

Paul Lowenstein KC

SILK: 2009 | CALL: 1988 (ENGLAND AND WALES); 2019
(BRITISH VIRGIN ISLANDS)

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Languages: French (proficient); German (basic); Italian (basic)



Overview

Paul is a leading commercial silk in domestic and international litigation and arbitration. A highly experienced courtroom advocate, he has expertise in high-profile, heavy, and sensitive commercial, financial, and international disputes of all kinds. He appears regularly in the Commercial Court, Chancery Division, other specialised courts, and the appellate jurisdictions in England and the Eastern Caribbean; as well as in the British Virgin Islands (BVI), where he is called to the Bar.

He is regularly instructed in complex and ground-breaking international and domestic fraud and asset-tracing cases, often involving pre-emptive injunctions, disclosure, and jurisdictional and choice of law issues. He has substantial experience of litigation involving digital assets, hacking and cyber-fraud; and obtained the first Worldwide Proprietary Injunctions and Freezing Orders against persons unknown in the English courts. Paul has strong and overlapping practices in the fields of banking and finance, information technology and telecommunications and art and antiquities. He firmly believes in maintaining a broad commercial practice and regularly leads teams of barristers both within his core fields of practice and in diverse and specialist areas.

Acknowledged as a formidable trial, interlocutory and appellate advocate and an accomplished cross-examiner, Paul is a team player and expert strategist with a highly commercial approach.

Paul has been listed for many years as a leading silk in several categories in all the principal directories, including commercial dispute resolution, civil fraud, banking and finance, information technology and telecoms.

Publications

- [Co-author \(with Sam Goodman\) of 'At last! A new jurisdictional gateway permitting service of third-party disclosure orders out of the jurisdiction'.](#)
- Co-author (with Andrew Dinsmore) of 'At your service: an outline of recent developments in the law on service' cover article in the *New Law Journal* 6 November 2020 edition (2020) 170 NLJ 7909.
- Co-author (with Joshua Chu) of 'When the Legal Industry Meets Technology' in the *Hong Kong Lawyer*, January 2021 edition.
- Co-author (with Matthew McGhee) of 'In hot pursuit: The use of flexible remedies and procedures to combat fraud' in *Harbour View Spring 2019*.
- Co-author (with Matthew McGhee) of 'Breaking new ground in fraud recovery claims in London - international pursuit of cyber fraudsters' *IBA International Litigation Newsletter* (May 2018).
- Co-author of 'Interim Injunctions' in *Cases That Changed Our Lives* (2nd edn, LexisNexis 2014).
- Author of 'Mareva Injunctions/Freezing Orders' in *Cases That Changed Our Lives*

Paul is regularly instructed in international and domestic arbitration and in English and BVI court proceedings in aid of arbitral proceedings and in connection with the enforcement of arbitration awards and foreign judgments. He also advises overseas lawyers on issues arising in domestic and international litigation and arbitration and gives expert evidence on issues of English law and procedure arising in foreign proceedings.

Paul is a member of the Service sub-committee of the Civil Procedure Rules Committee, and a co-author of its 2022 report on "Proposed Amendments to the PD6B 'Gateways", leading to the introduction on 1 October 2022 of the new [Disclosure Gateway \(PD 6B para 3.1\(23\)\)](#).

He is a qualified Centre for Dispute Resolution (CEDR) mediator and an experienced mediation advocate.

Paul is an active senior advocacy trainer at the Middle Temple and in Chambers and sits as a Chairman of Bar Disciplinary Tribunals. He is Chairman of Trustees of the International Law Book Facility ([ILBF](#)), a registered charity that provides used printed legal texts to the developing world. In 2015, Paul was nominated for the Sydney Elland Goldsmith Bar Pro Bono Award for his work with the ILBF.

In addition to his practice at the Bar, Paul is a member of the Investment Committee of Harbour Litigation Funding.

Paul was a nominee both for the 'Barrister of the Year' award at The Lawyer Awards (London, 2019) and for the 'Commercial Advocate of the Year' award at the Legal Week Awards (London, 2019).

Paul is registered with Rights of Audience in the Astana International Financial Court, Kazakhstan.

Education

- Manchester University: LLB (Hons)
- University of Cambridge: LLM

(LexisNexis 2010).

Memberships and appointments

- Bar Disciplinary Tribunals (BTAS): Chairman
- Commercial Bar Association: Member
- London Common Law & Commercial Bar Association: Member
- Commercial Fraud Lawyers Association: Executive Committee Member
- Harbour Litigation Funding, Investment Committee: Member
- Master of the Bench, Middle Temple

Lectures / talks

- Regular speaker on developments in fraud and commercial litigation.
- Regular speaker on the use of the *Persons Unknown* jurisdiction in financial and cryptocurrency and crypto asset fraud and asset tracing claims.
- Regular speaker on the use of novel IT methodologies to overcome issues encountered in the domestic and international service of proceedings, injunctions and other litigation documents.
- Panel speaker with lawyers from Singapore, Hong Kong, South Korea and Malaysia on Seizing the unseizable - crypto and NFT assets in fraud and asset recovery.
- Panel speaker with lawyers from Hong Kong and the USA considering techniques for tracing digital and crypto assets and money across jurisdictional borders: "[Ctrl +Alt + Delete: FIRE & Digital Fraud](#)" (Webinar) (September 2021)
- Speaker on the use of technology in litigation and panel member discussing litigating in the internet age: IBA 2020 Virtually Together conference (Webinar) (November 2020).
- Speaker and panel member on Search and Imaging Orders in the time of Covid (Webinar) (December 2020).
- Speaker on developments in Proprietary Freezing Orders and Worldwide Freezing Injunctions and panel member: seminar on Disruptive Developments - CIS Disputes (October 2019).
- Speaker on the enforcement of arbitral awards - using the English Court to secure assets for international enforcement and panel member at the inaugural international arbitration conference (Doha, Qatar) (October 2019).
- Speaker on injunctive and emergency

relief in and for international arbitration proceedings - what to ask for in court and panel member at Twenty Essex seminar on emergency relief in arbitration (Singapore) (October 2019).

- Speaker and chairman of a panel addressing developments in preliminary freezing injunction and jurisdiction battles at the Legal Business Commercial Litigation Forum (June 2019). Individual topic: current trends in Proprietary Freezing Orders and Worldwide Freezing Injunctions.
- Speaker and panel member addressing the use of technology in litigation and other IT and technical issues at the inaugural London International Disputes Week (LIDW) (May 2019).
- Speaker and panel member addressing issues of cyber fraud, cryptocurrency and associated technologies litigation and arbitration: Shenzhen Arbitration Commission, Guangdong Province, PR China (December 2018).
- Speaker on cyber fraud litigation: Singapore Academy of Law (November 2018).
- Speaker and panel member addressing issues concerning international commercial, fraud and injunction litigation in England: conference in Bratislava attended by lawyers from several CEE jurisdictions (April 2018).
- Speaker on 'Recent Developments in the Law of Contempt' to a meeting of The Association of Contentious Trust and Probate Specialists, London (April 2018).
- Panel chairman and speaker on disruptive approaches to cyber-fraud litigation: C5 Fraud and Asset Tracing conference in Geneva (March 2018).
- 'Disrupt or be disrupted', the impact and uptake of technology of technology in litigation: Legal Week Commercial Litigation and Arbitration Forum (November 2017).
- Chairman and speaker at a seminar on 'Recent Developments in Commercial and Commercial Fraud Law' (July 2017).
- Chairman and speaker at a seminar on 'Managing Large Scale Litigation' (June 2017).

Key recent cases

- *Crypto Open Patent Alliance (COPA) v Craig Wright (2002)* (Ch.D) - acting for Dr Craig Wright in a dispute over whether he is the author - under the pseudonym Satoshi Nakamoto - of, and owner of the copyright in, the Bitcoin 'White Paper' and so the creator of the Bitcoin electronic cash system (with Michael Hicks).

- *Anti-suit injunction* (2022) (Commercial Court) – relating to a dispute proceeding in a foreign jurisdiction between an energy company and an oil major where the underlying agreements contain LCIA arbitration clauses (with Manuel Cassas).
- *Energy company expropriation* (2022) – advising the former major shareholder in a major energy corporation as to routes to reverse or obtain compensation for an expropriation (with Matthew McGhee).
- *The Libyan Investment Authority v (1) Credit Suisse International... (3) Frontier Investment Management Partners Ltd* [2021] EWHC 2684 (Comm) – successful defence of the third defendant, a DIFC (Dubai offshore) registered investment manager, against allegations that they were involved in allegedly dishonest arrangements in which the claimant sovereign wealth fund entered into disputed securities transactions involving Notes issued by Credit Suisse International to the value of approximately US \$200 million. Claims dismissed with indemnity costs following summary judgment / jurisdiction / service-out challenge (with Sam Goodman).
- *AO Alfa-Bank v Kipford Ventures Ltd and others* (2021-22) (EC Court of Appeal and BVI Commercial Division) – acting for the claimant bank in claims brought in the BVI to recover monies allegedly stolen and transferred away following a dishonest application for a loan of US\$140 million for the purchase of a coal mine following fraudulent misrepresentations and dishonest accounting misstatements made to induce the loan (with Tony Beswetherick and Eddie Gilmore).
- *Re Freenode Ltd* (2021) (Commercial Court) – acted for and advised the owner of Freenode.net, one of the World’s principal open-source code webchat websites, in their successful action to regain access and control of the Freenode.net domain and servers from interdiction by website administrators (with Sam Goodman).
- *Halimeda v Sian* (2021-22) (BVI Commercial Division and EC Court of Appeal) – acting for the applicant US\$226 million loan creditor on its successful application to appoint joint liquidators over the respondent company, an indirect holding company of a substantial minority share in a major logistics company, owing – amongst other things – the port of Vladivostok. Appeal heard in May 2022 (with Tony Beswetherick and Sam Goodman).
- *SGS Universal Investment Holdings Limited & ors v Domidias Limited & ors* (2021-) (BVI Commercial Division) – acting for defendants to a substantial unlawful means conspiracy fraud action – jurisdiction and service challenge (with Sam Goodman).
- *Goldtrail Travel Ltd (in liquidation) v Malcolm Grumbridge* (2019-21) (Ch.D) – represented the defendant – a company director who had given evidence at trial but was not sued in a fraud action brought several years earlier – in his successful application to strike-out dishonest assistance claims brought against him by the liquidator of the claimant on the basis that they were statute-barred; and that the liquidator could not rely on a secondary period of limitation under s.32 Limitation Act, 1980. The claimant knew sufficient facts to be able to plead a claim against him at the time of the first action: [2020] EWHC 1757 (Ch). Decision upheld on appeal [2021] EWHC 1731 (Ch) (with Josephine Davies).
- *Donovan v Grainmarket Asset Management LLP* [2021] EWCA Civ 686 – acted on its appeal to the Court of Appeal for the appellant/defendant – issue whether the claimant/respondent to a joint venture agreement relating to property development and investment was unconditionally entitled to his share of “performance fees” due under the agreement notwithstanding that he had not performed all of his duties under the agreement (with James Kinman).
- *Alessandra Foglia v The Family Officer Ltd and others* [2021] EWHC 650 (Comm) – acted for the claimant in an action to recover €15 million of her money stolen from a bank account in Cayman following a cyber fraud. Proprietary and freezing injunctions and international *Bankers Trust v Shapira* and domestic *Norwich Pharmacal* disclosure orders leading to the recovery of €11.3 million. Further successful application for summary judgment for the balance of the misappropriated money, with key evidence including ‘spoofed’ emails and the triangulation/geolocation of the precise location of a ‘burner’ mobile telephone following non-party disclosure provided by a telecoms network operator. The telephone was tied to the defendants through non-party disclosure provided by the network operator and a credit-card issuer. The disposition of the stolen money was established by party and non-party (bank) disclosure applications (with Philip Hinks and Sarah Tresman).
- *AA (an Insurance Provider) v persons unknown (who demanded Bitcoin) and others* (2020) (Commercial Court) – acted for and advised the claimant UK insurance company in this ground-breaking Commercial Court claim to trace, freeze and recover Bitcoin paid as a ransom following a malware attack against the insurer’s insured. This was the first known application in England of the principles developed by Paul in the *CMOC v persons unknown* jurisdiction to a claim to recover crypto assets. It was also the first English case to decide that deciding that Bitcoins are property, not money, in English law. The IT and technical aspects of the case required an in-depth understanding of the technology behind crypto-assets including the precise nature of Bitcoins and how they are held and moved on the Blockchain distributed ledger; and the presentation of these concepts to the court in a digestible, expert-based manner (with Darragh Connell).
- *Linda Hickox v The Personal Representatives of Ian Roper Taylor Deceased and Simon C Dickinson Ltd* (2020-22) (Ch.D) – acting for the American owner of a high value impressionist painting by Paul Signac, which was taken from her in New York under false pretences by a fraudulent art dealer before being sold on the London art market through the second defendant art gallery to an English art collector (with, variously, Susannah Jones, Harry Martin and Courtney Grafton).
- *Liu Tieh Ching (Brandon) v TJY Holdings Ltd (2) Liu Ju Ching (3) Liu Yu Ching* (2020-22) (BVI Commercial Division) – acting for the Hong-Kong-based claimant in his minority shareholder claims regarding the conduct of a BVI registered holding company and its Cayman Islands, Hong Kong and other subsidiaries (with Tony Beswetherick).

- *A Bank v B and another* (2020-21) (Commercial Court) – acting for the claimant bank in respect of its claims against the perpetrators of and those assisting in a sophisticated precious metals fraud unwittingly financed by advances made by the bank (with Josephine Davies).
- *Loan Agreement Arbitration* (2020-22) (LCIA) – acting for the claimants in their international arbitral claim to recover an indebtedness of US\$1.3+ billion (with Tony Beswetherick).
- *Alfa-Bank v Emmerson and others* (2019-21) (BVI Commercial Division) – acted for the claimant bank in proceedings in the British Virgin Islands and Singapore. Securing, by Receivership Orders and Worldwide Freezing Injunctions, the UBO assets of the principal defendant to Cyprus fraud proceedings. Resisting application for substitution of directors to companies in receivership, fortification of cross-undertaking in damages and further application to set-aside the Receivership Order and Freezing Injunction against two corporate defendants on alleged basis that they were the property of a stranger to the action BVIHC (Com) 2019/0127 – 9 April 2020 (with Tony Beswetherick and Sarah Tresman).
- *Hirbodan Management Company v Cummins Power Generation Ltd* [2021] EWHC 3315 (Comm) – successful defence of a claim for the enforcement in England of a judgment of the courts of Iran. Issues included: enforcement being contrary to English public policy, natural justice, and other associated defences; the content, relevance and effect on the claim of rules of Iranian law and procedure and the effect on the claim of British and US sanctions against Iran. Successful application for security for costs on the grounds that an English costs order would neither be enforceable in Iran, nor in ‘onshore’ Dubai (with Angharad Parry).
- *Evison v Finvision* (2019-20) (Commercial Court) – defended a non-party to the underlying action against committal proceedings relating to alleged breaches by a company of an English Anti-Suit Injunction granted to protect LCIA arbitration proceedings. Judgment considering material non-disclosure on application for service-out and interplay between rules governing service by an alternative method and the requirements of the Hague Service Convention at [2020] EWHC 239 (Comm) (with Mark Tushingham).
- *CMOC Sales & Marketing Ltd v persons unknown & 30 others* [2018] EWHC 2230 (Comm); [2019] Lloyd’s Rep. F.C. 62 – acted for the claimant in its action for recovery of money stolen from its bank in a cyber fraud hack. Obtained first-known proprietary and Worldwide Freezing Injunctions against “persons unknown”, as well as *Bankers Trust v Shapira* and other asset-tracing Disclosure Orders against many banks worldwide. Obtained blanket permission for the enforcement of the WFO and the Disclosure Orders worldwide as well as orders for service of documents by alternative means, including Facebook Messenger, providing access to an online data room and WhatsApp. Liability established against all 29 remaining defendants to the action at trial in July 2018 (variously, with Harris Bor, Philip Hinks, Philip Riches and Matthew McGhee).
- *SAS Institute Inc v World Programming Ltd* [2018] EWHC 3452 (Comm) – acted for the defendant software company in its successful resistance at trial of the enforcement in England of a US\$26 million US court judgment on the grounds that the enforcement action was contrary to public policy, an abuse of the process and contrary to the Protection of Trading Interests Act 1980. Successful counterclaim ordering repayment under the Protection of Trading Interests Act 1980 of payments made in respect of a US judgment for multiple damages (with Josephine Davies). Further Anti-Suit Injunction obtained post-trial (with Thomas Raphael QC, Josephine Davies and Oliver Caplin). Further judgment deciding that payments made under the US judgment could not be appropriated by the claimant because the statutory appropriation under the Protection of Trading Interests Act 1980 operated immediately it received payment: [2019] EWHC 2496 (Comm).
- *SKAT (the Danish Customs and Tax Administration) v Solo Capital Partners LLP and others* (2018-21) (Commercial Court) – acting in this “litigation on a massive scale”, named by The Lawyer magazine as one of its Top 20 Cases of 2021, for six of the defendants to a very substantial fraud action said to arise out of alleged false claims for refunds of Danish withholding tax relating to shareholder dividends. Judgment allowing release of assets from Proprietary Freezing Injunction at [2020] EWHC 377 (Comm) (with Charlotte Tan).
- *Alexander Gorbachev v Andrei Guriev* (2018-21) (Commercial Court) – acted for the claimant in an action to secure his approximately quarter-share of a major Russian industrial chemicals conglomerate alleged to be held on his behalf by a high-profile ultra-high-net-worth individual. [2019] EWHC 2684 (Comm), deciding that the claimant had effected good service of the proceedings by personal service of the defendant in the street in London, notwithstanding the defendant’s deployment of close personal security personnel (with Tony Beswetherick and Mark Tushingham).
- *Joanne Dove v HBOS and Bank of Scotland; Gary Wells v HBOS and Bank of Scotland; Paul Pascoe v HBOS and Bank of Scotland* (2019-22) (Ch.D) – representing several individuals who make serious allegations including fraud against one of the big four UK clearing banks and others after the assets of their companies were ‘stripped’ and their business taken from them by allegedly dishonest officers of the Impaired Asset division of the bank and by ‘turnaround’ consultants imposed on them by the Bank (with Luke Pearce).
- *A v B* (2018-22) (LCIA Arbitration and Commercial Court Appeal) – acting for a defendant to an LCIA arbitration claim for unpaid money under commercial documents and instruments. Defence that the instruments are fraudulent shams. Preliminary trial regarding issues of limitation heard in December 2019. Merits award 2021. S.68 appeals to be heard in 2022 (variously, with Jonathan Ketcheson, Henry Byam-Cook, Belinda McRae and Andrew Dinsmore).
- *de Carvalho Pinto Viegas and others v Cutrale and others* (2019) – acted in the initial phases for the claimant Brazilian orange growers in their claims brought in England under Brazilian competition laws against the alleged operators of a Brazilian orange juice cartel.

- *Eric Daniels v Lloyds Banking Group* [2018] EWHC 660 (Comm); [2018] I.R.L.R. 813 – acted for the former group chief executive of Lloyds Banking Group in his successful application for summary judgment on his claims for unpaid bonuses payable on the integration of HBOS into Lloyds (with Alistair Wooder).
- *Various v A Bank and Various others* (2019-20) (LCIA arbitrations) – acted for a foreign mining company in four very large and high-value, closely-related LCIA commercial, banking, guarantee and financial arbitration claims. Two of the claims were against and two were brought against Paul’s client by a one of the largest banks (and others) over the financing of and – ultimately ownership of – a CIS metal ore mine joint venture (with Tamara Oppenheimer and Mark Tushingham).
- *E D & F Man Capital Markets Ltd v Come Harvest Holdings Ltd and others* (2018-19) (Commercial Court) – defence of an alleged substantial commodities (Nickel) trading fraud – allegations of the passing of fraudulent warehouse receipts (with Benjamin Woolgar).
- *Vneshprombank v Bedzhamov* (2017-18) (Commercial Court) – acted for the office holders of an insolvent substantial bank in their claims to recover £1.3 bn allegedly misappropriated by the bank’s former directors (variously with Adam Kramer, Philip Hinks and Sam Goodman).
- *A v B* (2018) – advised an ultra-high net worth individual in relation to overseas contempt of court committal proceedings served on him and others in London (with Simon Milnes).
- *Be In v Google* (2017-18) (Commercial Court) – acted for an online tech company in respect of its claims against Google for losses suffered following alleged misappropriation and use in ‘Google Hangouts’ of business secrets in the face of a non-disclosure agreement (with Oliver Caplin).

Commercial dispute resolution

Paul Lowenstein KC is instructed in high-profile, heavy, complex, or sensitive commercial disputes of all kinds, including in specialised fields and jurisdictions. Paul is particularly known for his strength of advocacy, strategic thinking and commercial approach.

He has particular experience of commercial, multinational and fraud work, including: jurisdiction and choice of law issues, interim remedies including injunctions, domestic and worldwide freezing orders, anti-suit injunctions, search orders, imaging orders, *Norwich Pharmacal* and other disclosure orders, asset-tracing and recovery of misappropriated or ransomed property and crypto currency, enforcement action to secure the payment of domestic and foreign judgments and awards, technical IT, the internet and crypto currency, applications for committal for contempt of court, conflict of laws, international and domestic arbitration, letters of request, banking and other financial transactions, the use of insolvency remedies in commercial litigation, claims arising out of business and asset sale agreements, “boardroom bust-ups”, domestic and international trade disputes, commercial agency, disputes relating to claims concerning defective plant and machinery and property disputes.

Paul has led teams in several ground-breaking fraud actions, including obtaining the first known worldwide freezing and proprietary injunctions against ‘persons unknown’ and acting in leading-edge litigation to recover bitcoin crypto currency. In 2016-17 he led a specialist team of counsel in the two competition damages trials brought in the Commercial Court by 12 prominent national retailers against MasterCard and Visa.

Paul is also a member of the Investment Committee of Harbour Litigation Funding.

Recent and current cases include:

- *Crypto Open Patent Alliance (COPA) v Craig Wright* (2002) (Ch.D) – acting for Dr Craig Wright in a dispute over whether he is the author – under the pseudonym Satoshi Nakamoto – of, and owner of the copyright in, the Bitcoin ‘White Paper’ and so the creator of the Bitcoin electronic cash system.
- *Anti-suit injunction* (2022) (Commercial Court) – relating to a dispute proceeding in a foreign jurisdiction between an energy company and an oil major where the underlying agreements contain LCIA arbitration clauses (with Manuel Cassas).
- *Energy company expropriation* (2022) – advising the former major shareholder in a major energy corporation as to routes to reverse or obtain compensation for an expropriation (with Matthew McGhee)
- *Chotai v Virdee* (2021-22) (BVI Commercial Division) – acting for the claimant family in connection with their unfair prejudice petition brought in regard to the alleged mismanagement and misconduct by the defendant family of a hospitality management and investment businesses in East Africa.
- *The Libyan Investment Authority v (1) Credit Suisse International... (3) Frontier Investment Management Partners Ltd* [2021] EWHC 2684 (Comm) – successful defence of the third defendant, a DIFC (Dubai offshore) registered investment manager, against allegations that they were involved in allegedly dishonest arrangements in which the claimant sovereign wealth fund entered into disputed securities transactions involving Notes issued by Credit Suisse International to the value of approximately US \$200 million. Claims dismissed with indemnity costs following summary judgment / jurisdiction / service-out challenge (with Sam Goodman).

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- *Halimeda v Sian* (2021-22) (BVI Commercial Division and EC Court of Appeal) – acting for the applicant US\$226 million loan creditor on its successful application to appoint joint liquidators over the respondent company, an indirect holding company of a substantial minority share in a major logistics company, owing – amongst other things – the port of Vladivostok. Appeal heard in May 2022 (with Tony Beswetherick and Sam Goodman).
- *Loan Agreement Arbitration* (2020-21) (LCIA arbitration) – acting for the claimants in their international arbitral claim to recover an indebtedness of US\$1.3+ billion. Anti-suit injunction (with Tony Beswetherick and Sarah Tresman).
- *SGS Universal Investment Holdings Limited & ors v Domidias Limited & ors* (2021-) (BVI Commercial Division) – acting for defendants to a substantial unlawful means conspiracy fraud action – jurisdiction and service challenge (with Sam Goodman).
- *Re Freenode Ltd* (2021) (Commercial Court) – acted for and advised the owner of Freenode.net, one of the World’s principal open-source code webchat websites, in their successful action to regain access and control of the Freenode.net domain and servers from interdiction by website administrators (with Sam Goodman).
- *Donovan v Grainmarket Asset Management LLP* [2021] EWCA Civ 686 – acted on its appeal to the Court of Appeal for the appellant/defendant – issue whether the claimant/respondent to a joint venture agreement relating to property development and investment was unconditionally entitled to his share of “performance fees” due under the agreement notwithstanding that he had not performed all of his duties under the agreement.
- *Goldtrail Travel Ltd (in liquidation) v Malcolm Grumbridge* (2019-21) (Ch.D) – represented the defendant – a company director who had given evidence at trial but was not sued in a fraud action brought several years earlier – in his successful application to strike-out dishonest assistance claims brought against him by the liquidator of the claimant on the basis that they were statute-barred; and that the liquidator could not rely on a secondary period of limitation under s.32 Limitation Act, 1980. The claimant knew sufficient facts to be able to plead a claim against him at the time of the first action: [2020] EWHC 1757 (Ch). Decision upheld on appeal [2021] EWHC 1731 (Ch) (with Josephine Davies).
- *Linda Hickox v The Personal Representatives of Ian Roper Taylor Deceased and Simon C Dickinson Ltd* (2020-22) (Ch.D) – acting for the American owner of a high value impressionist painting by Paul Signac, which was taken from her in New York under false pretences by a fraudulent art dealer before being sold on the London art market through the second defendant art gallery to an English art collector (with, variously, Susannah Jones, Harry Martin and Courtney Grafton).
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- *Liu Tieh Ching (Brandon) v TJY Holdings Ltd (2) Liu Ju Ching (3) Liu Yu Ching* (2020-21) (BVI Commercial Division) – acting for the Hong-Kong-based claimant in his minority shareholder claims regarding the conduct of a BVI registered holding company and its Cayman Islands, Hong Kong and other subsidiaries (with Tony Beswetherick).
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- *Ya II PN Ltd v Frontera Resources Inc* (2020-21) (Commercial Court) – dispute over the effectiveness of service of English proceedings on a registered corporate director in Texas. Decision on validity of service, retrospective validation of service and its effect on a default judgment at [2021] EWHC 1380 (Comm).
- *AA (an Insurance Provider) v persons unknown (who demanded Bitcoin) and others* (2020) (Commercial Court) – acted for and advised the claimant UK insurance company in this ground-breaking Commercial Court claim to trace, freeze and recover Bitcoin paid as a ransom following a malware attack against the insurer’s insured. First known application in England of the principles developed by Paul in the *CMOC v persons unknown* jurisdiction to a claim to recover crypto assets. It was also the first English case to decide that deciding that Bitcoins are property, not money, in English law. (with Darragh Connell).
- *Energy Services Business Sale Dispute* (2020-21) – advised the sellers of a substantial energy services business in regard to alleged dishonest representations made in the course of the sale and in connection with their claims to deferred contractual consideration (with Susannah Jones).
- *Akhmedova v Akhmedov* (2020) (Family Division) – advised the supervising solicitor in relation to her duties and obligations whilst conducting a high-profile search order against an ultra-high net worth individual connected to highly-publicised financial divorce proceedings.
- *A Bank v B and another* (2020-21) (Commercial Court)– acting for the claimant international investment bank in respect of its claims against the perpetrators of and those assisting in a sophisticated precious metals fraud unwittingly financed by advances made by the bank (with Josephine Davies).
- *SKAT (the Danish Customs and Tax Administration) v Solo Capital Partners LLP and others* (2018-21) (Commercial Court) –

acting in this “litigation on a massive scale”, named by The Lawyer magazine as one of its Top 20 Cases of 2021, for six of the defendants to a very substantial fraud action said to arise out of alleged false claims for refunds of Danish withholding tax relating to shareholder dividends. Judgment allowing release of assets from Proprietary Freezing Injunction at [2020] EWHC 377 (Comm) (with Charlotte Tan).

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- *Alessandra Foglia v The Family Officer Ltd and others* [2021] EWHC 650 (Comm) – acted for the claimant in an action to recover €15 million of her money stolen from a bank account in Cayman following a cyber fraud. Proprietary and freezing injunctions and international *Bankers Trust v Shapira* and domestic *Norwich Pharmacal* disclosure orders leading to the recovery of €11.3 million. Further successful application for summary judgment for the balance of the misappropriated money, with key evidence including ‘spoofed’ emails and the triangulation/geolocation of the precise location of a ‘burner’ mobile telephone following non-party disclosure provided by a telecoms network operator. The telephone was tied to the defendants through non-party disclosure provided by the network operator and a credit-card issuer. The disposition of the stolen money was established by party and non-party (bank) disclosure applications (with Philip Hinks and Sarah Tresman).
- *Alexander Gorbachev v Andrei Guriev* (2018-21) (Commercial Court) – acted for the claimant in an action to secure his approximately quarter-share of a major industrial chemicals conglomerate alleged to be held on his behalf by a high-profile ultra-high-net-worth individual. [2019] EWHC 2684 (Comm), deciding that the claimant had effected good service of the proceedings by personal service of the defendant in the street in London, notwithstanding the defendant’s deployment of close personal security personnel (with Tony Beswetherick and Mark Tushingham).
- *Hirbodan Management Company v Cummins Power Generation Ltd* [2021] EWHC 3315 (Comm) – successful defence of a claim for the enforcement in England of a judgment of the courts of Iran. Issues included: enforcement being contrary to English public policy, natural justice, and other associated defences; the content, relevance and effect on the claim of rules of Iranian law and procedure and the effect on the claim of British and US sanctions against Iran. Successful application for security for costs on the grounds that an English costs order would neither be enforceable in Iran, nor in ‘onshore’ Dubai (with Angharad Parry).
- *A v B* (2020) – provided an Expert Opinion on issues of English and British Virgin Islands law and procedure for use in enforcement proceedings taken in Miami, Florida in regard to an award of a LCIA Tribunal.
- *A v B* (2020) – advised a foreign corporation engaged in heavy litigation in a foreign common law jurisdiction in relation to the availability of anti-enforcement injunctive relief to prevent steps proposed to be taken in another jurisdiction.
- *VTB Commodities v Antipinsky Refinery and others* (2019-20) (Commercial Court) – committal proceedings concerning an alleged breach by a non-party to the underlying action of disclosure obligations in a Worldwide Freezing Injunction.
- *CMOC Sales & Marketing Ltd v persons unknown & 30 others* [2018] EWHC 2230 (Comm); [2019] Lloyd’s Rep. F.C. 62 – acted for the claimant in its action for recovery of money stolen from its bank in a cyber fraud hack. Obtained first-known proprietary and Worldwide Freezing Injunctions against “persons unknown”, as well as *Bankers Trust v Shapira* and other asset-tracing Disclosure Orders against many banks worldwide. Obtained blanket permission for the enforcement of the WFO and the Disclosure Orders worldwide as well as orders for service of documents by alternative means, including Facebook Messenger, providing access to an online data room and WhatsApp. Liability established against all 29 remaining defendants to the action at trial in July 2018 (variously, with Harris Bor, Philip Hinks, Philip Riches and Matthew McGhee).
- *SAS Institute Inc v World Programming Ltd* [2018] EWHC 3452 (Comm) – acted for the defendant software company in its successful resistance at trial of the enforcement in England of a US\$26 million US court judgment on the grounds that the enforcement action was contrary to public policy, an abuse of the process and contrary to the Protection of Trading Interests Act 1980. Successful counterclaim ordering repayment under the Protection of Trading Interests Act 1980 of payments made in respect of a US judgment for multiple damages (with Josephine Davies). Further Anti-Suit Injunction obtained post-trial (with Thomas Raphael QC, Josephine Davies and Oliver Caplin). Further judgment deciding that payments made under the US judgment could not be appropriated by the claimant because the statutory appropriation under the Protection of Trading Interests Act 1980 operated immediately it received payment: [2019] EWHC 2496 (Comm).
- *Arena v Guan Jia Qun International Co., Ltd* (2019) (Hong Kong) – advised the American claimant victims of a cyber fraud in connection with their claims brought in the High Court of the Hong Kong Special Administrative Region against the recipients of the stolen money.

- *Various v A Bank and Various Others* (2019-20) (LCIA arbitrations) – acted for a foreign mining company in four very large and high-value, closely-related LCIA commercial, banking, guarantee and financial arbitration claims. Two of the claims were against and two were brought against Paul’s client by a one of the largest banks (and others) over the financing of and – ultimately ownership of – a CIS metal ore mine joint venture (with Tamara Oppenheimer and Mark Tushingham).
- *Joanne Dove v HBOS and Bank of Scotland; Gary Wells v HBOS and Bank of Scotland; Paul Pascoe v HBOS and Bank of Scotland* (2019-22) (Ch.D) – representing several individuals who make serious allegations including fraud against one of the big four UK clearing banks and others after the assets of their companies were ‘stripped’ and their business taken from them by allegedly dishonest officers of the Impaired Asset division of the bank and by ‘turnaround’ consultants imposed on them by the Bank (with Luke Pearce).
- *E D & F Man Capital Markets Ltd v Come Harvest Holdings Ltd and another* (2018-19) (Commercial Court) – defence of an alleged substantial commodities (Nickel) trading fraud – allegations of the passing of fraudulent warehouse receipts (with Benjamin Woolgar).
- *de Carvalho Pinto Viegas and others v Cutrale and others* (2019) – acted in the initial stages for the claimant Brazilian orange growers in their claims brought in England under Brazilian competition laws against the alleged operators of a Brazilian orange juice cartel (with Jonathan Harris QC and Gregor Hogan).
- *Eric Daniels v Lloyds Banking Group* [2018] EWHC 660; [2018] I.R.L.R. 813 (Comm) – acted for the former group chief executive of Lloyds Banking Group in his successful application for summary judgment on his claims for unpaid bonuses payable on the integration of HBOS into Lloyds (with Alistair Wooder).
- *A v B* (2018-19) (ICC Arbitration) – acted for the claimant in an ICC arbitration concerning a dispute over the establishment of an energy production plant in the Caucasus (with Luke Pearce).
- *A v B* (2018) – advised an LCIA award creditor with substantial associated litigation in India and Mauritius on availability of Freezing Injunction and ‘Chabra’ injunctive relief in England.
- *Manek and others v IIFL and others* (2018) (Commercial Court) – acted for two of the defendants, based in India, in relation to a Worldwide Freezing Injunction obtained against them in an action where fraud is alleged in connection with a sale of company shares (with Peter de Verneuil Smith).
- *A v B* (2018) – advised an ultra-high net worth individual in relation to overseas contempt of court committal proceedings served on him and others in London (with Simon Mills).
- *Be In v Google* (2017-18) (Commercial Court) – acted for an online tech company in respect of its claims against Google for losses suffered following alleged misappropriation and use in ‘Google Hangouts’ of business secrets in the face of a non-disclosure agreement (with Oliver Caplin).
- *Vneshprombank v Bedzhamov* (2017-18) (Commercial Court) – acted for the office holders of an insolvent, substantial bank in their claims to recover £1.3 bn allegedly misappropriated by the bank’s former directors (variously with Adam Kramer, Philip Hinks and Sam Goodman).
- *A v B* (2017) (Commercial Court) – obtained a very substantial Worldwide Freezing Order on behalf of a well-known overseas bank in support of intended LCIA arbitral proceedings to be brought by the bank against the guarantor of a commercial loan.
- *Montblanc v Doshi* (2017) (Commercial Court) – acted for the claimants on the enforcement in England of a substantial ICC arbitration award – Worldwide Freezing Order.
- *Harcus Sinclair v Your Lawyers Ltd* (2017) (Ch.D) – acted for a firm of solicitors in litigation over the right under a non-disclosure agreement containing solicitors’ undertakings to represent claimant clients in the VW emissions litigation (with Ian Higgins).
- *Enforcement of arbitral award* (2017) – advised the claimant in respect of a contested claim for the enforcement in England of a very substantial arbitral award.
- *Retailers (Asda, Arcadia, Wm Morrison and others) v MasterCard and Retailers v Visa: Payment Card Interchange Fee Competition Damages Claims* (2015-17) (Commercial Court) – instructed as lead counsel for the 12 claimant groups, all prominent national retailers, in their separate Commercial Court competition damages actions worth hundreds of millions of pounds against MasterCard and Visa to recoup credit and debit card charges (Multilateral Interchange Fees) on the basis that the defendants operated alleged cartel arrangements in connection with their charging structures. The action against MasterCard was tried in the Commercial Court over 20 days in 2016: [2017] 4 C.M.L.R. 32. The claims against Visa settled in February 2017 after 33 days of trial. These actions were named amongst the ‘Top 20 Cases of 2016’ and 2014 by The Lawyer newspaper and said to be the largest ever such claims launched in the English courts (with Fergus Randolph QC, Christopher Brown, Max Schaefer and Hannah Glover).
- *Kazakhstan Kagazy Plc v Zhunus and others* (2013-17) – acted for the first defendant in an alleged £100 million corporate fraud claim said to have taken place in Kazakhstan; and in connection with associated claims. Jurisdiction, choice of law / foreign law, security for costs (judgment at [2015] EWHC 996 (Comm)) and other preliminary issues including successful resistance of application to amend to introduce proprietary claims (judgment at [2015] EWHC 117 (Comm)) and successful application for substantial interim payment on account of costs (judgment at [2015] EWHC 404 (Comm)). Non-molestation injunction. Security for costs, with issues over the enforceability of an English costs judgment in Kazakhstan.

Further dispute between defendants regarding Contribution Notice and the right of a defendant/Contribution Notice applicant to seek a worldwide freezing order against a co-defendant (judgment at [2016] 4 WLR 86) (with David Head and Paul Wee).

- *Globe Motors Inc. and another v TRW Lucas Varity Electrics Steering Ltd* (2011-16) (Court of Appeal and Commercial Court) – represented the claimant, a major US automotive parts manufacturer throughout the litigation and at the trial (over approximately 11 weeks) in its successful claim at first instance against its UK customer for breach of a long-term exclusive agreement for the supply of electric motors for incorporation in power assisted steering units in cars arising out of when it sourced “second generation” electric motors for those systems from another supplier rather than from the claimant. Issues of contractual construction and breach of contract and misrepresentation in the context of a long-term exclusive supply agreement. Detailed technical and expert evidence to explain the complex technology in the product. Decision reversed on a point of contractual construction. Interim decision at [2012] EWHC 3134 (QB). Trial judgment at [2014] EWHC 3718 (Comm). Quantum judgment at [2015] EWHC 553 (Comm). Appeal judgment reversing trial judgment on a point of construction at [2016] EWCA Civ 396 (with Rajesh Pillai and – earlier – Richard Hanke).
- *Integrated Global Card Payments IT Services / Earn-out and Warranty Dispute* (2014-15) – acted for the sellers of a substantial hi-tech business which provided payment card processing solutions in connection with their claims against the buyers for unpaid earn-out payments, and in defence of threatened warranty crossclaims. Significant technical detail overlaying a complex contractual framework (with Adam Kramer).
- *Ecotricity Group Ltd v Tesla Motors* (2014) (Ch.D) – advised and represented (at mediation) Tesla Motors, the electric powered volume car manufacturer, in its resistance of the claimant power supplier’s claims for injunctions for alleged procurement of breach of contract and misuse of confidential information, and on its counterclaims for breach by the claimant of UK and European Competition Law (with Nicholas Craig).
- *Tamara Ecclestone v Omar Khyami and others* [2014] EWHC 29 (QB) Dingemans J – represented Tamara Ecclestone at trial of this substantial action in a dispute that concerned claims and crossclaims in privacy, breach of confidence, non-molestation and the title to and damages flowing from the alleged conversion of a Lamborghini car. Successful restriction of the principal damages counterclaim from £6+ million originally claimed and from the £415,000+ asserted at trial to a judgment award of only £7,500 (with Jeremy Reed and David Head).
- *S v S* (2013) (Family Division) – acted for the creditor wife on the successful and speedy enforcement of a £14 million unpaid matrimonial finance consent order where the former husband, his assets and the family trusts were primarily based abroad (with Katie Cowton).
- *JSC BTA Bank v Soldochenko and others* (2011-15) (Ch) – acted for Anatoly Ereschenko (17th defendant) in his defence of claims in which he was alleged to have assisted in the facilitation of serious fraud said to have been suffered by the claimant Kazakh bank. Concurrent issues relating to *Norwich Pharmacal* disclosure obligations. Successful defence at trial before Vos J of contempt of court / committal proceedings in which the claimant bank alleged that Ereshchenko had lied in evidence given in response to the disclosure order and under cross-examination [2012] EWHC 1891 (Ch). Successful defence of the bank’s appeal against Vos J’s refusal to commit for contempt of court [2013] EWCA Civ 1961. Several further interim judgments on applications in committal proceedings including [2012] EWHC 550 (Henderson J) and LTL 3/5/2012 (x 2) (Peter Smith J).

Civil fraud and asset tracing

Paul Lowenstein KC is regularly instructed in the heaviest international and domestic fraud cases of the day. His work here overlaps to a great degree with his commercial, banking, crypto and digital assets, tech/I.T. and professional negligence practice. Paul has most recently led teams in several ground-breaking fraud actions, including obtaining the first-known Worldwide Freezing and Proprietary Injunctions against ‘persons unknown’.

He has particular relevant experience of jurisdiction and choice of law issues in the fraud setting; interim remedies including Injunctions, Freezing (*Mareva*) Orders, Search Orders, Imaging and *Norwich Pharmacal*, *Bankers Trust v Shapira* and other Disclosure Orders; Anti-Suit Injunctions, asset-tracing and recovery of misappropriated or ransomed property including Crypto currency and digital assets, enforcement action to secure the payment of domestic and foreign judgments and awards, conflict of laws, international and domestic arbitration, domestic and international banking and other financial transactions and the relationship between deceit and contract/negligence claims against professionals.

Recent and current cases include:

- *Crypto Open Patent Alliance (COPA) v Craig Wright* (2002) (Ch.D) – acting for Dr Craig Wright in a dispute over whether he is the author – under the pseudonym Satoshi Nakamoto – of, and owner of the copyright in, the Bitcoin ‘White Paper’ and so the creator of the Bitcoin electronic cash system. Allegations that Dr Wright’s claims are unfounded (with Michael Hicks).
- *SGS Universal Investment Holdings Limited & ors v Domidias Limited & ors* (2021-) (BVI Commercial Division) – acting for defendants to a substantial unlawful means conspiracy fraud action – jurisdiction and service challenge (with Sam Goodman).

- *Energy company expropriation* (2022) – advising the former major shareholder in a major energy corporation as to routes to reverse or obtain compensation for an expropriation (with Matthew McGhee).
- *Chotai v Virdee* (2021-22) (BVI Commercial Division) – acting for the claimant family in connection with their unfair prejudice petition brought in regard to the alleged mismanagement and misconduct by the defendant family of a hospitality management and investment businesses in East Africa.
- *The Libyan Investment Authority v (1) Credit Suisse International... (3) Frontier Investment Management Partners Ltd* [2021] EWHC 2684 (Comm) – successful defence of the third defendant, a DIFC (Dubai offshore) registered investment manager, against allegations that they were involved in allegedly dishonest arrangements in which the claimant sovereign wealth fund entered into disputed securities transactions involving Notes issued by Credit Suisse International to the value of approximately US \$200 million. Claims dismissed with indemnity costs following summary judgment / jurisdiction / service-out challenge (with Sam Goodman).
- *AO Alfa-Bank v Kipford Ventures Ltd and others* (2021-22) (EC Court of Appeal and BVI Commercial Division) – acting for the claimant bank in claims brought in the BVI to recover monies allegedly stolen and transferred away following a dishonest application for a loan of US\$140 million for the purchase of a coal mine following fraudulent misrepresentations and dishonest accounting misstatements made to induce the loan (with Tony Beswetherick and Eddie Gilmore).
- *AA (an Insurance Provider) v persons unknown (who demanded Bitcoin) and others* (2020) (Commercial Court) – acted for and advised the claimant UK insurance company in this ground-breaking Commercial Court claim to trace, freeze and recover Bitcoin paid as a ransom following a malware attack against the insurer's insured. First known application in England of the principles developed by Paul in the *CMOC v persons unknown* jurisdiction to a claim to recover crypto assets. It was also the first English case to decide that deciding that Bitcoins are property, not money, in English law. The IT and technical aspects of the case required an in-depth understanding of the technology behind crypto- assets including the precise nature of Bitcoins and how they are held and moved on the Blockchain distributed ledger; and the presentation of these concepts to the court in a digestible, expert-based manner (with Darragh Connell).
- *Gupta v Halil-Shah and others* (2021-22) (Ch.D) and *Halil-Shah v Citibank* – acting for the Halil-Shah family in their defence of an alleged \$14 million investment fraud and in their \$10 billion claim against Citibank for failure to account for funds (with Alex Carless and Philip Jones).
- *Boettcher v (1) XIO (UK) LLP and others* (2021-22) – defending two individuals formerly associated with a Private Equity fund against allegations of dishonest statements made to induce the claimant to take employment with the fund (with Maria Kennedy).
- *Chotai v Virdee* (2021-22) (BVI Commercial Division) – acting for the claimant family in connection with their unfair prejudice petition brought in regard to the alleged mismanagement and misconduct by the defendant family of a hospitality management and investment businesses in East Africa.
- *Alessandra Foglia v The Family Officer Ltd and others* [2021] EWHC 650 (Comm) – acted for the claimant in an action to recover €15 million of her money stolen from a bank account in Cayman following a cyber fraud. Proprietary and freezing injunctions and international *Bankers Trust v Shapira* and domestic *Norwich Pharmacal* disclosure orders leading to the recovery of €11.3 million. Further successful application for summary judgment for the balance of the misappropriated money, with key evidence including 'spoofed' emails and the triangulation/geolocation of the precise location of a 'burner' mobile telephone following non-party disclosure provided by a telecoms network operator. The telephone was tied to the defendants through non-party disclosure provided by the network operator and a credit-card issuer. The disposition of the stolen money was established by party and non-party (bank) disclosure applications (with Philip Hinks and Sarah Tresman).
- *Alexander Gorbachev v Andrei Guriev* (2018-21) (Commercial Court) – acted for the claimant in an action to secure his approximately quarter-share of a major industrial chemicals conglomerate alleged to be held on his behalf by a high-profile ultra-high-net-worth individual. [2019] EWHC 2684 (Comm), deciding that the claimant had effected good service of the proceedings by personal service of the defendant in the street in London, notwithstanding the defendant's deployment of close personal security personnel (with Tony Beswetherick and Mark Tushingham).
- *A Bank v B and another* (2020-21) (Commercial Court) – acted for the claimant international investment bank in respect of its claims against the perpetrators of and those assisting in a sophisticated precious metals fraud unwittingly financed by advances made by the bank (with Josephine Davies).
- *SKAT (the Danish Customs and Tax Administration) v Solo Capital Partners LLP and others* (2018-21) (Commercial Court) – acting in this "litigation on a massive scale", named by The Lawyer magazine as one of its Top 20 Cases of 2021, Paul acts for six of the defendants to a very substantial fraud action said to arise out of alleged false claims for refunds of Danish withholding tax relating to shareholder dividends. Judgment allowing release of assets from Proprietary Freezing Injunction at [2020] EWHC 377 (Comm) (with Charlotte Tan).
- *Goldtrail Travel Ltd (in liquidation) v Malcolm Grumbridge* (2019-21) (Ch.D) – represented the defendant – a company director who had given evidence at trial but was not sued in a fraud action brought several years earlier – in his successful application to strike-out dishonest assistance claims brought against him by the liquidator of the claimant on the basis that they were statute-barred; and that the liquidator could not rely on a secondary period of limitation under s.32 Limitation Act, 1980. The claimant knew sufficient facts to be able to plead a claim against him at the time of the first action: [2020] EWHC 1757 (Ch). Decision upheld on appeal [2021] EWHC 1731 (Ch) (with Josephine Davies).

- *Alfa-Bank v Emmerson and others* (2019-21) (BVI Commercial Division) – acted for the claimant bank in proceedings in the British Virgin Islands and Singapore. Securing, by Receivership Orders and Worldwide Freezing Injunctions, the UBO assets of the principal Russian defendant to Cyprus fraud proceedings. Resisting application for substitution of directors to companies in receivership, fortification of cross-undertaking in damages and further application to set-aside the Receivership Order and Freezing Injunction against two corporate defendants on alleged basis that they were the property of a stranger to the action BVIHC (Com) 2019/0127 – 9 April 2020 (with Tony Beswetherick and Sarah Tresman).
- *Energy Services Business Sale Dispute* (2020-21) – advised the sellers of a substantial energy services business in regard to alleged dishonest representations made in the course of the sale and in connection with their claims to deferred contractual consideration (with Susannah Jones).
- *CMOC Sales & Marketing Ltd v persons unknown & 30 others* [2018] EWHC 2230 (Comm); [2019] Lloyd’s Rep. F.C. 62 – acted for the claimant in its action for recovery of money stolen from its bank in a cyber fraud hack. Obtained first-known proprietary and Worldwide Freezing Injunctions against “persons unknown”, as well as *Bankers Trust v Shapira* and other asset-tracing Disclosure Orders against many banks worldwide. Obtained blanket permission for the enforcement of the WFO and the Disclosure Orders worldwide as well as orders for service of documents by alternative means, including Facebook Messenger, providing access to an online data room and WhatsApp. Liability established against all 29 remaining defendants to the action at trial in July 2018 (variously, with Harris Bor, Philip Hinks, Philip Riches and Matthew McGhee).
- *A v B* (2018-22) (LCIA Arbitration and Commercial Court Appeal) – acting for a defendant to an LCIA arbitration claim for unpaid money under commercial documents and instruments. Defence that the instruments are fraudulent shams. Preliminary trial regarding issues of limitation heard in December 2019. Merits award 2021. S.68 appeals to be heard in 2022 (variously, with Jonathan Ketcheson, Henry Byam-Cook, Belinda McRae and Andrew Dinsmore).
- *Joanne Dove and others v HBOS and Bank of Scotland; Gary Wells v HBOS and Bank of Scotland; Paul Pascoe v HBOS and Bank of Scotland* (2019-22) (Ch.D) – representing several individuals who make serious allegations including fraud against one of the big four UK clearing banks and others after the assets of their companies were ‘stripped’ and their business taken from them by allegedly dishonest officers of the Impaired Asset division of the bank and by ‘turnaround’ consultants imposed on them by the Bank (with Luke Pearce).
- *Arena v Guan Jia Qun International Co. Ltd* (2019) (Hong Kong) – advised the American claimant victims of a cyber fraud in connection with their claims brought in the High Court of the Hong Kong Special Administrative Region against the recipients of the stolen money.
- *A v B* (2018-19) – advising a first-class Bank in connection with a proposed substantial fraud action and associated pre-emptive remedies to be brought in England against an ultra-high net worth individual (with Sam Goodman).
- *E D & F Man Capital Markets Ltd v Come Harvest Holdings Ltd and another* (2018-19) (Commercial Court) – defence of an alleged substantial commodities (Nickel) trading fraud – allegations of the passing of fraudulent warehouse receipts (with Benjamin Woolgar).
- *A v B* (2018) – advised a firm of London solicitors regarding their obligations in relation to client monies held on behalf of a high-profile individual who was at the time subject to a very substantial Proprietary Freezing Injunction.
- *Arcadia Petroleum and others v Bosworth and others* (2015-19) (Commercial Court) – advised and acted for two of the defendants (based in Dubai and Mauritius) in substantial Commercial Court oil trading-related fraud litigation said to be worth \$335 million (formerly with David Head).
- *Manek and others v IIFL Wealth (UK) Ltd and others* (2018) (Commercial Court) – acted for two of the defendants, based in India, in relation to a Worldwide Freezing Injunction obtained against them in an action where fraud is alleged in connection with a sale of company shares (with Peter de Verneuil Smith).
- *Vneshprombank v Bedzhamov* (2017-18) (Commercial Court) – acted for the office holders of an insolvent, substantial bank in their claims to recover £1.3 bn allegedly misappropriated by the bank’s former directors (variously with Adam Kramer, Philip Hinks and Sam Goodman).
- *Group Seven and Equity Trading Systems v Notable Services and others* (2015-16) (Ch.D) – defended a Swiss bank, LLB Verwaltung (Switzerland) AG, against allegations of fraudulent conspiracy and dishonest assistance following banking references allegedly given to English solicitors by one of its employees which were said to have caused the wrongful payment-away of the claimants’ money (with Peter de Verneuil Smith).
- *Kazakhstan Kagazy Plc v Zhunus and others* (2013-17) – acted for the first defendant in an alleged £100 million corporate fraud claim said to have taken place in Kazakhstan; and in connection with associated claims. Jurisdiction, choice of law / foreign law, security for costs (judgment at [2015] EWHC 996 (Comm)) and other preliminary issues including successful resistance of application to amend to introduce proprietary claims (judgment at [2015] EWHC 117 (Comm)) and successful application for substantial interim payment on account of costs (judgment at [2015] EWHC 404 (Comm)). Non-molestation injunction. Security for costs, with issues over the enforceability of an English costs judgment in Kazakhstan. Further dispute between defendants regarding Contribution Notice and the right of a defendant/Contribution Notice applicant to seek a worldwide freezing order against a co-defendant (judgment at [2016] 4 WLR 86) (with David Head and Paul Wee).
- *Alliance Bank JSC v Zhunus and others* (2014-15) (Commercial Court) – acted for the first defendant in an alleged £170

million banking fraud claim said to have taken place in Kazakhstan. Discharge of freezing order (with David Head and Paul Wee).

- *Professional Negligence Fraud Claims*– acted for a number of mortgage lenders (including nationalised banks) in their multi-claim managed actions against fraudulent and negligent conveyancing solicitors, valuers and other individuals (with William Edwards and Charlotte Eborall).
- *PJSC Vseukrainskyi Aktsionernyi Bank v Maksimov (2015)* (Commercial Court) – acted for the Respondent on his successful urgent application to adjourn the full hearing of an application for his committal for contempt of court. Issues of access to justice where the alleged contemnor was in a refuge in the Ukraine and subject to a Ukrainian Asset Freezing Order which prevented him using his own money to pay English costs.
- *JSC BTA Bank v Soldochenko and others (2011-15)* (Ch.D) – acted for Anatoly Ereschenko (17th defendant) in his defence of claims in which he was alleged to have assisted in the facilitation of serious fraud said to have been suffered by the claimant Kazakh bank. Concurrent issues relating to *Norwich Pharmacal* disclosure obligations. Successful defence at trial before Vos J of contempt of court / committal proceedings in which the claimant bank alleged that Ereshchenko had lied in evidence given in response to the disclosure order and under cross-examination [2012] EWHC 1891 (Ch). Successful defence of the bank’s appeal against Vos J’s refusal to commit for contempt of court [2013] EWCA Civ 1961. Several further interim judgments on applications in committal proceedings including [2012] EWHC 550 (Henderson J) and LTL 3/5/2012 (x 2) (Peter Smith J).

Banking and finance

Paul Lowenstein KC’s extensive commercial, financial and fraud practice means that he regularly acts both for and against domestic and international banks and other financial institutions. In addition to core banking and financial disputes, his work here overlaps to a great degree with his commercial, fraud, information technology, crypto and digital asset and professional negligence practice.

He has particular relevant experience of: banking and finance transactions and instruments, guarantees, payment card systems and transactions, fraud in, of and against banks, jurisdiction and choice of law issues; interim remedies including injunctions, freezing, search, anti-suit, imaging, *Norwich Pharmacal* and other disclosure orders, asset-tracing including of cryptocurrencies and crypto assets, enforcement action to secure the payment of domestic and foreign judgments and awards, complex financial transactions, claims arising out of business and asset sale agreements including warranty and indemnity disputes, mortgages and secured lending; contract/negligence and deceit actions against professional advisers to lenders.

Recent and current cases include:

- *Crypto Open Patent Alliance (COPA) v Craig Wright (2002)* (Ch.D) – acting for Dr Craig Wright in a dispute over whether he is the author – under the pseudonym Satoshi Nakamoto – of, and owner of the copyright in, the Bitcoin ‘White Paper’ and so the creator of the Bitcoin electronic cash system.
- *The Libyan Investment Authority v (1) Credit Suisse International... (3) Frontier Investment Management Partners Ltd* [2021] EWHC 2684 (Comm) – successful defence of the third defendant, a DIFC (Dubai offshore) registered investment manager, against allegations that they were involved in allegedly dishonest arrangements in which the claimant sovereign wealth fund entered into disputed securities transactions involving Notes issued by Credit Suisse International to the value of approximately US \$200 million. Claims dismissed with indemnity costs following summary judgment / jurisdiction / service-out challenge (with Sam Goodman).
- *Halimeda v Sian (2021-22)* (BVI Commercial Division and EC Court of Appeal) – acting for the applicant US\$226 million loan creditor on its successful application to appoint joint liquidators over the respondent company, an indirect holding company of a substantial minority share in a major logistics company, owing – amongst other things – the port of Vladivostok. Appeal heard in May 2022 (with Tony Beswetherick and Sam Goodman).
- *AO Alfa-Bank v Kipford Ventures Ltd and others (2021-22)* (EC Court of Appeal and BVI Commercial Division) – acting for the claimant bank in claims brought in the BVI to recover monies allegedly stolen and transferred away following a dishonest application for a loan of US\$140 million for the purchase of a coal mine following fraudulent misrepresentations and dishonest accounting misstatements made to induce the loan (with Tony Beswetherick and Eddie Gilmore).
- *A Bank v B and another (2020-21)* (Commercial Court) – acted for the claimant international investment bank in respect of its claims against the perpetrators of and those assisting in a sophisticated precious metals fraud unwittingly financed by advances made by the bank (with Josephine Davies).
- *Ya Il PN Ltd v Frontera Resources Inc (2020-21)* (Commercial Court) – claim for a substantial debt arising out of a settlement agreement following a loan agreement – dispute over the effectiveness of service of English proceedings on a registered corporate director in Texas. Decision on validity of service, retrospective validation of service and its effect on a default judgment at [2021] EWHC 1380 (Comm).
- *SKAT (the Danish Customs and Tax Administration) v Solo Capital Partners LLP and others (2018-21)* (Commercial Court) – acting in this “litigation on a massive scale”, named by *The Lawyer* magazine as one of its Top 20 Cases of 2021, for six

of the defendants to a very substantial fraud action said to arise out of alleged false claims for refunds of Danish withholding tax relating to shareholder dividends. Judgment allowing release of assets from Proprietary Freezing Injunction at [2020] EWHC 377 (Comm) (with Charlotte Tan).

- *Loan Agreement Arbitration* (2020-21) (LCIA) – acting for the claimants in their international arbitral claim to recover an indebtedness of US\$1.3+ billion (with Tony Beswetherick).
- *Various v A Bank and Various others* (2019-20) (LCIA arbitrations) – acted for a foreign mining company in four very large and high-value, closely-related LCIA commercial, banking, guarantee and financial arbitration claims. Two of the claims were against and two were brought against Paul’s client by a one of the largest banks (and others) over the financing of and – ultimately ownership of – a CIS metal ore mine joint venture (with Tamara Oppenheimer and Mark Tushingham).
- *Joanne Dove and others v HBOS and Bank of Scotland; Gary Wells v HBOS and Bank of Scotland; Paul Pascoe v HBOS and Bank of Scotland* (2019-22) (Ch.D) – representing several individuals who make serious allegations including fraud against one of the big four UK clearing banks and others after the assets of their companies were ‘stripped’ and their business taken from them by allegedly dishonest officers of the Impaired Asset division of the bank and by ‘turnaround’ consultants imposed on them by the Bank (with Luke Pearce).
- *Eric Daniels v Lloyds Banking Group* [2018] EWHC 660; [2018] I.R.L.R. 813 (Comm) – acted for the former group chief executive of Lloyds Banking Group in his successful application for summary judgment on his claims for unpaid bonuses payable on the integration of HBOS into Lloyds (with Alistair Wooder).
- *A and others v B Bank* (2018-19) – advising a group of former directors of a subsidiary of a UK clearing bank with regard to unpaid earn-out bonuses.
- *A v B* (2018-19) – advising a first-class Bank in connection with a proposed substantial fraud action and associated pre-emptive remedies to be brought in England against an ultra-high net worth individual (with Sam Goodman).
- *Vneshprombank v Bedzhamov* (2017-18) (Commercial Court) – acted for the office holders of an insolvent, substantial bank in their claims to recover £1.3 bn allegedly misappropriated by the bank’s former directors (variously with Adam Kramer, Philip Hinks and Sam Goodman).
- *CMOC Sales & Marketing Ltd v persons unknown & 30 others* [2018] EWHC 2230 (Comm) [2019] Lloyd’s Rep. F.C. 62 – acted for the claimant in its action for recovery of money stolen from its bank in a cyber fraud hack. Obtained first-known proprietary and Worldwide Freezing Injunctions against “persons unknown”, as well as *Bankers Trust v Shapira* and other asset-tracing Disclosure Orders against many banks worldwide. Obtained blanket permission for the enforcement of the WFO and the Disclosure Orders worldwide as well as orders for service of documents by alternative means, including Facebook Messenger, providing access to an online data room and WhatsApp. Liability established against all 29 remaining defendants to the action at trial in July 2018 (variously, with Harris Bor, Philip Hinks, Philip Riches and Matthew McGhee).
- *A v B* (2017) (Commercial Court) – obtained a very substantial Worldwide Freezing Order on behalf of a well-known overseas bank in support of intended LCIA arbitral proceedings to be brought by the bank against the guarantor of a commercial loan.
- *Retailers (Asda, Arcadia, Wm Morrison and others) v MasterCard and Retailers v Visa: Payment Card Interchange Fee Competition Damages Claims* (2015-17) (Commercial Court) – instructed as lead counsel for the 12 claimant groups, all prominent national retailers, in their separate Commercial Court competition damages actions worth hundreds of millions of pounds against MasterCard and Visa to recoup credit and debit card charges (Multilateral Interchange Fees) on the basis that the defendants operated alleged cartel arrangements in connection with their charging structures. The action against MasterCard was tried in the Commercial Court over 20 days in 2016: [2017] 4 C.M.L.R. 32. The claims against Visa settled in February 2017 after 33 days of trial. These actions were named amongst the ‘Top 20 Cases of 2016’ and 2014 by The Lawyer newspaper and said to be the largest ever such claims launched in the English courts (with Fergus Randolph QC, Christopher Brown, Max Schaefer and Hannah Glover).
- *Kazakhstan Kagazy Plc v Zhunus and others* (2013-17) – acted for the first defendant in an alleged £100 million corporate fraud claim said to have taken place in Kazakhstan; and in connection with associated claims. Jurisdiction, choice of law / foreign law, security for costs (judgment at [2015] EWHC 996 (Comm)) and other preliminary issues including successful resistance of application to amend to introduce proprietary claims (judgment at [2015] EWHC 117 (Comm)) and successful application for substantial interim payment on account of costs (judgment at [2015] EWHC 404 (Comm)). Non-molestation injunction. Security for costs, with issues over the enforceability of an English costs judgment in Kazakhstan. Further dispute between defendants regarding Contribution Notice and the right of a defendant/Contribution Notice applicant to seek a worldwide freezing order against a co-defendant (judgment at [2016] 4 WLR 86) (with David Head and Paul Wee).
- *Group Seven and Equity Trading Systems v Notable Services and others* (2015-16) (Ch.D) – defended a Swiss bank, LLB Verwaltung (Switzerland) AG, against allegations of fraudulent conspiracy and dishonest assistance following banking references allegedly given to English solicitors by one of its employees which were said to have caused the wrongful payment-away of the claimants’ money (with Peter de Verneuil Smith).
- *Integrated Global Card Payments IT Services / Earn-out and Warranty Dispute* (2014-15) – acted for the sellers of a substantial hi-tech business which provided payment card processing solutions in connection with their claims against the

buyers for unpaid earn-out payments, and in defence of threatened warranty crossclaims. Significant technical detail overlaying a complex contractual and financial framework (with Adam Kramer).

- *Ignis Asset Management Ltd. v Heming* (2014) (Ch) – acted for a software developer in defence of a claim for alleged breach of confidence etc relating to proprietary software following his resignation from the employment of the claimant asset managers. Imaging Orders (with James MacDonald).
- *PJSC Vseukrainskyi Aktsionernyi Bank v Maksimov* (2015) (Commercial Court) – acted for the Respondent on his successful urgent application to adjourn the full hearing of an application for his committal for contempt of court. Issues of access to justice where the alleged contemnor was in a refuge in the Ukraine and subject to a Ukrainian Asset Freezing Order which prevented him using his own money to pay English costs.
- *Hedge Fund Introducer Commissions* (2013-14) – advised a leading hedge fund on a dispute over contractual arrangements for the payment of introduction of business commissions.
- *JSC BTA Bank v Soldochenko and others* (2011-15) (Ch.D) – acted for Anatoly Ereschenko (17th defendant) in his defence of claims in which he was alleged to have assisted in the facilitation of serious fraud said to have been suffered by the claimant Kazakh bank. Concurrent issues relating to *Norwich Pharmacal* disclosure obligations. Successful defence at trial before Vos J of contempt of court / committal proceedings in which the claimant bank alleged that Ereshchenko had lied in evidence given in response to the disclosure order and under cross-examination [2012] EWHC 1891 (Ch). Successful defence of the bank’s appeal against Vos J’s refusal to commit for contempt of court [2013] EWCA Civ 1961. Several further interim judgments on applications in committal proceedings including [2012] EWHC 550 (Henderson J) and LTL 3/5/2012 (x 2) (Peter Smith J).

Information technology, digital assets, crypto and telecommunications

Paul Lowenstein KC’s practice encompasses many aspects of disputes concerning information technology and telecommunications, including internet, website, computer, hardware, software, crypto and other digital assets, blockchain/distributed ledger, e-publishing, high-tech and “dot.com”; and all aspects of fixed and cellular telecoms contractual and service litigation. His experience also leads him to be instructed in cases where IT is applied to litigation, such as in applications for imaging orders. His work in this area often overlaps with complex commercial, financial, banking, fraud and professional negligence disputes.

Of particular note is Paul’s innovative work in developing IT based court techniques and tools for tackling international cyber fraud cases involving the transfer of money and crypto currency and assets across the international banking system and the blockchain. In other ground-breaking developments, Paul has persuaded the Court to adopt novel IT solutions to allow effective service of court proceedings, injunctions and other documents, including by the use of Facebook Messenger, WhatsApp and by giving access on an online data room.

Recent cases include:

- *Crypto Open Patent Alliance (COPA) v Craig Wright* (2002) (Ch.D) – acting for Dr Craig Wright in a dispute over whether he is the author – under the pseudonym Satoshi Nakamoto – of, and owner of the copyright in, the Bitcoin ‘White Paper’ and so the creator of the Bitcoin electronic cash system.
- *Re Freenode Ltd* (2021) (Commercial Court) – acted for and advised the owner of Freenode.net, one of the World’s principal open-source code webchat websites, in their successful action to regain access and control of the Freenode.net domain and servers from interdiction by website administrators (with Sam Goodman).
- *AA (an Insurance Provider) v persons unknown (who demanded Bitcoin) and others* (2020) (Commercial Court) – acted for and advised the claimant UK insurance company in this ground-breaking Commercial Court claim to trace, freeze and recover Bitcoin paid as a ransom following a malware attack against the insurer’s insured. This was the first known application in England of the principles developed by Paul in the *CMOC v persons unknown* jurisdiction to a claim to recover crypto assets. It was also the first English case to decide that deciding that Bitcoins are property, not money, in English law. The IT and technical aspects of the case required an in-depth understanding of the technology behind crypto-assets including the precise nature of Bitcoins and how they are held and moved on the Blockchain distributed ledger; and the presentation of these concepts to the court in a digestible, expert-based manner (with Darragh Connell).
- *Alessandra Foglia v The Family Officer Ltd and others* [2021] EWHC 650 (Comm) – acted for the claimant in an action to recover €15 million of her money stolen from a bank account in Cayman following a cyber fraud. Proprietary and freezing injunctions and international *Bankers Trust v Shapira* and domestic *Norwich Pharmacal* disclosure orders leading to the recovery of €11.3 million. Further successful application for summary judgment for the balance of the misappropriated money, with key evidence including ‘spoofed’ emails and the triangulation/geolocation of the precise location of a ‘burner’ mobile telephone following non-party disclosure provided by a telecoms network operator. The telephone was tied to the defendants through non-party disclosure provided by the network operator and a credit-card issuer. The disposition of the stolen money was established by party and non-party (bank) disclosure applications (with Philip Hinks and Sarah Tresman).
- *Alexander Gorbachev v Andrei Guriev* (2018-21) (Commercial Court) – acted for the claimant in an action to secure his

approximately quarter-share of a major industrial chemicals conglomerate alleged to be held on his behalf by a high-profile ultra-high-net-worth individual. [2019] EWHC 2684 (Comm), deciding that the claimant had effected good service of the proceedings by personal service of the defendant in the street in London, notwithstanding the defendant's deployment of close personal security personnel. The service hearing required close analysis of video and audio evidence taken by the service agents in a London Street and its presentation, second-by-second. Issues over the technical limitations of the evidence and its consistency with other evidence (with Tony Beswetherick and Mark Tushingham).

- *CMOC Sales & Marketing Ltd v persons unknown & 30 others* [2018] EWHC 2230 (Comm); [2019] Lloyd's Rep. F.C. 62 – acted for an international commodities business which fell victim to a sophisticated Business Email Compromise (payments fraud) following the hacking of its email system. Obtained first-known Proprietary and Worldwide Freezing Injunctions against “persons unknown”, as well as *Bankers Trust v Shapira* and other asset-tracing Disclosure Orders against many banks worldwide. Obtained blanket permission for the enforcement of the WFO and the Disclosure Orders worldwide as well as orders for service of documents by alternative means, including Facebook Messenger, providing access to an online data room and WhatsApp. Liability established against all 29 remaining defendants to the action at trial in July 2018 (variously, with Harris Bor, Philip Hinks, Philip Riches and Matthew McGhee).
- *Be In v Google* (2017-18) (Commercial Court) – acted for an online tech company in respect of its claims against Google for losses suffered following alleged misappropriation and use in ‘Google Hangouts’ of business secrets in the face of a non-disclosure agreement (with Oliver Caplin).
- *Neurosoft SA v Barclays Bank Plc* (2018) QBD: acted for the claimant in its substantial action to recover damages and compensation following termination of a project for the design and supply of a specialised banking software platform for the defendant bank (with Andy Feld).
- *Integrated Global Card Payments IT Services / Earn-out and Warranty Dispute* (2014-15) – acted for the sellers of a substantial hi-tech business which provided payment card processing solutions in their claims against the buyers for unpaid earn-out payments, and in defence of threatened warranty crossclaims. Significant technical detail overlaying a complex contractual and financial framework (with Adam Kramer).

Jurisdiction, conflict of laws and enforcement of foreign judgments

Paul Lowenstein KC's practice frequently addresses questions of; jurisdiction; anti-suit injunctions; choice of law; the application of foreign laws in the English courts and of English law in foreign courts; issues concerning the international enforcement (or resistance of the enforcement) of judgments and arbitral awards; conflict of laws; international service of court proceedings, orders and other court documents and other principles of Private International Law as applied to commercial, financial and property and cultural artefact cases. Paul has extensive experience in these areas, which arise both as preliminary or incidental issues or as substantive disputes, having acted in a number of the leading cases.

Paul is a member of the Service sub-committee of the Civil Procedure Rules Committee, and a co-author of its 2022 report on “Proposed Amendments to the PD6B ‘Gateways’”, leading to the introduction on 1 October 2022 of the new [Disclosure Gateway \(PD 6B para 3.1\(23\)\)](#).

Recent, current, and notable cases include:

- *Anti-suit injunction* (2022) (Commercial Court) – relating to a dispute proceeding in a foreign *jurisdiction* between an energy company and an oil major where the underlying agreements contain LCIA arbitration clauses. Issues of foreign law (with Manuel Casas).
- *Halimeda v Sian* (2021-22) (BVI Commercial Division and EC Court of Appeal) – acting for the applicant US\$226 million loan creditor on its successful application to appoint joint liquidators over the respondent company, an indirect holding company of a substantial minority share in a major logistics company, owing – amongst other things – the port of Vladivostok. Appeal heard in May 2022 (with Tony Beswetherick and Sam Goodman).
- *SGS Universal Investment Holdings Limited & ors v Domidias Limited & ors* (2021-) (BVI Commercial Division) – acting for defendants to a substantial unlawful means conspiracy fraud action – jurisdiction and service challenge (with Sam Goodman).
- *Energy company expropriation* (2022) – advising the former major shareholder in a major energy corporation as to routes to reverse or obtain compensation for an expropriation. Foreign law and jurisdiction issues (with Matthew McGhee).
- *The Libyan Investment Authority v (1) Credit Suisse International... (3) Frontier Investment Management Partners Ltd* [2021] EWHC 2684 (Comm) – successful defence of the third defendant, a DIFC (Dubai offshore) registered investment manager, against allegations that they were involved in allegedly dishonest arrangements in which the claimant sovereign wealth fund entered into disputed securities transactions involving Notes issued by Credit Suisse International to the value of approximately US \$200 million. Claims dismissed with indemnity costs following summary judgment / jurisdiction / service-out challenge (with Sam Goodman).
- *AO Alfa-Bank v Kipford Ventures Ltd and others* (2021-22) (EC Court of Appeal and BVI Commercial Division) – acting for the claimant bank in claims brought in the BVI to recover monies allegedly stolen and transferred away following a dishonest application for a loan of US\$140 million for the purchase of a coal mine following fraudulent misrepresentations

and dishonest accounting misstatements made to induce the loan (with Tony Beswetherick and Eddie Gilmore).

- *Boettcher v (1) XIO (UK) LLP and others* (2021-22) – defending two individuals formerly associated with a Private Equity fund against allegations of dishonest statements made to induce the claimant to take employment with the fund. Issues regarding services of proceedings / Hague Service Convention (with Maria Kennedy)
- *Ya Il PN Ltd v Frontera Resources Inc* (2020-21) (Commercial Court) – dispute over the effectiveness of service of English proceedings on a registered corporate director in Texas. Decision on validity of service, retrospective validation of service and its effect on a default judgment at [2021] EWHC 1380 (Comm).
- *Linda Hickox v The Personal Representatives of Ian Roper Taylor Deceased and Simon C Dickinson Ltd* (2020-21) (Ch.D) – acting for the American owner of a high value impressionist painting by Paul Signac, which was taken from her in New York under false pretences by a fraudulent art dealer before being sold on the London art market through the second defendant art gallery to an English art collector (with, variously, Susannah Jones, Harry Martin and Courtney Grafton).
- *Hirbodan Management Company v Cummins Power Generation Ltd* [2021] EWHC 3315 (Comm) – successful defence of a claim for the enforcement in England of a judgment of the courts of Iran. Issues included: enforcement being contrary to English public policy, natural justice, and other associated defences; the content, relevance and effect on the claim of rules of Iranian law and procedure and the effect on the claim of British and US sanctions against Iran. Successful application for security for costs on the grounds that an English costs order would neither be enforceable in Iran, nor in ‘onshore’ Dubai (with Angharad Parry).
- *Alexander Gorbachev v Andrei Guriev* (2018-21) (Commercial Court) – acted for the claimant in an action to secure his approximately quarter-share of a major industrial chemicals conglomerate alleged to be held on his behalf by a high-profile ultra-high-net-worth individual. [2019] EWHC 2684 (Comm), deciding that the claimant had effected good service of the proceedings by personal service of the defendant in the street in London, notwithstanding the defendant’s deployment of close personal security personnel (with Tony Beswetherick and Mark Tushingham).
- *Evison v Finvision* (2019-20) (Commercial Court) – defended a non-director against committal proceedings relating to alleged breaches by a company of an English anti-suit injunction granted to protect LCIA arbitration proceedings. Judgment considering material non-disclosure on application for service-out and interplay between rules governing service by an alternative method and the requirements of the Hague Service Convention at [2020] EWHC 239 (Comm) (with Mark Tushingham).
- *AA (an Insurance Provider) v persons unknown (who demanded Bitcoin) and others* (2020) (Commercial Court) – acted for the claimant insurer in an action to trace, freeze and recover Bitcoin paid as a ransom following a malware attack. Jurisdiction challenge to consider – amongst other things – whether the English Court has jurisdiction over a claim to recover Bitcoin in the circumstances of the ransom paid by the claimant (with Darragh Connell).
- *A v B* (2020) – advised foreign litigants in regard to potential ‘*lis pendens*’ issues likely to arise between actions proceeding in Cyprus and in the Commercial Court in London.
- *A v B* (2020) – provided an Expert Opinion on issues of English and British Virgin Islands law and procedure for use in enforcement proceedings taken in Miami, Florida in regard to an award of a LCIA Tribunal.
- *A v B* (2020) – advised a foreign corporation engaged in heavy litigation in a foreign common law jurisdiction in relation to the availability of Anti-Enforcement Injunctive relief to prevent steps proposed to be taken in another jurisdiction.
- *SAS Institute Inc v World Programming Ltd* [2018] EWHC 3452 (Comm) – acted for the defendant software company in its successful resistance at trial of the enforcement in England of a US\$26 million US court judgment on the grounds that the enforcement action was contrary to public policy, an abuse of the process and contrary to the Protection of Trading Interests Act 1980. Successful counterclaim ordering repayment under the Protection of Trading Interests Act 1980 of payments made in respect of a US judgment for multiple damages (with Josephine Davies). Further Anti-Suit Injunction obtained post-trial (with Thomas Raphael QC, Josephine Davies and Oliver Caplin). Further judgment deciding that payments made under the US judgment could not be appropriated by the claimant because the statutory appropriation under the Protection of Trading Interests Act 1980 operated immediately it received payment: [2019] EWHC 2496 (Comm).
- *Various v A Bank and Various Others* (2019-20) (LCIA arbitrations) – acted for a foreign mining company in four very large and high-value, closely-related LCIA commercial, banking, guarantee and financial arbitration claims. Two of the claims were against and two were brought against Paul’s client by a one of the largest banks (and others) over the financing of and – ultimately ownership of – a CIS metal ore mine joint venture (with Tamara Oppenheimer and Mark Tushingham).
- *de Carvalho Pinto Viegas and others v Cutrale and others* (2019) – acted in the initial stages for the claimant Brazilian orange growers in their claims brought in England under Brazilian competition laws against the alleged operators of a Brazilian orange juice cartel. Issues relating to the domicile of the principal defendants.
- *SKAT (the Danish Customs and Tax Administration) v Solo Capital Partners LLP and others* (2018-21) (Commercial Court) – acting in this “litigation on a massive scale”, named by The Lawyer magazine as one of its Top 20 Cases of 2021, for six of the defendants to a very substantial fraud action said to arise out of alleged false claims for refunds of Danish withholding tax relating to shareholder dividends. Judgment allowing release of assets from Proprietary Freezing Injunction at [2020] EWHC 377 (Comm). Issues as to appropriate governing law (with Charlotte Tan).

- *E D & F Man Capital Markets Ltd v Come Harvest Holdings Ltd and another* (2018-19) (Commercial Court) – defence of an alleged substantial commodities (Nickel) trading fraud – allegations of the passing of fraudulent warehouse receipts. Conflicts arise between the English proceedings and a related action in Hong Kong (with Benjamin Woolgar).
- *A Bank v B* (2018) – advised a first-class bank in connection with the enforcement of a judgment against the defendant in England.
- *Arcadia Petroleum and others v Bosworth and others* (2015-19) (Commercial Court) – advised and acted for two of the defendants (based in Dubai and Mauritius) in substantial Commercial Court oil trading-related fraud litigation said to be worth \$335 million. Issues relating to jurisdiction.
- *A v B* (2018-19) – advising a first-class bank in connection with a proposed substantial fraud action and associated pre-emptive remedies to be brought in England against an ultra-high net worth individual. Jurisdiction/domicile and choice of law issues (with Sam Goodman).
- *Vneshprombank v Bedzhamov* (2017-18) (Commercial Court) – acted for the office holders of an insolvent, substantial bank in their claims to recover £1.3 bn allegedly misappropriated by the bank’s former directors. Jurisdiction/domicile and choice of law issues (variously with Adam Kramer, Philip Hinks and Sam Goodman).
- *Manek and others v IIFL and others* (2018) (Commercial Court) – acted for two of the defendants, based in India, in relation to a worldwide freezing injunction obtained against them in an action where fraud is alleged in connection with a sale of company shares. Conflicts between English freezing injunction and Indian Anti-Suit Injunction (with Peter de Verneuil Smith).
- *A v B* (2018) – advised an ultra-high net worth individual in relation to overseas contempt of court committal proceedings served on him and others in London (with Simon Mills).
- *Cinnamon European Structured Credit Master Fund v Banco Commercial Portugues SA* [2009] EWHC 3381 (Ch) – substantial jurisdiction dispute and stay application in relation to claims brought under documents effecting the securitisation of a portfolio of Portuguese residential mortgages (with David Mumford).
- *Islamic Republic of Iran v Berend* [2007] 2 All E.R. (Comm) 132 (QB) – acted on the successful defence of a claim by the Iranian state for possession of an item of ancient movable property (a fragment originally from Persepolis) which the defendant had offered for sale by auction in London. Issues included consideration of the law applicable to title to movable property abroad. First judicial consideration of the relevance of the doctrine of ‘renvoi’ to the transfer of title to tangible movable property abroad. Consideration of French domestic law and conflict of laws.
- *HIT Entertainment Ltd v Gaffney International Licensing Pty Ltd* [2007] EWHC 1282 (Ch.D) – jurisdiction dispute considering the principles applicable at common law to an application for stay where the claimant relies on a non-exclusive jurisdiction clause, the effect of Art.23 of EC Regulation 44/2001 and whether there was scope for the application of doctrine of *forum non conveniens* in Art.23 cases.
- *Sawyer v Atari Interactive Inc* [2007] EWCA Civ 170 (CA) – Acted for the defendant in defence of an interactive video games royalty accounting dispute. Substantial argument at first instance over the procedures engaged on a late challenge to the jurisdiction of the English court. Other issues engaged on appeal.

Professional negligence

Paul Lowenstein KC has expertise in complex professional liability and deceit claims, principally acting for lenders in heavy, managed actions against solicitors, surveyors, valuers, accountants and auditors. He was extensively involvement in the landmark *Bristol & West* lenders’ actions against solicitors and valuers. Much of Paul’s work in this area overlaps with his commercial, banking, fraud and IT practice.

Recent and current cases:

Paul has for many years advised and acted for a number of mortgage lenders (including Mortgage Express, Bradford & Bingley, Northern Rock, Platform Home Loans, Britannia, Royal Bank of Scotland and Bank of Scotland) as lead counsel in a number of single and managed multi-claim actions (each comprising between 60 and 1,000+ cases) and proposed actions against solicitors, valuers, mortgage brokers, packagers and borrowers, including:

- *Mortgage Express v Countrywide* [2016] EWHC 224 (Ch) – acted for the claimant nationalised lender in its successful claims brought in deceit for damages arising out of losses sustained following gross over-valuation of rental assessments used to support buy-to-let mortgages over 40+ properties in Eastbourne. Trial in January 2016: (with Charlotte Eborall).
- *NRAM v Lambert Smith Hampton* (2015-17) – acted for the claimant in its claim arising out of the allegedly negligent over-valuation of a group of commercial care homes (with Charlotte Eborall).
- *Mortgage Express and NRAM v Countrywide* [2015] EWCA Civ 1110 – acted for the claimants in an action against valuers for damages for alleged dishonest and/or negligent over-valuations of 70+ buy-to-let properties in Leeds. Successful appeal to the Court of Appeal regarding the construction of a limitation standstill agreement, which had the effect of allowing Mortgage Express to advance 40+ of its claims in the tort of deceit (with William Edwards).

- *Powernet Telecom Plc v Teathers (in liquidation)* (2012-13) (Ch) – acted for the joint liquidators of the respondent firm of stockbrokers in insolvency and related Chancery proceedings. Core allegations of negligence in connection with a retainer to assist the applicant to raise finance in a private placement of shares in a dot com. Issues concerning the viability of the business plan of the subject Telecom / Internet Service Provider (with William Edwards).
- *GMAC-RFC Ltd v (1) Watson & Brown (2) Connells and others* (London Mercantile Court) – advised and acted for the claimant lender in its 200+ simultaneous managed claims for conveyancing negligence and breach of fiduciary duty against the first defendant solicitors and for valuation negligence against the second defendant valuers (with Rajesh Pillai).
- *Mortgage Express v SFM Legal Services Ltd. and others* (Manchester Mercantile Court) – acted for the claimant lender in pursuit of fraud, breach of equitable duties and conveyancing negligence actions against a firm of solicitors arising out of 724 conveyancing transactions. Obtained a series of search, property preservation, delivery-up, non-disclosure ('Gagging'), freezing and *Norwich Pharmacal* disclosure orders against the defendant solicitors and others (with Charlotte Eborall).

Art and artefacts, antiques and antiquities, media and entertainment

Paul Lowenstein KC has particular experience of entertainment and media cases, including actions for breach of confidence and privacy; video and interactive games litigation; royalty accounting and distribution disputes. Paul is also experienced in art and artefacts litigation, including high profile disputes over the ownership and provenance of artworks, artefacts and antiquities. Paul's work in this area regularly overlaps with his commercial, fraud and conflict of laws practice.

Cases in this area include:

- *Linda Hickox v The Personal Representatives of Ian Roper Taylor Deceased and Simon C Dickinson Ltd* (2020-22) (Ch.D) – acting for the American owner of a high value impressionist painting by Paul Signac, which was taken from her in New York under false pretences by a fraudulent art dealer before being sold on the London art market through the second defendant art gallery to an English art collector (with, variously, Susannah Jones, Harry Martin and Courtney Grafton).
- *State appropriation of major artwork* – advised the prominent owners of a well-known artwork which was removed by state action from their private yacht before being transferred to a national museum in the state of origin of the artwork.
- *Tamara Ecclestone v Omar Khyami and others* [2014] EWHC 29 (QB) Dingemans J – represented Tamara Ecclestone at the trial of this substantial action in a dispute that concerned claims and crossclaims in privacy, breach of confidence, non-molestation and the title to and damages flowing from the alleged conversion of a Lamborghini car. Successful restriction of the principal damages counterclaim from £6+ million originally claimed and from the £415,000+ asserted at trial to a judgment award of only £7,500 (with Jeremy Reed and David Head).
- *Newspaper Group Fulfilment Contract Dispute* – advised a leading national newspaper and media group in relation to a dispute with its former contractor for the fulfilment of customer services and online customer orders.
- *Islamic Republic of Iran v Berend* [2007] 2 All E.R. (Comm) 132 (QBD) – acted on the successful defence of a claim by the Iranian state for possession of an item of ancient movable property (a fragment originally from Persepolis) which the defendant had offered for sale by auction in London. Issues included consideration of the law applicable to title to movable property abroad. First judicial consideration of the relevance of the doctrine of '*renvoi*' to the transfer of title to tangible movable property abroad. Consideration of French domestic law and conflict of laws.
- *HIT Entertainment Ltd v Gaffney International Licensing Pty Ltd* [2007] EWHC 1282 (Ch.D) jurisdiction – principles applicable at common law to application for stay where the claimant relies on a non-exclusive jurisdiction clause – effect of Art.23 of EC Regulation 44/2001 – whether scope for application of doctrine of *forum non conveniens* in Art.23 cases.
- *Sawyer v Atari Interactive Inc* [2007] EWCA Civ 170 (CA) – acted for the defendant in defence of an interactive video games royalty accounting dispute. Substantial argument at first instance over the procedures engaged on a late challenge to the jurisdiction of the English court. Other issues engaged on appeal. On appeal, consideration of the principles on which new evidence is admitted on appeal and of the appropriate procedure on appeal when the law applied by the judge on striking-out part of the counterclaim is presently under consideration in the House of Lords.
- *Crave Entertainment Inc v Computer Game Play Ltd* (2007) (Ch.D) – acted for the US-based claimant interactive video game development house in its action for unpaid licence fees against an English game publisher (with Rajesh Pillai).
- *Rachmaninoff v (1) Sotheby's (2) Terenyi* [2005] (QB, David Steel J) – acted for Mrs Terenyi in her defence of the Rachmaninoff family's claim for possession of the manuscript of the composer's second symphony, which had been left to her in a will.

Offshore

Paul Lowenstein KC is instructed to appear to advise in high-profile, heavy or sensitive commercial disputes proceeding in

commercial and insolvency courts and/or international arbitral proceedings in offshore jurisdictions. The majority of Paul's cases in this area involve multiple parties and interlocking claims proceeding in several jurisdictions and/or arbitral tribunals.

Paul is called to the Bar and regularly appears before the courts of the British Virgin Islands and the Eastern Caribbean Court of Appeal.

Particularly known for his strength of advocacy on interlocutory applications, at trial and at appellate level and for his strategic thinking and commercial approach, Paul is regularly retained for difficult and complex cases arbitrations with complex or highly contested facts.

Paul is regularly retained to advise on and to argue jurisdiction and choice of law issues, to obtain or resist Freezing, Search, Imaging and *Norwich Pharmacal* and other Disclosure Orders; on cases and applications concerning the appointment of liquidators and administrators; applications for Anti-Suit Injunctions and other protective relief. A substantial part of Paul's recent practice has been taken up in international enforcement and asset-tracing actions, including pre-emptive remedies in support of such proceedings.

Many cases on which Paul advises remain confidential, but examples of Paul's most recent court and arbitration actions include:

- *AO Alfa-Bank v Kipford Ventures Ltd and others* (2021-22) (EC Court of Appeal and BVI Commercial Division) – acting for the claimant bank in claims brought in the BVI to recover monies allegedly stolen and transferred away following a dishonest application for a loan of US\$140 million for the purchase of a coal mine following fraudulent misrepresentations and dishonest accounting misstatements made to induce the loan (with Tony Beswetherick and Eddie Gilmore).
- *Chotai v Virdee* (2021-22) (BVI Commercial Division) – acting for the claimant family in connection with their unfair prejudice petition brought in regard to the alleged mismanagement and misconduct by the defendant family of a hospitality management and investment businesses in East Africa.
- *Halimeda v Sian* (2021-22) (BVI Commercial Division and EC Court of Appeal) – acting for the applicant US\$226 million loan creditor on its successful application to appoint joint liquidators over the respondent company, an indirect holding company of a substantial minority share in a major logistics company, owing – amongst other things – the port of Vladivostok. Appeal heard in May 2022 (with Tony Beswetherick and Sam Goodman).
- *SGS Universal Investment Holdings Limited & ors v Domidias Limited & ors* (2021-) (BVI Commercial Division) – acting for defendants to a substantial unlawful means conspiracy fraud action – jurisdiction and service challenge (with Sam Goodman).
- *Liu Tieh Ching (Brandon) v TJY Holdings Ltd (2) Liu Ju Ching (3) Liu Yu Ching* (2020-21) (BVI Commercial Division) – acting for the Hong-Kong-based claimant in his minority shareholder claims regarding the conduct of a BVI registered holding company and its Cayman Islands, Hong Kong and other subsidiaries (with Tony Beswetherick).
- *Alfa-Bank v Emmerson and others* (2019-21) (BVI Commercial Division) – acted for the claimant bank in proceedings in the British Virgin Islands and Singapore. Securing, by Receivership Orders and Worldwide Freezing Injunctions, the UBO assets of the principal defendant to Cyprus fraud proceedings. Resisting application for substitution of directors to companies in receivership, fortification of cross-undertaking in damages and further application to set-aside the Receivership Order and Freezing Injunction against two corporate defendants on alleged basis that they were the property of a stranger to the action BVIHC (Com) 2019/0127 – 9 April 2020 (with Tony Beswetherick and Sarah Tresman).
- *A v B* (2020) – provided an Expert Opinion on issues of English and British Virgin Islands law and procedure for use in enforcement proceedings taken in Miami, Florida in regard to an award of a LCIA Tribunal.
- *A v Various* (2019) – advised BVI companies parties and their ultra-high net worth UBO, who defended a substantial corporate dispute in LCIA arbitration.

Arbitration

Paul Lowenstein KC is instructed in high-profile, heavy or sensitive commercial disputes proceeding in domestic and international arbitration, both institutional and *ad hoc*. Particularly known for his strength of advocacy, strategic thinking and commercial approach, Paul is regularly retained for difficult and complex arbitrations with highly contested facts or where substantial witness or expert examination is required.

Paul has particular experience of applications in the Commercial Court in London in support of arbitral proceedings in England and overseas, and in connection with the enforcement or resistance of enforcement of arbitral awards. He is regularly retained to advise on and to argue jurisdiction and choice of law issues, to obtain or resist freezing, search, imaging and *Norwich Pharmacal* and other disclosure orders in connection with arbitral proceedings and for anti-suit injunctions both before the court and arbitral tribunals.

A substantial part of Paul's recent practice has been taken up in enforcement proceedings relating to arbitration, including

the use of pre-emptive remedies in support of such action.

In recent years, Paul has been involved in arbitration and arbitration-related proceedings arising out of or connected with England, Singapore, the Gulf States, India, CIS, Ukraine, the Caribbean, the U.S.A. and Hong Kong.

Paul Lowenstein KC accepts appointments as arbitrator in domestic and international arbitrations.

Most of Paul Lowenstein KC's arbitration practice remains confidential, but examples of his most recent and current cases include:

- *Anti-suit injunction* (2022) (Commercial Court) – relating to a dispute proceeding in a foreign jurisdiction between an energy company and an oil major where the underlying agreements contain LCIA arbitration clauses (with Manuel Cassas).
- *Loan Agreement Arbitration* (2020-21) (LCIA arbitration) – acting for the claimants in their international arbitral claim to recover an indebtedness of US\$1.3+ billion Anti-suit injunction (with Tony Beswetherick and Sarah Tresman).
- *A v B* (2020) (Commercial Court / International Arbitration) – advised a foreign state on issues arising in Commercial Court proceedings arising out of a high-profile, ultra-high value international arbitration and foreign court proceedings (with Sam Goodman).
- *Evison v Finvision* (2019-20) (Commercial Court) – defended a non-director against committal proceedings relating to alleged breaches by a company of an English anti-suit injunction granted to protect LCIA arbitration proceedings. Judgment considering material non-disclosure on application for service-out and interplay between rules governing service by an alternative method and the requirements of the Hague Service Convention at [2020] EWHC 239 (Comm) (with Mark Tushingham).
- *A v B* (2018-22) (LCIA Arbitration and Commercial Court Appeal) – acting for a defendant to an LCIA arbitration claim for unpaid money under commercial documents and instruments. Defence that the instruments are fraudulent shams. Preliminary trial regarding issues of limitation heard in December 2019. Merits award 2021. S.68 appeals to be heard in 2022 (variously, with Jonathan Ketcheson, Henry Byam-Cook, Belinda McRae and Andrew Dinsmore).
- *A v B* (2020) – provided and an Expert Opinion on issues of English and British Virgin Islands law and procedure for use in enforcement proceedings taken in Miami, Florida in regard to an award of a LCIA Tribunal.
- *Various v A Bank and various others* (2019-20) – acted for a foreign mining company in four very large and high-value, closely-related LCIA commercial, banking, guarantee and financial arbitration claims. Two of the claims were against and two were brought against Paul's client by a one of the largest banks (and others) over the financing of and – ultimately ownership of – a CIS metal ore mine joint venture (with Tamara Oppenheimer and Mark Tushingham).
- *A v Various* (2019) – advised BVI companies parties and their ultra-high net worth UBO, who defended a substantial corporate dispute in LCIA arbitration.
- *A v B* (2019-20) – acted for the claimant in an ICC arbitration concerning a dispute over the establishment of an energy production plant in the Caucasus (with Luke Pearce).
- *A v Various* (2019) – advised an LCIA award creditor with substantial associated litigation in India and Mauritius on availability of freezing injunction and 'Chabra' injunctive relief in England.
- *Manek and others v IIFL and others* (2018) (Commercial Court) – acted for two of the defendants, based in India, in relation to a worldwide freezing order obtained against them in an action where fraud is alleged in connection with a sale of company shares. Conflicts between English freezing injunction and Indian Anti-Suit Injunction (with Peter de Verneuil Smith).
- *A v B* (2017-18) – obtained a very substantial Commercial Court worldwide freezing order on behalf of a well-known overseas bank in support of intended LCIA arbitral proceedings (with Andrew Fulton).
- *Montblanc v Doshi* (2017) – Commercial Court – acted for the claimants on the enforcement in England of a substantial ICC arbitration award, including obtaining a worldwide freezing order.
- *Enforcement of arbitral award* (2015) – advised the claimant in respect of a contested Commercial Court claim for the enforcement in England of a very substantial arbitral award.
- *Gulf State banking fraud claim* (2012-13) – acted for a substantial Gulf State-based industrial conglomerate alleged to have been in dishonest breach of banking arrangements with the claimant multinational banking group.

Mediation

Paul Lowenstein KC is a qualified CEDR mediator and regularly appears as an advocate in mediations as well as supporting clients through the mediation process. He has an intimate knowledge of mediation procedures, derived from his training as a mediator and through his extensive experience in mediation.

Examples of Paul's work in this area include:

- *Paul Pascoe v HBOS and Bank of Scotland* (2021-22) (Ch.D) – representing the claimant at mediation in connection with his serious allegations including fraud against one of the big four UK clearing banks and others after the assets of their companies were ‘stripped’ and their business taken from them by allegedly dishonest officers of the Impaired Asset division of the bank and by ‘turnaround’ consultants imposed on his business by the Bank.
- *Hotel Investment Fund / Senior Employee dispute* (2020) – advised and represented, at mediation, a high-profile, regulated commercial property investment business which was in dispute with a senior employee. Serious allegations included complains about office culture, director and employee obligations, whistleblowing and the impact of relevant regulations and the Regulator.
- *Joanne Dove and others v HBOS and Bank of Scotland; Gary Wells v HBOS and Bank of Scotland* (2019-20) – assisted with mediation preparation and drafting on behalf of the individual claimants, having previously acted (with Luke Pearce) for them in court proceedings arising out of their serious allegations including fraud against one of the big four UK clearing banks and others after the assets of their companies were ‘stripped’ and their business taken from them by allegedly dishonest officers of the Impaired Asset division of the bank and by ‘turnaround’ consultants imposed on them by the Bank.
- *Integrated Global Card Payments IT Services / Earn-out and Warranty Dispute* (2014-15) – advised and represented, at mediation, the sellers of a substantial hi-tech business which provided payment card processing solutions in connection with their claims against the buyers for unpaid earn-out payments, and in defence of threatened warranty crossclaims. Significant technical detail overlaying a complex contractual framework.
- *Taxi Despatch Software Licensing Dispute* (2014) – advised and represented (at mediation) a firm of specialist software developers and engineers who had licensed bespoke despatch and scheduling software to a well-known London private hire taxi company. Allegations of misuse and issues concerning the global resolution of the relationship between the parties.
- *Ecotricity Group Ltd v Tesla Motors* (2014) – advised and represented (at mediation) Tesla Motors, the electric powered volume car manufacturer, in its resistance of the claimant power supplier’s claims for injunctions for alleged procurement of breach of contract and misuse of confidential information, and on its counterclaims for breach by the claimant of UK and European Competition Law (with Nicholas Craig).
- *Tamara Ecclestone v Omar Khyami and others* (2013) – advised and represented Tamara Ecclestone at trial and pre-trial mediation of this substantial action in a dispute which concerned claims and crossclaims in privacy, breach of confidence, non-molestation and regarding the title to and damages flowing from the alleged conversion of a Lamborghini car. Successful restriction of the principal damages counterclaim from £6+ million originally claimed and from the £415,000+ asserted at trial to a judgment award of only £7,500. Trial judgment at [2014] EWHC 29 (QB).
- *ANC Harlow & others v FedEx UK Ltd and another (the “FedEx Franchisee Litigation”)* (2010-11) – represented FedEx at mediation in its defence of 23 claims brought by its franchisees for further payments under a franchise bonus scheme.
- *EMDA Business Holding Corporation & others v GEV Offshore & others* (2010) – represented the claimant oil exploration industry maintenance contractors at mediation in connection with their action against defendant company and former directors of the claimant who had taken very large sums of money from the claimant company and had set up a competing business.
- *Sectrack NV v (1) Satamatics Ltd (2) Jan Leemans* (2008) – represented the claimant (including at the 37-hour mediation) in its claims to restrain by injunction the defendant’s misuse of its business secrets and confidential information.

Recommendations

Extremely thorough, hard-working and responsive. [The Legal 500 UK Bar 2022](#)

An immensely impressive commercial silk who was able to cut through very complex legal issues governed by entirely contradictory and evolving authority and offer clear, definitive (and ultimately the right) advice. [The Legal 500 UK Bar 2022](#)

He's a very good advocate and very good at building a rapport with a judge. [Chambers UK Bar 2022](#)

He is extremely knowledgeable, prepares his cases thoroughly and comes at them from a strategic perspective. Paul is a forceful advocate. Everything you want in a top commercial silk. [The Legal 500 UK Bar 2022](#)

He has a steeliness to his advocacy that makes solicitors reluctant ever to see him pop up on the other side. [The Legal 500 UK Bar 2022](#)

Paul's two most impressive characteristics are his ability to see the wood for the trees where others cannot, and his the fact

that he is a dogged fighter. [The Legal 500 UK Bar 2022](#)

On complex cases he can see how they can be distilled into simple principles better than almost anyone. [The Legal 500 UK Bar 2022](#)

An incredibly tough courtroom battle silk. A really brilliant heavyweight. [Chambers UK Bar 2021](#)

He is brilliant under pressure, bright, innovative, hardworking, responsive, and brilliant as a leader. [The Legal 500 UK Bar 2021](#)

A very determined advocate who is up to speed, pays attention to detail and understands the commercial realities of a case. [Chambers UK Bar 2021](#)

A fraud specialist who receives numerous endorsements for his experience with international fraud and asset-tracing proceedings. [Who's Who Legal Thought Leaders, Asset Recovery 2020](#)

He has a wealth of experience in civil fraud matters. [Chambers UK Bar 2021](#)

He is incredibly bright. [The Legal 500 UK Bar 2021](#)

His power of analysis is excellent. [Chambers UK Bar 2021](#)

He is my go-to silk for heavyweight commercial disputes, particularly those with an international element. [The Legal 500 UK Bar 2021](#)

He is just a supreme advocate and a master of the art: a very good communicator who is very measured and ensures that points are not lost in translation. [Chambers UK Bar 2020](#)

Polished, confident, and stylish in the way he goes about his business. [The Legal 500 UK Bar 2020](#)

Thinks outside the box and is not limited by current legal thinking. [Who's Who Legal, Asset Recovery 2019](#)

Undoubtedly one of the genuine fraud specialists. [The Legal 500 UK Bar 2020](#)

Very forthright and no-nonsense in court; he takes good points, and has a very aggressive style. [Chambers UK Bar 2020](#)

An excellent cross-examiner. [Chambers UK Bar 2020](#)

A silk who can be relied upon to deal soundly with difficult hearings. [The Legal 500 UK Bar 2020](#)

Paul is very responsive, and stands out for his robust and measured approach. [Chambers UK Bar 2020](#)

He is incredibly bright. [The Legal 500 UK Bar 2020](#)

He's an excellent option for representation in complex contractual disputes, and has good experience in the automotive sector. [Chambers UK Bar 2020](#)

A very strong advocate. [Who's Who Legal UK Bar 2019](#)

He is known for his experience in a range of telecoms contracts and IT disputes. [The Legal 500 UK Bar 2020](#)

Thought Leader for Asset Recovery. [Who's Who Legal Thought Leaders GIR 2019](#)

A very gathered individual, who has impressive self-control and doesn't put a foot wrong. [Chambers UK Bar 2019](#)

He is aggressive and effective. [Chambers UK Bar 2019](#)

A wonderful cross-examiner who has a great presence in court. Paul can deal soundly with difficult hearings and makes creative applications involving injunctive relief. [Chambers UK Bar 2019](#)

An immensely impressive commercial silk; extremely thorough, hardworking and responsive. [The Legal 500 UK Bar 2019](#)

A wonderful cross-examiner, who is very tenacious and has good client-handling instincts. [Chambers UK Bar 2018](#)

A very formidable advocate, who's prepared to regularly stress-test your case in detail. [Chambers UK Bar 2018](#)