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Mark Cullen

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A powerful advocate who is always attuned to the judge's thinking. He has sound judgement, is calm under pressure and inspires confidence

- Legal 500

Mark Cullen specialises in commercial litigation, with a particular focus on civil fraud, offshore work and professional liability claims in a commercial context.

Mark was admitted as an Attorney at Law in the Cayman Islands in 2018 and as a Barrister of the Eastern Caribbean Supreme Court (British Virgin Islands) in 2017. Mark has significant experience of working in the Cayman Islands, the British Virgin Islands and the Isle of Man.

Mark's previous experience includes working as the Judicial Assistant to Lord Justice Maurice Kay, then the Vice-President of the Court of Appeal (Civil Division). During this time, Mark was involved in a number of high profile cases and gained an invaluable insight into the appellate process.

Mark holds a M.A. in Law and a first class LL.M. from Jesus College, University of Cambridge, where he was awarded a Foundation Scholarship. He was called to the Bar by Inner Temple in 2013, having been awarded a Major Scholarship and Duke of Edinburgh Entrance Award for his BPTC year.

For examples of Mark's ongoing and previous work, please see the individual practice areas below.

Privacy Policy

Click here for a [Privacy Policy](#) for Mark Cullen.

Areas of Expertise

Commercial Litigation

Mark has acted in a wide range of commercial disputes (both onshore and offshore), including claims involving allegations of commercial fraud, claims against directors for misappropriating company funds, breach of warranty claims, shareholder disputes, claims arising from the sale of goods and a variety of contractual claims.

Mark's work frequently has an international element to it. He was admitted as an Attorney at Law in the Cayman Islands in 2018 and as a Barrister of the Eastern Caribbean Supreme Court (British Virgin Islands) in 2017. He also has significant experience of litigation in the Isle of Man.



Mark has particular experience of search orders (see [2021] EWHC 1360 (Ch)), applications for injunctions (see [2020] EWHC 2530 (Comm)), security for costs (see [2021] EWHC 2316 (Ch) and [2018] EWHC 1533) and disclosure and inspection (see [2018] 4 W.L.R. 26).

Cases

- **Vneshprombank LLC v Georgy Bedzhamov & Ors**
Acting (led by Justin Fenwick QC) for Georgy Bedzhamov in strongly contested proceedings brought by a Russian bank in liquidation for alleged fraud, seeking damages of over £1 billion, including in respect of issues arising in respect of a search order: see [2021] EWHC 1360 (Ch).
- **Catlin Syndicate Limited & Ors v Amec Foster Wheeler USA Corp & Ors**
Acting (led by Roger Stewart QC and George Spalton) for the Defendants to an application for the continuation of an anti-suit injunction by which insurers sought to stay proceedings in New Jersey, USA: [2020] EWHC 2530 (Comm).
- **Accident Exchange v McLean & Ors**
Mark acted (led by Jamie Smith QC and Miles Harris) for two of the solicitor defendants to a £130 million Commercial Court claim for unlawful means conspiracy claim and deceit brought by Accident Exchange arising out of the conduct of thousands of “credit hire” cases. The claim spawned large numbers of interlocutory disputes, including Accident Exchange v McLean & Ors [2018] 4 W.L.R. 26 (in which the Commercial Court rejected the claim that the “iniquity” exception applied so as to disapply privilege) and Accident Exchange v McLean & Ors [2018] EWHC 1533 (Comm) (in which the Commercial Court granted the solicitor defendants’ applications for security for costs).
- **R5 Capital Ltd v Mitheridge Capital Management LLP**
Acting (led by Graham Chapman QC) in a claim against an investment manager relating to the payment of success fees: see [2021] EWHC 2316 (Ch) in relation to security for costs.
- **Claim arising out of share purchase agreement**
Acting (led by Matthew Bradley) for the defendants to a c. £10m Commercial Court claim for fraudulent misrepresentation and unlawful means conspiracy arising out of a share purchase agreement relating to the sale of a company.
- **Dispute arising out of distribution services agreement**
Mark acted (led by Graham Chapman QC) for a commercial company in a dispute relating to a distribution services agreement.
- **Penta v Storrier**
Acted (led by Neil Hext QC) in a claim against a director arising out of the alleged significant mismanagement of various companies and/or financial misstatements in relation to them (see [2020] EWHC 2400 (Ch)).
- **Comodo Holdings Ltd v Renaissance Ventures Ltd & Anr**
Mark acted (led by Paul Chaisty QC and Mark Forte) in an application for injunctive relief in a shareholder dispute in the BVI Commercial Court.
- **Hitomi Matsuura v A & S Company Limited**
Mark acted (led by Alain Choo-Choy QC and Jerry Samuel) in the trial of an unfair prejudice claim in the BVI Commercial Court (whilst on secondment to Conyers Dill and Pearman in the BVI).
- **Claim against director arising out of payment of secret commissions**
Mark acted as sole counsel for a company in a claim against its former managing director arising out of the payment and receipt of secret commissions in relation to the negotiation of various commercial contracts.
- **Confidential dispute arising from a commercial service agreement**
Mark assisted Ben Elkington QC to advise in a dispute relating to a commercial service agreement.
- **Claim relating to the sale of goods**



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Mark acted as sole counsel for a multinational company in a claim relating to the sale of goods.

- **Appeal concerning cause of action estoppel**

Mark acted as sole counsel for a broker in an appeal relating to the applicability of the doctrines of cause of action estoppel and merger to the decisions of the Financial Ombudsman Service.

Qualifications & Memberships

Education:

M.A. (Cantab) LL.M. (Cantab)

Bar Admissions:

England and Wales: 2013

British Virgin Islands: 2017

Cayman Islands: 2018

Memberships:

Commercial Bar Association

Commercial Fraud Lawyers Association

Professional Negligence Bar Association

Technology and Construction Bar Association

Young International Arbitration Group

Insights

The COVID-19 challenge: insurance coverage in the time of lock-down

1 April 2020

In this article written for Thomson Reuters Practical Law, Neil Hext QC and Mark Cullen of 4 New Square provide guidance on the main types of insurance cover that are potentially relevant in relation to losses resulting from COVID-19. In particular, they consider whether insurance cover might be available under business interruption, event cancellation, employer's liability, D&O, credit and travel insurance policies.

Case Note on Ocean Finance & Mortgages Limited v Oval Insurance Broking Limited and Senior Wright Limited, Publication: Insurance Law London

2 February 2016

In this judgment, Mr Justice Cooke had to determine the comparative responsibility of placing and producing brokers for failing to advise an insured to make a "block notification" of "circumstances that may give rise to a claim" against a backdrop of PPI mis-selling.

Soland v Clifford Harris: warehousing litigation an abuse of process, Publication: Practical Law Dispute Resolution Blog

22 December 2015

The judgment of Arnold J in Soland v Clifford Harris highlights that unilaterally "warehousing" a claim (that is, putting a claim on



hold without intending to pursue it) can amount to an abuse of process, even if a claimant subsequently decides to pursue the claim.

Case Note on Luffeorm Limited v Kitsons LLP, Publication: Professional Negligence Bar Association Newsletter

8 October 2015

The Claimant brought professional negligence proceedings against a firm of solicitors who had acted on its behalf in a transaction involving the purchase of a pub business. The case contains an unorthodox analysis of the burden of proof, and considers once again the challenging boundary line between commercial and legal advice. PNBA membership required.

Procedural Fairness in an Information Rights Context, Judicial Review, 20:1, 26-32

1 June 2015

Considers (with Tom Pascoe, Brick Court Chambers) the tension between fairness and reliance on closed material in the information rights context.