brought in an "offshore" jurisdiction against the managers of a trust structure
- Advising in relation to ownership of prime London freehold property in the context of potentially falsified trust documentation
- Acting for minor and unborn beneficiaries upon a claim to rectify a trust of a long-established family farming and property business in the west of England
- Advising beneficiaries in relation to rights to information and documents from trustees acting as directors of substantial "family" companies
- ***Re Allanfield Property Insurance Services Limited*** [2016] Lloyd's Rep. I.R. 217: applications for directions as to distribution of client money held on trust by insolvent insurance intermediaries
- Obtaining ***Re Benjamin*** orders to permit distribution of trust funds where the family tree of potential beneficiaries was uncertain
- Acting in multi-million pound proceedings between former romantic partners involving allegations of express and constructive trusts, undue influence and related proprietary tracing claims
- Acting for claimant trustees in professional negligence claims against a range of property and planning professionals in relation to a substantial proposed development in the Isle of Wight
- Acting in claims between the beneficial owners of a freehold office-block in the City of London in relation to the contractual and other arrangements for distribution of the proceeds of sale of the property
- Advising and acting in a wide variety of landlord and tenant, 1954 Act, easement, boundary dispute, title

to land and other real property disputes.

ART & CULTURAL PROPERTY

COMMERCIAL DISPUTES

CRYPTOASSETS

ESTATES AND SUCCESSION

INSOLVENCY & ASSET RECOVERY

Thomas has maintained a significant insolvency law practice for many years. His experience includes cases involving winding up, CVLs, MVLs, administration, investment bank special administration, CVAs, scheme of arrangement under part 26 Companies Act 2006, bankruptcy and IVAs; as well as cross-border situations under the EU Insolvency Regulation, the Cross-Border Insolvency Regulations and the court's other powers. Among other things, that experience includes disputes over entry into insolvency, claims by office-holders against directors / third parties, disputes between proofs and priorities, applications by office-holders for directions / assistance, acquisitions out of insolvency and issues as to trusts / client money held by insolvent entities.

Thomas is a longstanding member of the Insolvency Lawyers Association.

Notable and recent cases include:

- ***Hellard v OJSC Rossiysky Kredit Bank & ors*** [2024] EWHC 1783 (Ch) Acting for office-holders in an important case on the application of the UK's Russian sanctions regime to creditor decision making
- ***Manning (Joint Administrators of Festicket Ltd) v 2 Four 6 Marketing Ltd*** [2024] EWHC 1554 (Ch) Acting for office-holders resisting claims that company monies of a commercial ticketing agent were held on trust for event promoter customers
- ***Kireeva v Zolotova*** [2024] EWHC 552 (Ch) [2024] BPIR 772 Claims by Russian insolvency manager in trust and under s.423 Insolvency Act, giving rise to significant issues in the law of champerty, abuse of process and under the UK's Russian sanctions regime
- Acting for office-holders of various insolvent financial services entities in relation to issues as to distribution of client money under CASS7 and otherwise

- ***Re Allanfield Property Insurance Services Limited*** [2016] Lloyd's Rep. I.R. 217: acting for administrators seeking directions in relation to the proper distribution of client money held by insolvent insurance intermediaries pursuant to CASS5
- Advising offshore redeemable preference shareholders in relation to a host of issues arising out of the failure of a fund vehicle
- Acting for administrators pursuing recovery of a portfolio of valuable Central London properties subject to allegedly sham leases
- Acting for administrators in relation to issues arising from the collapse of an FSA-regulated group dealing in structured financial products
- Acting for a liquidator investigating a significant international fraud in relation to various applications for recognition and assistance

IP AND DATA

MEDIA & ENTERTAINMENT

OFFSHORE & TRUSTS

PRIVATE INTERNATIONAL LAW

PROFESSIONAL NEGLIGENCE

REAL ESTATE

TRUSTS, REAL PROPERTY AND OTHER CHANCERY LITIGATION

NOTABLE CASES

- *Malik, Malik & Malik v Malik [2023] EWHC 59 (Ch)*
- *The State of Qatar v Banque Havilland*
- *WWRT Limited v Tyschenko & Tyschenko*
- *Lee Victor Addlesee v Dentons Europe LLP (2019)*
- *Lee Victor Addlesee & Ors v Dentons Europe LLP (2018)*
- *United Co Rusal Plc v Crispian Investments Ltd (2018)*
- *(1) Steven John North (2) Peter North v Geoffrey John Wilkinson & 8 Ors (2018)*
- *FBN Bank (Uk) Ltd v (1) Leaf Tobacco A Michailides Sa (2) Leaf Tobacco A Michailidea Ad (2) Mika Korca Sha (4) Alexandros Michailides (2017)*
- *(1) Koza Ltd (2) Hamdi Akin Ipek v Mustafa Akcil & 5 Ors (2017)*
- *Nikolay Viktorovich Maximov v Open Joint Stock Co "Novolipetsky Metallurgichesky Kombinat" (2017)*
- *(1) Koza Ltd (2) Hamdi Akin Ipek v Mustafa Akcil & 5 ors (2016)*
- *Re Allanfield Property Insurance Services Limited (2015)*
- *Alliance Bank JSC v Aquanta Corp & 14 Ors (2012)*
- *Alliance Bank JSC v Aquanta Corp & 14 Ors (2011)*
- *Cadogan Petroleum Plc & 9 Ors v Mark Tolly & 10 Ors (2011)*
- *Irish Response Ltd v Direct Beauty Products & Simon Gook (2011)*
- *Cadogan Petroleum Plc v Mark Tolley (December 2009)*
- *Cadogan Petroleum PLC v Tolley (October 2009)*
- *Belletti v Morici (2009)*
- *Photolibrary Group Ltd & Ors v Burda Senator Verlag GMBH (2008)*
- *Apvodedo NV v Terry Collins (2008)*