



NEW SQUARE

Matthew Bradley

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He is a pleasure to work with, good on his feet and very engaging. He's good at reading the courtroom, very commercial, and innovative with his ideas. He is friendly, approachable and easy to speak to.

- Chambers & Partners 2021

Matthew specialises in commercial and commercial chancery litigation and arbitration. He is ranked by the legal directories as a leading junior in the fields of commercial disputes, commercial chancery, company and product liability law.

Further areas of focus include civil fraud, offshore work and professional negligence disputes. He has a particular interest and significant experience in economic torts and conspiracy claims. Much of his work is international in nature, often involving conflicts of law and jurisdictional issues. Commendations from commentators in the legal directories include:

Advocacy - *"an excellent advocate who knows how to read a courtroom"; "a superb cross-examiner"; "an eloquent advocate and fierce in cross examination"; "good on his feet and very engaging"; "nothing less than superman in cross-examination and mediation"; "An assassin in cross-examination and clearly bound for the very highest echelons of the Bar".*

Analysis - *"technically very strong"; "His advice is absolutely brilliant. You can give him a very complicated set of facts and he just takes control and guides you through what you need to do"; "innovative with his ideas"; "strong on paper with an eye for detail"; "demonstrates excellent commercial know-how".*

Paperwork - *"a wordsmith, both in settling pleadings and penning correspondence"; "an excellent junior, whose advice is amazingly coherent and concise"; "turns stuff around really, really quickly and his paperwork is great."*

Working Style - *"a pleasure to work with"; "a really responsive, affable barrister who's commercial in his outlook, and who will bend over backwards to get things done."; "impresses with his enthusiasm and his willingness to go the extra mile."; "Extremely user friendly and very much works in partnership with the instructing solicitor"; "excellent sense of humour."; "Friendly, approachable and easy to speak to".*

He relishes trials and has extensive trial advocacy experience as sole counsel. He also acts in a variety of mediations and other forms of ADR. He is regularly instructed, often at short notice, to deal with applications for interim relief such as freezing injunctions and Norwich Pharmacal orders. He speaks French, German and Spanish.

The following cases provide a flavour of his most recent practice:

- *Sytner & Ors v Vaughan* [2020] (Chan Div) - successful strike out of c. £5m claim (fraudulent breach of fiduciary duty etc.)

against investment manager; resisting Norwich Pharmacal relief; indemnity costs.

- Numerous ongoing unfair prejudice petitions under the Companies Act 2006.
- *Vale v Steinmetz & Ors* [2020] (Comm Ct) - acting for defendant to US\$1.8 billion claim by Brazilian mining company re joint venture in Guinea (on-going - bribery, deceit, unlawful means conspiracy, proprietary claims, freezing injunctions).
- *Ang v Reliantco Investments Ltd* [2019] 3 WLR 161 - jurisdiction challenge under Brussels regime; consumer status under Art.17. Judgment pending after 2020 Commercial Court trial of claim and counterclaim (defence of deceit and claim to set aside previous judgment for fraud).
- Acting for well-known German manufacturer in ongoing multimillion pound dispute concerning defective supply of oil isolation valves for use in domestic boilers.
- *Grantham Capital v Langham & Ors* [2020] (Comm Ct) - acting for defendants in c.£8m claim for fraudulent breach of warranty arising out of the sale of a company (on-going).
- ICC mediation (2020) - international sale of goods dispute in energy sector.
- *Palmer Birch v Lloyd & Anr* [2018] 4 WLR 164; [2018] 180 ConLR 50; [2018] BLR 722 - successfully representing claimant in economic torts trial (procuring breach of contract, unlawful means conspiracy). Significant decision: economic torts overcame effects of a company insolvency.
- *Syndicate Bank v Dansingani & Ors* [2019] EWHC 3439 (Ch) - successful undue influence defence; rescission of personal guarantee and mortgage entered into 13 years apart; indemnity costs (2020).
- *Goknur v Organic Village Ltd* [2019] EWHC 2201 - defending Turkish company at trial of claim re adulterated fruit juice: claim in deceit defeated; no substantive damages awarded to claimant.
- *Naqvi v Harris Cartier & Ors* [2019] EWHC 3042 (QB) - successful summary judgment application for solicitors facing £10.2 million claim for allegedly negligent conduct of litigation.
- LCIA arbitration in Russian oil and gas sector - arguments as to force majeure and the effects of "take or pay" obligations.
- *Kupeli & Ors v (1) Kibris Turk Hava Yollari Sirketi* [2016] EWHC 930 (QB), [2016] 4 Costs LR 747 - representing as sole counsel 837 claimants in trial of test claims for breach of contract against Turkish airline. Costs appeal in Court of Appeal, reported at [2018] 4 All ER 434; [2019] 1 WLR 1235.
- Multi-Jurisdictional trusts dispute re BVI/Cayman/Curaçao trust companies, worth many millions. Questions of foreign law, fraud, conspiracy, dishonest assistance, knowing receipt & double derivative actions.
- *Pilgrim Rock Ltd v Iwaniuk* [2019] GCCR 17013; [2019] E.C.C. 8; [2019] C.T.L.C. 96 - successfully appearing in appeal against unfair relationship challenge under the Consumer Credit Act 1974 in which the trial judge re-wrote a loan agreement, relieving Matthew's client of some £1.3m in interest.
- *Combination Hip Prosthesis Litigation* - Defending consultant surgeons alleged to have become a "producer" of metal-on-metal hip implants within the meaning of the Consumer Protection Act 1987.

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Areas of Expertise

Commercial Litigation & Arbitration

“An eloquent advocate and fierce in cross examination; he is a wordsmith, both in settling pleadings and penning correspondence.”

Legal 500, 2021

“Responsive and to the point, he is an excellent advocate who knows how to read a courtroom.” “He is very down to earth and user-friendly.” *Chambers & Partners 2021*

“Nothing less than Superman in cross-examination and mediation.” *Legal 500, 2020*

“He’s a really responsive, affable barrister who’s commercial in his outlook, and who will bend over backwards to get things done.” “He impresses with his enthusiasm and his willingness to go the extra mile.” *Chambers & Partners, 2020*

“Extremely user friendly and very much works in partnership with the instructing solicitor.” *Legal 500, 2019*

“Stands out for his easy-going approach, efficient turnaround of quality work and excellent sense of humour.” *Chambers & Partners, 2019*

Recommended by the Legal 500 2021 and Chambers & Partners 2021 as a leading junior in commercial disputes, Matthew is experienced in Commercial Court, QBD, Chancery, Companies Court and TCC proceedings, as well as in arbitrations conducted both ad hoc and under specified institutional rules. His commercial cases often involve group / multi-party actions. Most of his cases straddle various areas of law, including commercial contract, the economic torts, civil fraud, company law and the law of fiduciary duties. His wide sector experience extends to aviation, energy/natural resources and banking disputes.

Recent experiences have focused on the areas addressed in the drop-down headings below.

Commercial Contract Disputes

Matthew regularly appears in and advises on disputes embracing all aspects of commercial contract law. He provides clear advice on the proper construction of contracts and is experienced in litigating matters spanning the whole range of contractual law, across a variety of business contexts. He has acted in a large number of claims alleging misrepresentation. Examples of recent experience include:-

- *Quidnet Capital Partners LLP v Colsilverbird A S.A.R.L & Others* – Acting for property investment firm in breach of contract claim for c. £5m against various Luxembourg companies.
- *Kupeli & others v (1) Kibris Turk Hava Yollari Sirketi (2) Atlasjet Havacilik Anonim Sirketi* [2016] EWHC 930 (QB), [2016] 4 Costs LR 747 – successfully representing (against Leading Counsel) 837 claimant passengers in a trial of test claims against a Turkish airline, seeking damages for the airline’s failure to fly them. The claim engaged contract law and the EU Denied Boarding Regulations, as well as arguments as to the correct approach to costs in test case litigation. Acted in costs appeal in Court of Appeal, reported at [2018] 4 All ER 434; [2019] 1 WLR 1235.
- Advising and acting in relation to various claims involving shareholder and share purchase agreements, including breach of warranty and indemnity claims and claims on guarantees.

Commercial Arbitration

Matthew has wide experience of domestic and international arbitrations, conducted both ad hoc and under specified institutional rules. Recent arbitration disputes in which Matthew has been involved include:

- ICC arbitration – international sale of goods dispute in energy (powerplant) sector (2020).
- LCIA arbitration in Russian oil and gas sector – arguments as to force majeure and the effects of “take or pay” obligations (2019).

- *Saudi Arbitration* – advising on early stages of arbitration in oil & gas sector, under Saudi Arabian statutory arbitration rules.
- Acting (with Justin Fenwick QC) for high net worth individual, resisting application for security for an arbitral award under s.70 of the Arbitration Act 1996 and associated application for worldwide freezing order (Commercial Court, 2018).
- Acting for foreign company in LCIA arbitration involving EPC/O&M contracts in the solar energy industry. The case involved highly technical evidence, complex contractual warranties and the validity of calls on performance bonds.
- *Higgins v Network Rail Infrastructure Ltd* (TCC, 2017) – application to remove arbitrator under section 72(1) of the Arbitration Act 1996, in context of breach of contract dispute.

International Litigation / Private International Law

Matthew is experienced in work with an international dimension involving conflicts of laws and jurisdictional issues. Recent examples of claims involving an international dimension include:-

- *Ang v Reliantco Investments Ltd* [2019] 3 WLR 161; 2 All ER (Comm) 958 – jurisdiction challenge under Brussels Recast Regulation; consumer status under Art.17.
- Advising South African state-owned entities as to jurisdictional issues in relation to potential claims in English High Court.
- Advising French-owned Algerian Company as to contractual indemnities owing to the subsidiary of a major oil company involved in a joint venture at a gas plant, Algeria. The claim engages both Algerian law and broader questions of jurisdiction.
- Cross-jurisdictional claim by high net worth trader against a financial options brokerage website, involving interesting jurisdictional issues and allegations of misrepresentation.
- Advising as to various disputes involving letters of request issued by English and foreign courts.
- Acting (as junior) in various claims involving the question of liability for the foreign-based subsidiary of an English parent company (.....*Kessabo and others v African Barrick Gold Plc* Issues: Act of State doctrine / State Immunity, freezing injunctions, anti-suit injunctions.

Banking & Financial Services

Matthew is regularly instructed in claims relating to loans, guarantees and other forms of security.

Examples of recent banking and finance experience include:

- *Syndicate Bank v Dansingani & Ors* [2019] EWHC 3439 (Ch) – trial of claim by bank seeking to enforce loan securities, in which Matthew ran a rare successful undue influence defence, obtaining rescission of a personal guarantee and a mortgage entered into 13 years apart.
- *Pilgrim Rock Ltd v Iwaniuk* [2019] GCCR 17013; [2019] E.C.C. 8; [2019] C.T.L.C. 96 – appearing for successful respondent in appeal against decision in an unfair relationship challenge under the Consumer Credit Act 1974 in which the trial judge re-wrote a loan agreement, relieving Matthew’s client of some £1.3m in interest (decision below reported at [2017] GCCR 15027).
- *S v BHIM Ltd* – advising and acting in IFA’s defence of claim for damages in relation to a mis-sold investment. Various breaches of COBS rules and the Financial Services and Markets Act 2000 are alleged.

Energy & Natural Resources

In recent years Matthew has built up a significant body of experience in the energy sector. His expertise spans the construction and operation of traditional oil & gas infrastructure facilities, but he also has significant experience in the renewables sector. Matthew’s experiences of product liability cases involving highly technical evidence stand him in good stead when acting in and advising on energy matters.

Recent examples of Matthew’s energy and natural resources experience include:

- Advising English supplier of processed fuel oil as to claim by Greek purchaser for alleged repudiatory breach of contract.
- ICC arbitration – international sale of goods dispute relating to equipment supplied for use in powerplants.
- Early stage LCIA arbitration in Russian oil and gas sector – arguments as to force majeure and the effects of “take or pay”

obligations.

- Saudi Arbitration – advising on early stages of arbitration in oil & gas sector, under Saudi Arabian statutory arbitration rules.
- Advising and acting for a Kazakh subsidiary of a UK Plc, regarding potential claim arising out of refusal of insurance cover for a catastrophic loss at a copper extraction plant
- Defending French-owned Algerian Company against claim by BP subsidiary arising out of contractual indemnities allegedly owed in respect of a joint venture at a gas plant in Algeria.
- *F&S Solar Invest UK Limited v Ampegon AG* – share purchase agreement breach of warranty claim in relation to solar farm constructed under the FiTs scheme.
- Advising UK administrators of off-shore wind company as to potential claims for breach of contract arising out of an asset purchase agreement with a Belgium company.
- Acting for Spanish company in solar energy arbitration in which solar plants were alleged to have been installed with defective solar panels.

Restrictive Covenant / Confidential Information Disputes

Matthew has extensive experience of urgent High Court injunction proceedings seeking to restrain the alleged abuse of confidential information / breaches of restrictive covenants across various industry contexts, including recruitment, financial services and the insurance sector. His work in this area draws on and complements his knowledge and experience of economic torts claims and of claims involving breach of directors' duties. 2019/2020 has seen him acting in various restrictive covenant / confidential information claims, including in the insurance broking, recruitment consultancy and retail sectors.

Qualifications & Memberships

Education & Scholarships

- BA (Hons) (Oxon) 2000, (French & German) 1st Class
- PgDL, City University
- Lord Woolf Scholar (Daily Telegraph/1 Crown Office Row)
- Hardwicke, Haldane & Thomas Moore Scholar (Lincoln's Inn)
- Phoenicia Scholar (Bar European Group)

Memberships

- The Commercial Bar Association
- London Common Law and Commercial Bar Association
- Commercial Fraud Lawyers Association
- International Bar Association

Languages

- French
- German
- Spanish

Insights

Where does the law stand now on discounts for minority holdings in non quasi-partnership companies?

15 July 2019

In this article, Hugh Jory QC and Matthew Bradley take a closer look at the impact of the controversial decision in *Re Blue Index Ltd* [2014] EWHC 2680 (Ch) on a line of recent cases, the last having been handed down, in *Dinglis v Dinglis* [2019] EWHC 1664 (Ch), on 28 June 2019.



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Share Valuation in Shareholder Disputes

10 July 2019

In this article, Hugh Jory QC and Matthew Bradley explore the art of share valuation and the different approaches that can be taken.

Unlawful Means Conspiracy & Knowledge of Unlawfulness: Continued Chaos

6 June 2019

This article considers whether a claimant must prove knowledge of the fact of unlawfulness on a defendant's part, in order to establish an unlawful means conspiracy.

Information v advice: inadequate labels but important principles

31 May 2019

Matthew Bradley and Tom Asquith consider the recent Court of Appeal decision in Manchester Building Society v Grant Thornton UK LLP in the context of financial advice, providing points of note for practitioners looking to draw a line between taking responsibility for a decision and merely providing information which feeds into that decision.

Share Purchase Breach of Warranty – correct measure of loss (Oversea – Chinese Banking Corp Ltd v ING Bank NV)

Matthew Bradley examines the recent High Court decision in Oversea-Chinese Banking Corp Ltd v ING Bank NV and considers whether a diminution in value approach must always be followed in breach of warranty claims in the share purchase context.

Serious irregularity challenge to LCIA award dismissed by Commercial Court (Orascom TMT Investments v VEON)

Matthew Bradley analyses the decision of Mr Justice Andrew Baker in the Commercial Court to dismiss a serious irregularity challenge to a LCIA tribunal's award for failure to deal with all the issues that were put to it.

JSC BTA Bank v Khrapunov & Unlawful Means Conspiracy: The Search for Clarity Continues

18 April 2018

The Supreme Court's decision in JSC BTA Bank v Khrapunov [2018] UKSC 19 is the most significant consideration of the tort of conspiracy since the House of Lords' 2008 decision in Total Network SL. Matthew Bradley considers its particular impact on our understanding of the tort of unlawful means conspiracy here.