



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

Civil Fraud, Conspiracy & Economic Torts

A large part of Matthew's practice involves him advising and acting on fraud claims. He is well used to the complexities and evidential challenges of such claims, and has a particular interest and experience in claims in conspiracy and the economic torts more generally. He is experienced in obtaining and resisting (often at short notice) the forms of interim relief commonly associated with claims in fraud, including freezing injunctions. Examples of recent experience include:

- *Vale SA v Steinmetz & Ors* (Commercial Court, 2020) – acting for defendant in billion dollar dispute re JV agreement concerning a diamond mine in the Republic of Guinea (fraudulent misrepresentation, unlawful means conspiracy, proprietary claims, freezing injunctions).
- *Sytner & Ors v Vaughan* [2020] (Chancery Division) – successful strike out with indemnity costs of c. £5m claim against LLP investment manager alleging dishonest and fraudulent breach of fiduciary duty and breach of trust; resisting Norwich Pharmacal relief.
- *Ang v Reliantco Investments Ltd* (Commercial Court trial, 2020 – judgment awaited). Trial for breach of contract involving defence of deceit and counterclaim to set aside previous judgment (reported at [2019] 3 WLR 161) for fraud.
- Defending various parties against allegations of fraudulent conduct and fraudulent breach of warranty in relation to share purchase agreements (Commercial Court, 2020).
- Acting for claimant in multimillion pound economic torts claim in Saudi oil and gas dispute (2020).
- *Palmer Birch v Lloyd & Anr* [2018] 4 WLR 164; [2018] 180 ConLR 50; [2018] BLR 722 – successfully representing claimant in trial of economic tort claims (procuring breach of contract, unlawful means conspiracy). A significant decision in which the economic torts were used to overcome the effects of a company insolvency, involving consideration of directors' duties and the corporate veil. This is the first decision to consider what the Supreme Court meant by the phrase a "just cause or excuse" for a conspiracy in its decision in *JSC BTA Bank v Khrapunov* [2018] UKSC 19 (see article on this topic below).
- *Goknur v Organic Village Ltd* [2019] EWHC 2201 – successfully defending Turkish fruit juice supplier at trial of claim about adulterated fruit juice: claim in deceit defeated.
- Advising and acting for ultimate beneficial owner of a UK company seeking recovery of significant sums lost to fraud. Appointment of receiver under section 37 of the Senior Courts Act 1981.
- Acting (with Justin Fenwick QC) for high net worth individual, resisting application for worldwide freezing order (Commercial Court, 2018).

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.

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.