

XXIV

OLD BUILDINGS

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# Michael Black KC

Call: 1978 | Silk: 1995

As an arbitrator, he is exceptionally fair, measured and thoughtful, whilst remaining utterly charming towards the parties. He is a consummate professional who is at the top of his game as an arbitrator, with decades of experience in complex commercial disputes all around the world.

The Legal 500



On 27 July 2022, Michael Black KC was appointed as a Judge at the DIFC Court of Appeal and Judge in charge of the Digital Economy Court (DEC). Michael continues to accept appointments as arbitrator and instructions in arbitration-related matters as counsel outside the DIFC.

The leading legal directories have described Michael as *"a superb and seasoned professional"* and refer to his *"extensive experience in commercial litigation and arbitration disputes related to the construction, energy and funds sectors ... sources consider him a "great name" in London and internationally"*. In the court-room his *"amazing eye for detail"* and *"brilliant legal mind"* are said to be a *"deadly combination"* and *"his cross-examinations are something to behold"*.

WWL: Arbitration records: *"Michael is a formidable arbitrator" "I cannot recommend him more highly for cases of true complexity" "He is client friendly and a joy to work with"*.

While his practice is truly global, Michael is well known for his Middle East practice having acted throughout his career in cases concerning the Region. Chambers and Partners recognises him as one of the **"Most in Demand Arbitrators in the UAE"** and he is *"singled out for his extensive knowledge of UAE law"*. Clients described him as *"an excellent arbitrator with superb knowledge of the law and exceptional case management skills"*.

In addition Michael has substantial experience in the PRC, India and across Africa where he has been involved in some of the leading cases including *Kensington v Congo*, *IPCO v NNPC*, and *ZCCM v Kansanichi*.

Michael's expertise encompasses:

- Arbitration;
- Construction & Projects;
- Energy, Oil & Gas;
- Commercial Litigation;
- Civil Fraud, Asset Tracing & Recovery;
- Banking and Financial Services;
- Hedge Funds and Structured Investment Vehicles;
- Insolvency;
- Company.

## London

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# Expertise

## Arbitration

Michael has practiced as an international arbitration lawyer throughout his career and for more than 20 years has regularly received nominations as sole arbitrator, party-appointed arbitrator and chairman under the City Disputes Panel, ICC, LCIA, UNCITRAL, LMAA, SCMA and DIAC Rules as well as under *ad hoc* procedures. He is recommended in both Legal 500 and Chambers & Partners in this area and said to be “**top of many people’s list for international arbitration work**” and one of the “**Most in Demand Arbitrators in the UAE**”.

He has appeared as counsel in several leading English and Privy Council cases concerning arbitration including **B v A** – whether failure to apply chosen law a “mere error” or procedural irregularity – status of dissenting opinions; **Michael Wilson & Partners v Emmott** – challenging tribunal’s award as to its substantive jurisdiction – decision on procedural matters; **Cetelem SA v Roust Holdings Ltd** – whether judge has jurisdiction to make interim mandatory order pending ICC arbitral proceedings – whether court usurping arbitral process; **Henry Boot Construction (UK) Limited v Malmaison Hotel (Manchester) Limited** – powers of Court of Appeal to review decision of Judge on appeal from arbitrator; **Al-Naimi v Islamic Press** – duties of judge when considering stay of court proceedings; **IPCO v NNPC** – enforcement of a New York Convention award subject to challenge at the seat; **Anzen v Hermes One** – optional arbitration clauses and stay of proceedings. **ZCCM v Kansanchi** – procedural order or award – section 68 Arbitration Act 1996.

He has an international reputation as an expert in dispute resolution procedures. He spent nearly 5 years as a member of the English Civil Procedure Rule Committee. In that time he was particularly involved in the draftsmanship of the English Court Rules relating to Arbitration Claims. As a result of this experience he was retained to draft the procedure rules for the Courts of the Dubai International Financial Centre and was involved in the draftsmanship of the DIFC Arbitration Law 2008.

Michael is a member of the ICC Commission on Arbitration and ADR and the Task Force on Emergency Arbitrator Proceedings. He is also a member of the Court of the Casablanca International Mediation and Arbitration Centre.

In his capacity as Visiting Professor at Manchester University he lectures and supervises at Masters’ and Doctoral level in international dispute resolution. He has written widely on arbitration both in the UK and the USA. Most recently he has completed the chapter on arbitration in the leading English text on compromise and a chapter on ethics in international arbitration in a US textbook.

Recent and current cases include –

### As arbitrator:

- **ICC Arbitration** – (seat Doha, Qatari law) dispute concerning landscaping works
- **Oman Arbitration Centre** – (seat Muscat, Omani law) dispute concerning termination of large infrastructure project
- **ICC Arbitration** – (seat Doha, Qatari law) dispute concerning descope of works on large infrastructure project
- **LCIA Arbitration** – (seat London, Indian law) dispute concerning media rights to major sporting events
- **ICC Arbitration** – (seat Abu Dhabi, UAE law) dispute concerning the impact of COVID on large infrastructure project
- **ICC Arbitration** – (seat Abu Dhabi, UAE law) dispute concerning the impact of COVID on substantial oil & gas project
- **LCIA Arbitration** – (seat London, English law) dispute concerning the purchase and integration of AI technology in well-known social media platform

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- **LCIA Arbitration** – (seat London, English law) shareholders' dispute concerning control of very substantial Gulf-based group of companies
- **ICC Arbitration** – (seat Muscat, Omani law) – dispute concerning the design and construction of airport buildings
- **Ad hoc Arbitration** – (seat London, UAE law) – dispute concerning sub-contract works in connection the development of onshore oil operations
- **ICC Arbitration** – (seat London, English law) dispute concerning the termination of a project to design, develop, construct, manage and operate a touristic and residential resort comprising a luxury branded hotel and private residences in central Europe
- **SIAC Arbitration** – (seat Singapore, Singapore law) dispute concerning the termination of a joint venture in the automotive industry
- **ICC Arbitration** – (seat Doha, Qatari law) dispute concerning construction of mass transit facility
- **DIFC-LCIA/LCIA** – (seat DIFC, English law) dispute concerning hotel management contracts in Saudi Arabia
- **ICC Arbitration** – (seat Doha, Qatari law) dispute concerning the construction of sports facilities
- **LCIA Arbitration** – (seat London, English law) dispute concerning settlement agreement of long running dispute relating to the sale and carriage of gasoil involving multiple jurisdictions
- **LCIA Arbitration** – (seat London, law of a Gulf State) dispute relating to tax stabilization clause in joint venture between foreign investor and state-owned enterprise
- **DIAC Arbitration** – (seat London, English law) dispute in respect of rights and liabilities arising out of sale of multinational group of companies supplying technology and services to oil & gas industry
- **ICC Arbitration** – (seat Dubai, English law) dispute relating to joint venture for the manufacture, supply, servicing and maintenance of equipment used for the production of oil and gas
- **ICC arbitration** – (seat Dubai, Iranian/English law) dispute concerning sale of tinplate by Chinese party to Iranian party
- **ICC arbitration** – (seat London, Jordanian law) dispute under Power Purchase Agreement concerning construction and operation of Gas/Distillate Fired Combined Cycle Electric Facility
- **ICC arbitration** – (seat Paris, English law) dispute concerning the sale and purchase of a pharmaceutical manufacturing business in Egypt
- **DIAC Arbitration** – (seat Dubai, UAE law) dispute concerning design and construction of landmark leisure facility
- **Ad hoc arbitration** – (seat Mumbai, Indian law) dispute concerning architectural design services in relation to airport
- **ICC arbitration** – (seat London, Moroccan law) dispute concerning the construction of a process engineering plant
- **ADCCAC arbitration** – (seat Abu Dhabi, UAE law) dispute concerning execution of MEP works
- **ICC arbitration** – (seat Oman, Omani law) dispute concerning construction of residential development
- **Ad hoc arbitration** – (seat Oman, Omani law) dispute concerning construction of energy infrastructure
- **LCIA arbitration** – (seat London, English law) dispute concerning agreement for use of private jet
- **Ad hoc arbitration** – (seat Oman, Oman law) dispute concerning consultancy services in relation to infrastructure project
- **Ad hoc Arbitration** – (seat Dubai, UAE law) dispute relating to construction of infrastructure works
- **LCIA Arbitration** – (seat London, English law) sole arbitrator in 7 consolidated arbitrations arising out of demerger of multinational group of companies

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- **ICC Arbitration** – (seat Qatar, Qatari law) dispute relating to construction of process engineering works
- **Ad hoc Arbitration** – (seat Dubai, UAE law) dispute relating to construction of infrastructure works
- **DIFC-LCIA Arbitration** – (seat DIFC, English law) claim between two investment funds relating to the management of an SPV incorporated for the purpose of acquiring and managing a shareholding in a target company.
- **ICC Arbitration** – (seat London, English law) claim concerning the bidding for the construction of petrochemical plant
- **LCIA Arbitration** – (seat London, English law) claim for commission on contract to construct power plant in Middle East
- **DIFC-LCIA Arbitration** – (seat DIFC, English law) claim relating to bidding for oil exploration rights – claim USD 94M+;
- **LCIA Arbitration** – (seat London, English law) claim concerning sale of onshore and offshore oil and gas rights by major oil company in African state – USD 100m+;
- **LCIA Arbitration** – (seat London, English and North Macedonian Law) claim under agreement for smelting of feronickel ores involving issues of fraud and insolvency
- **DIFC-LCIA Arbitration** (seat DIFC, UAE law) reinsurance dispute
- **ICC Arbitration** – (seat Abu Dhabi, UAE law) USD100 million plus insurance coverage dispute
- **ICC arbitration** – (seat London, English law) dispute concerning construction of satellite ground control station in Central Asian state.
- **Ad hoc arbitration** – (seat India, Indian law) dispute concerning termination of BOO project worth in excess of USD 50 million
- **SCMA Arbitration** – (seat Singapore, Singapore law) 25 consolidated claims for the purchase of fuel oil by bank claiming as assignee from insolvent company.
- **UNCITRAL Arbitration** – (seat London, English law) dispute concerning the provision of road traffic management services in country in Middle East.
- **LCIA arbitration** – (seat London, English law) dispute concerning the purchase of timber in Russia.
- **DIAC arbitration** – (seat Dubai, Dubai/UAE law) construction dispute concerning development in Dubai Marina.
- **ICC arbitration** – (seat DIFC, law of Iraq) dispute concerning the removal of wrecks, debris and unexploded ordnance from oil fields in the Persian Gulf.
- **ICC Arbitration** – (seat London, English law) – dispute between US and Indian parties concerning agency with respect to the sale of products and services relating to sugar cane-to-energy cogeneration in South America
- **LMAA arbitration** – (seat London, English law) termination of \$600m contract for construction of Drillship
- **LCIA arbitration** – (seat London, English law) dispute concerning repayment of deposits in Caucasian bank. Allegations of possible money-laundering
- **DIFC-LCIA Arbitration** – (seat DIFC, UAE law) dispute concerning the construction of district cooling works
- **ICC Arbitration** – (seat London, English law) dispute concerning aircraft engine maintenance in Switzerland
- **ICC Arbitration** – (seat London, Jordanian law) dispute concerning Joint Venture and Distributorship & Agency Agreements
- **ICC arbitration** – (seat Qatar, Qatari law) USD 156 million dispute relating to construction of airport.
- **Ad hoc arbitration** – (seat New Delhi, Indian law) USD 40 million+ concerning termination of construction of hydro-electric project

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- **ICC arbitration** – (seat London, Indian law) shareholders' dispute in joint venture between Indian and Italian parties
- **ICC arbitration** – (seat London, US & UAE law) dispute concerning the procurement of military equipment and services.
- **LCIA arbitration** – (seat London, law of Gibraltar) dispute arising out of sale of oil leases.
- **ICC arbitration** – (seat London, English and Saudi law) concerning Joint Venture for oil exploration.
- **ICC arbitration** – (seat London, Indian law) concerning Joint Venture in automotive industry.
- **DIAC arbitration** – (seat Dubai, UAE law) arbitrator in AED 180m+ dispute concerning the cancellation of a hotel project.
- **UNCITRAL arbitration** – (seat New Delhi, Indian law) arbitrator in GBP 500m+ dispute concerning construction management services in connection with the construction of a grassroots oil refinery.
- **LCIA arbitration** – (seat London, English law) concerning the sale and purchase of shares in a Cypriot company dealing in crude oil.
- **UNCITRAL arbitration** – (seat London, Zambian Law) concerning supply of electrical equipment.
- **ICC arbitration** – (seat London, English law) concerning the production of natural gas.
- **ICC arbitration** – (seat London, UAE law) concerning construction of sporting facilities.
- **ICC arbitration** – (seat London, English law) concerning sale of aircraft.
- **Ad hoc** – claim concerning insurance of loss of profits of oil refinery in India damaged by cyclone. Indian law, seat Mumbai. Said to be the largest domestic arbitration to take place in India.
- **LCIA** – dispute between shareholders in and traders on Middle East oil trading market. English law, seat London.
- **ICC** – 3 arbitrations between government agency and European contractor regarding construction of motorways and national roads. Romanian law, seat Bucharest.
- **City Disputes Panel** – claim for indemnity against mis-selling by financial institution against agent. English law, seat London.
- **ICC** – concerning the construction of a power and desalination plant in Middle East by Far East contractor. English law, seat London.
- **ICC** – dispute between state petroleum corporation and US contractor concerning construction of refinery in Caribbean. English law, seat Caribbean.
- **ICC** – dispute concerning the management of oil concessions in Nigeria. English law, seat Paris.
- **DIAC** – dispute concerning architectural and engineering consultancy. UAE law, seat Dubai.

#### As counsel:

- **LCIA Arbitration** – dispute concerning construction of convertible note agreement
- **Ad Hoc Trust Arbitration** – (Supreme Court of Bahamas) challenge to arbitral award concerning family trust of corporate assets claimed to be valued in excess of USD 1 billion.
- **HKIAAC Arbitration** – (seat Hong Kong, English law) dispute under multi-billion dollar long term LNG supply contact
- **DIFC-LCIA Arbitration** – (seat DIFC, English law) dispute concerning control over major media interests worth in excess of USD 1 billion

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- **LCIA Arbitration** – (seat London, German and English law) EUR 350m claim in relation to development and sale of equipment used in cancer treatment
- **ZCCM v Kansanchi** – (Commercial Court London) successfully resisting appeal of order refusing permission to bring derivative claim in arbitration in excess of USD 2 billion in shareholders' dispute
- **DIAC Arbitration** – (seat Dubai, UAE law) delay and disruption claim in relation to construction of supertall tower
- **VIH Hotel Management v Assas Opco** – (DIFC Courts) contempt proceedings relating to breach of injunction enforcing hotel management agreement
- **DIFC Court** – injunction proceedings concerning arbitrations in multiple jurisdictions relating to shareholders' dispute arising out of USD 800 million+ acquisition of interests in telecommunications networks in Middle East
- **DIFC Court** – confidential advice on application to set aside arbitration award
- Representing arbitral institution before national court (details confidential)
- **Pearl Petroleum & others v Kurdish Regional Government of Iraq** – (DIFC Courts) successfully setting aside order for substituted service of order for the recognition and enforcement of USD 2 billion arbitration award made in London on grounds of failure to comply with the mandatory provisions of the Riyadh Convention applicable in the UAE.
- **IPCO v NNPC** – (Supreme Court) enforcement of USD300m+ arbitration award concerning construction of oil terminal. Allegations of fraud under the construction contract and before tribunal
- **UNCITRAL arbitration** – (seat London, law of an African state) USD 2 billion+ shareholder dispute relating to extractive industry.
- **DIFC Court** – enforcement of Singapore arbitration award relating to investment by US Fund in Pakistani media company
- **DIFC Court** – enforcement of DIFC-LCIA arbitration award relating to offshore works, issues as to Managing Director's capacity under UAE law to sign arbitration agreement
- **Anzen Ltd & Others v Hermes One Limited** – (Privy Council) "optional" arbitration clauses and stay of proceedings where winding-up sought on just and equitable grounds
- **LCIA arbitration** – (seat London, English law) \$500 million+ dispute concerning redelivery of Floating Production Storage and Off-loading Vessel to Bondholders and interaction with foreign restructuring proceedings
- **DIFC Court** – enforcement of DIAC arbitration award in the DIFC where allegations of fraud are made
- **DIFC Court** – dispute as to the DIFC Court's jurisdiction to appoint an arbitral tribunal where pending proceedings before US courts
- **DIAC Arbitration** – (seat Dubai, UAE law) dispute concerning the construction of infrastructure works
- **LCIA Arbitration** – (seat London, English law) dispute concerning capital raising services for African telecommunications company
- **LCIA Arbitration** – (seat London, English law) dispute concerning loans between Middle East Banks
- Advice on cross-border remedies available in relation to USD 500 million sale of oil mining lease in African country.
- Advice on cross-border remedies available in relation to Law of Sea arbitration between 2 African states concerning maritime border passing through off-shore oil-field
- **LCIA arbitration** – (seat London, English law) representing company in relation to the provision of services for raising capital
- **Banyan Tree v Meydan** – (DIFC Court of Appeal) jurisdiction to recognise and enforce DIAC arbitral award in DIFC.

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- **ICC arbitration** – (seat London, English law) dispute concerning the writing of software for mobile devices.
- **DIFC Courts** – enforcement of LMAA award in DIFC.
- **ICC arbitration** – (seat London, Japanese law) concerning fraud in bidding for projects in the Middle East.
- **DIAC arbitration** (seat Dubai, UAE law) – claim relating to purchase of development land.
- **ICC arbitration** – (seat London, English law) acting for Middle Eastern party in joint venture with European company in construction industry.
- **Ad hoc arbitration** – (seat London, Nigerian law) counsel for party claiming in excess of USD7 billion in respect of the construction of gas processing and power generation facility.
- **ICC arbitration** – (seat DIFC, English law) counsel for Middle Eastern client in claim against US corporation for breach of joint venture agreement for the provision of health care services.
- Advice concerning joint venture between Middle Eastern investors and European company in relation to operation of oil refinery.
- **ICC arbitration** – (seat London, English law) counsel in dispute concerning a joint venture to establish REITs in Eastern Europe.
- **ICC arbitration** – (seat London, Cayman law) dispute between an international investment bank and asset manager concerning the launch and funding of REITs in the Middle East.
- **DIFC – LCIA** – advice on appeal.
- **DIAC arbitration** (seat Dubai, UAE law) acting for Master Developer in claim by Sub-Developer in dispute concerning the construction of infra-structure, hand-over of plots and termination.
- **ICC arbitration** – (seat DIFC, UAE law) acting for Developer in connection with construction of hotel project.
- **ICC arbitration** – (seat Paris, Swiss law) concerning tendering for infra-structure projects in Middle East.
- **ICC arbitration** – (seat London, English law) concerning commissions payable in relation to the management of assets in the Middle East.
- **B v A** – whether failure to apply chosen law a “mere error” or procedural irregularity – status of dissenting opinions;
- **Michael Wilson & Partners v Emmott** – challenging tribunal’s award as to its substantive jurisdiction – decision on procedural matters;
- **Cetelem SA v Roust Holdings Ltd** – whether judge has jurisdiction to make interim mandatory order pending ICC arbitral proceedings – whether court usurping arbitral process;
- **ICC** – dispute concerning agency agreement between Middle East and European companies concerning hotel projects. English law, seat Geneva.
- **UNCITRAL** – dispute between HK supplier and Chinese OEM concerning computer equipment. PRC law, Hong Kong seat.
- **UNCITRAL** – dispute between French and Korean companies concerning the creation of a steel trading website. Korean law, Singapore seat.
- **ICC** – dispute concerning agency/sponsorship agreement between member of Gulf Royal Family and European company relating to infra-structure works. English law, seat London.
- **Ad hoc** – dispute between North American contractor and Caribbean government concerning the construction of two college campuses. Cayman law, seat Cayman Islands.
- **LCIA** – concerning the application of war risks insurance to gold mine in Solomon Islands looted during civil unrest.

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English law, seat London.

- **AAA** – successfully securing an adjustment of the pricing mechanism of a series of contracts whereby an offshore oil field supplied power plants in a South American state. Brazilian law, seat New York.

## Banking & Financial Services Disputes

The Legal 500 describes Michael as “**a first-rate advocate who is thoroughly recommended**”.

Michael has particular expertise in banking and funding disputes and arbitrations involving the Middle East and the Cayman Islands :

- **Larmag v First Abu Dhabi Bank** – (DIFC Court First Instance and Appeal) claim against bank and others for recovery of USD 70m in corporate bonds. Important case in defining jurisdiction over banks who trade on DIFC NASDAQ stock exchange.
- **Kazzaz v Standard Chartered Bank** – (Singapore International Commercial Court) co-counsel in relation to allegations of breaches of Dubai Financial Service Authority regulations relating to sale of investment products
- **Actina v Standard Chartered Bank** – (DIFC Court of Appeal) strike out proceedings on basis of wrong substantive law
- **Expert Testimony Cayman Financial Services Division** – jurisdiction of DIFC Courts over proceedings arising out of sale of share in investment funds holding assets in the Middle East
- **SCMA Arbitration** – (seat Singapore, Singapore law) 25 consolidated claims for the purchase of fuel oil by bank claiming as assignee from insolvent company.
- **Expert Testimony on DIFC Law** – (High Court of Singapore) on allegations of breaches of DIFC banking regulatory requirements.
- **Bank of Nova Scotia Trust Company v BVI Registrar of Companies** – (Court of Appeal of Eastern Caribbean Supreme Court) concerning the rights attached to disabled bearer shares.
- Advising investors in the liquidation of a Cayman fund in connection with fraud by the Investment Manager.
- **DFSA Regulatory Proceedings** – necessity for Placement Agent to treat investors as “Clients”
- **LCIA arbitration** – (seat London, English law) dispute concerning repayment of deposits in Caucasian bank. Allegations of possible money-laundering
- **LCIA Arbitration** – (seat London, English law) dispute concerning capital raising services for African telecommunications company
- **LCIA Arbitration** – (seat London, English law) dispute concerning loans between Middle East Banks
- **LCIA arbitration** – (seat London, English law) representing company in relation to the provision of services for raising capital
- Advising investors in connection with a shareholders’ dispute concerning the establishment of a merchant bank in several jurisdictions. Included a freezing injunction.
- **ICC Arbitration** – (seat London, Cayman law) dispute between an international investment bank and asset manager concerning the launch and funding of REITs in the Middle East.
- **Mana v Clariden Leu Asset Management** – acting for bank in DIFC Court in claim in relation to the sale of investments.

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- **Corinth Pipeworks v AFRAS/Barclays Bank:** Multi-jurisdictional commercial dispute between the supplier of oil pipelines and an associated claim against Barclays in Dubai.
- **TCB Creditor Recoveries Ltd:** US\$1 billion claim relating to audit negligence regarding a failed bank by Arthur Andersen in the Cayman Islands.
- **Al Khorafi et al v Bank Sarasin:** DIFC Court CFI 26/2009 – major litigation concerning the alleged misselling of financial products.
- **Taaleem PJSC v National Bonds Corporation PJSC & Anor:** DIFC Court CFI 014/2010 – banking dispute regarding property development.

## Civil Fraud & Asset Recovery

Michael's work often involves civil fraud, asset tracing and recovery. He was instructed by Singaporean liquidators in one of the largest ever insolvencies, *Amedeo Development Corporation Sdn Bhd v HRH Price Jefri Bolkih* concerning a \$24 billion claim by the Brunei Investment Agency for misappropriation of state assets. He appeared in the British Virgin Islands in *Kensington International v Montrow International* to resist the liquidation of a project finance structure owning offshore oilfields on the grounds that it amounted to a conspiracy between international oil companies and banks to assist the Republic of Congo to place its assets outside the reach of its creditors.

Other recent examples of his work include:

- **LCIA Arbitration** – (seat London, English law) dispute concerning settlement agreement of long running dispute relating to the sale and carriage of gasoil involving multiple jurisdictions
- **LCIA Arbitration** – (seat London, English and North Macedonian Law) claim under agreement for smelting of feronickel ores involving issues of fraud and insolvency
- **Arabian Construction v Credit Suisse** – (DIFC Court of Appeal) enforcement of Kuwait judgment in DIFC Court
- **Larmag v First Abu Dhabi Bank** – (DIFC Court First Instance and Appeal) claim against bank and others for recovery of USD 70m in corporate bonds. Important case in defining jurisdiction over banks who trade on DIFC NASDAQ stock exchange.
- **Re Wimbledon Financing Master Fund Ltd (in liquidation)** – (Cayman Financial Services Division) advice to Joint Liquidators on appointment to liquidator of US judgment-debtor fund
- **Cayman/DIFC Courts** – advice in relation to freezing injunction
- **Akhmedova v Akhmedov & Others** – DIFC Courts and multiple jurisdictions, enforcement of USD 600 million English judgment (the largest divorce settlement awarded in England) against superyacht worth in excess of USD 400 million.
- **Pearl Petroleum & others v Kurdish Regional Government of Iraq** – (DIFC Courts) successfully setting aside order for substituted service of order for the recognition and enforcement of USD 2 billion arbitration award made in London on grounds of failure to comply with the mandatory provisions of the Riyadh Convention applicable in the UAE.
- **IPCO v NNPC** – (Supreme Court) enforcement of USD300m+ arbitration award concerning construction of oil terminal. Allegations of fraud under the construction contract and before tribunal
- Advising investors in the liquidation of a Cayman fund in connection with fraud by the Investment Manager.
- **LCIA arbitration** – (seat London, English law) dispute concerning repayment of deposits in Caucasian bank. Allegations of possible money-laundering

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- **DIFC Court** – enforcement of DIAC arbitration award in the DIFC where allegations of fraud are made
- **ICC Arbitration** – (seat London, Japanese law) concerning fraud in bidding for projects in the Middle East
- **Emirates International Investments v Malouche** – BVI Court of Appeal and Privy Council relating to principles on which court will terminate liquidation of company allegedly receiving proceeds of fraud
- Claim against bank in Middle East for misrepresenting its customer's credit-worthiness and associated asset freezing proceedings in off-shore jurisdictions;
- **Cetelem SA v Roust Holdings Ltd** – proceedings in multiple jurisdictions concerning the sale of a Russian bank to a French bank. Now one of the leading English cases on the powers of the English courts to grant injunctions to assist arbitration proceedings taking place in London;
- **CM2 Services Limited v Lloyds Bank** – claim on behalf of the liquidator of an investment scheme against a bank for negligent collection of investors' cheques;
- **Architects of Wine v Barclays Bank** – claim on behalf of the Cayman liquidator of a US-based fraudulent investment scheme against a bank for negligent collection of investors' cheques;
- **KOO Golden East v Bank of Nova Scotia** – English Court of Appeal, claim seeking to trace 3 tonnes of pure gold allegedly converted by the Central Bank of Mongolia;
- **Ithmar Capital v 8 Investments Inc** – the first appeal in the Court of Appeal of the DIFC – acting for Dubai-based hedge fund in dispute with US investment company. The DIFC Court laid down guidelines for the grant of freezing injunctions.

## Commercial Litigation

Michael has practiced as an international commercial disputes lawyer for over 38 years. Over the span of that career he has dealt with most aspects of commercial law, but he has particular experience in the areas of banking, insurance and the funding of infrastructure projects. He is recommended by Chambers & Partners for his offshore practice, it being noted that, as well as his well-known Gulf practice, he is frequently seen in the Cayman Islands, Bermuda, Bahamas, BVI and Channel Islands. He is recommended in the Legal 500 for Commercial Litigation and it is said **"his great skill is distilling a huge number of complicated issues"**.

Recent examples of his work include:

- **LCIA Arbitration** – (seat London, law of a Gulf State) dispute relating to tax stabilization clause in joint venture between foreign investor and state-owned enterprise
- **DIAC Arbitration** – (seat London, English law) dispute in respect of rights and liabilities arising out of sale of multinational group of companies supplying technology and services to oil & gas industry
- **LCIA Arbitration** – dispute concerning construction of convertible note agreement
- **LCIA arbitration** – (seat London, English law) dispute concerning agreement for use of private jet
- **Ad hoc arbitration** – (seat Oman, Oman law) dispute concerning consultancy services in relation to infrastructure project
- **Ad hoc Arbitration** – (seat Dubai, UAE law) dispute relating to construction of infrastructure works
- **LCIA Arbitration** – (seat London, English law) sole arbitrator in 7 consolidated arbitrations arising out of demerger of multinational group of companies
- **ICC Arbitration** – (seat Qatar, Qatari law) dispute relating to construction of process engineering works

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- **LCIA Arbitration** – (seat London, English law) claim for commission on contract to construct power plant in Middle East
- **LCIA Arbitration** – (seat London, English and North Macedonian Law) claim under agreement for smelting of feronickel ores involving issues of fraud and insolvency
- **DIFC-LCIA Arbitration** (seat DIFC, UAE law) – reinsurance dispute
- **ICC Arbitration** – (seat Abu Dhabi, UAE law) USD100 million plus insurance coverage dispute
- **LCIA Arbitration** – (seat London, German and English law) EUR 350m claim in relation to development and sale of equipment used in cancer treatment
- **Grand Court, Cayman Islands** – expert evidence on DIFC law
- **Arabian Construction v Credit Suisse** – (DIFC Court of Appeal) enforcement of Kuwait judgment in DIFC Court
- **Larmag v First Abu Dhabi Bank – (DIFC Court First Instance and Appeal)** claim against bank and others for recovery of USD 70m in corporate bonds. Important case in defining jurisdiction over banks who trade on DIFC NASDAQ stock exchange.
- **ED&F MAN Capital v Hussain and others** – (DIFC Courts) interim injunction proceedings in relation to alleged breaches of restrictive covenants governing commodity trading
- **Re Wimbledon Financing Master Fund Ltd (in liquidation)** – (Cayman Financial Services Division) advice to Joint Liquidators on appointment to liquidator of US judgment-debtor fund
- **VIH Hotel Management v Assas Opco** – (DIFC Courts) contempt proceedings relating to breach of injunction enforcing hotel management agreement
- **Tabari v Tabarak Investments** – (DIFC Courts) proceedings relating to liabilities under share purchase agreement
- **Sunatco Medical v Intellistent** – (English Commercial Court leading Edward Knight) claim in relation to breach of licensing agreement of medical products and shareholders' dispute
- **Kazzaz v Standard Chartered Bank** – (Singapore International Commercial Court) co-counsel in relation to allegations of breaches of Dubai Financial Service Authority regulations relating to sale of investment products
- **Cayman/DIFC Courts** – advice in relation to freezing injunction
- **Actina v Standard Chartered Bank** – (DIFC Court of Appeal) strike out proceedings on basis of wrong substantive law
- **Expert Testimony Cayman Financial Services Division** – jurisdiction of DIFC Courts over proceedings arising out of sale of share in investment funds holding assets in the Middle East
- **Akhmedova v Akhmedov & Others** – DIFC Courts and multiple jurisdictions, enforcement of USD 600 million English judgment (the largest divorce settlement awarded in England) against superyacht worth in excess of USD 400 million.
- **SCMA Arbitration** – (seat Singapore, Singapore law) 25 consolidated claims for the purchase of fuel oil by bank claiming as assignee from insolvent company.
- **DIFC Court** – USD 800 million shareholders' dispute concerning joint venture in telecommunications sector
- **Expert Testimony on DIFC Law** – (High Court of Singapore) on allegations of breaches of DIFC banking regulatory requirements.
- **IPCO v NNPC** – (Supreme Court) enforcement of USD 200m+ arbitration award concerning construction of oil terminal. Allegations of fraud under the construction contract and before the tribunal.
- **UNCITRAL arbitration** – (seat London, law of an African state) USD 2 billion+ shareholder dispute relating to extractive industry.

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- Advice concerning proceedings for breach settlement agreement in relation to joint venture dispute concerning oil mining leases.
- **ICC Arbitration** – (seat London, English law) – dispute between US and Indian parties concerning agency with respect to the sale of products and services relating to sugar cane-to-energy cogeneration in South America
- **DIFC Court** – enforcement of Singapore arbitration award relating to investment by US Fund in Pakistani media company
- **DIFC Court** – proceedings relating to building defects, issues relating to appointment of expert by Dubai courts
- **DIFC Court** – enforcement of DIFC-LCIA arbitration award relating to offshore works, issues as to Managing Director's capacity under UAE law to sign arbitration agreement
- **LMAA arbitration** – (seat London, English law) termination of \$600m contract for construction of Drillship
- **LCIA arbitration** – (seat London, English law) \$500 million+ dispute concerning redelivery of Floating Production Storage and Off-loading Vessel to Bondholders and interaction with foreign restructuring proceedings
- **DIFC Court** – enforcement of DIAC arbitration award in the DIFC where allegations of fraud are made
- **IPCO v NNPC** – (Court of Appeal) enforcement of USD300m+ arbitration award concerning construction of oil terminal. Allegations of fraud under the construction contract and before tribunal
- **DIFC Court** – dispute as to the DIFC Court's jurisdiction to appoint an arbitral tribunal where pending proceedings before US courts
- **LCIA Arbitration** – (seat London, English law) dispute concerning capital raising services for African telecommunications company
- **LCIA Arbitration** – (seat London, English law) dispute concerning loans between Middle East Banks
- Advice on cross-border remedies available in relation to USD 500 million sale of oil mining lease in African country.
- Advice on cross-border remedies available in relation to Law of Sea arbitration between 2 African states concerning maritime border passing through off-shore oil-field
- **Banyan Tree v Meydan** – (DIFC Court of Appeal) jurisdiction to recognise and enforce DIAC arbitral award in DIFC.
- **DIFC Courts** – enforcement of LMAA award in DIFC.
- **Engine Developments v Lotus** – (Commercial Court) dispute relating developing engines for the Indycar Series.
- **Souq v Nakheel** – Dubai World Tribunal relating to ownership of a substantial section of the Palm Jumeirah.
- Advising investors in connection with a shareholders' dispute concerning the establishment of a merchant bank in several jurisdictions. Included a freezing injunction.
- **Mohsin v Limitless** – Dubai World Tribunal claim relating to the purchase of development plots.
- **Emirates International Investments v Malouche** – BVI Court of Appeal and Privy Council relating to principles on which court will terminate liquidation
- **Al Qahtani v Limitless** – Dubai World Tribunal relating to purchase of development plots
- **Alangari v Limitless** – Dubai World Tribunal relating to purchase of development plots
- **ICC Arbitration** – (seat London, Cayman law) dispute between an international investment bank and asset manager concerning the launch and funding of REITs in the Middle East
- **Al Khorafi v Bank Sarasin** – acting for bank in DIFC Court in \$200m claim in relation to the sale of investments.
- **Mana v Clariden Leu Asset Management** – acting for bank in DIFC Court in claim in relation to the sale of investments.

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- **ICC arbitration** – as arbitrator (seat London, English law) concerning sale of aircraft.
- **ICC arbitration** – (seat Paris, Swiss law) concerning tendering for infra-structure projects in Middle East.
- **ICC arbitration** – as arbitrator (seat London, English law) concerning the production of natural gas.
- **ICC arbitration** – (seat London, English law) concerning commissions payable in relation to the management of assets in the Middle East.
- **Corinth Pipeworks v AFRAS/Barclays:** Multi-jurisdictional commercial dispute involving the supplier of oil pipelines and an associated claim against Barclays.
- **Taaleem PJSC v National Bonds Corporation PJSC & Anor:** property development dispute.
- Claim against bank in Middle East for misrepresenting its customer's credit-worthiness and associated asset freezing proceedings in off-shore jurisdictions;
- **TCB Creditor Recoveries Ltd v Arthur Anderson** – a US\$1 billion+ claim relating to audit negligence of a bank in liquidation in the Cayman Islands;
- Advising in relation to proceedings in Bermuda, part of global litigation concerning the execution of an English judgment over the revenues of a Swiss law joint venture engaged in a multi-billion dollar project for the construction of world's largest gas liquefaction plant for Shell in Qatar;
- **B v A** – English arbitration appeal concerning the breach of warranties in an agreement for the sale of a Spanish company subject to Spanish law;
- **Cetelem SA v Roust Holdings Ltd** – proceedings in multiple jurisdictions concerning the sale of a Russian bank to a French bank. Now one of the leading English cases on the powers of the English courts to grant injunctions to assist arbitration proceedings taking place in London;
- **Kensington International v Montrow** – Michael represented the directors of a company in BVI in a project finance structure which was put into provisional liquidation on the basis that it was a sham to hide the assets (US\$400m) of the Republic of Congo. A US vulture fund had bought up the debt;
- **CM2 Services Limited v Lloyds Bank** – claim on behalf of the liquidator of an investment scheme against a bank for negligent collection of investors' cheques;
- **Architects of Wine v Barclays Bank** – claim on behalf of the Cayman liquidator of a US-based fraudulent investment scheme against a bank for negligent collection of investors' cheques;
- **Petra v Shuaa** – \$600m shareholders' dispute in the DIFC Court concerning the acquisition of a brokerage business in the MENA Region;
- **Gulf Merchant Group Ltd** – a shareholder dispute in the DIFC Court between a hedge fund and an Abu Dhabi bank concerning the acquisition of another bank in Oman;
- **Dutch Equity Partners Ltd v Daman Real Estate Capital Partners Ltd** – shareholders' dispute, the first trial in the Court of First Instance of the DIFC;
- **Ithmar Capital v 8 Investments Inc** – the first appeal in the Court of Appeal of the DIFC – acting for Dubai-based Hedge Fund in dispute with US investment company;
- **BCQS Ltd v Bould** – shareholder dispute in the Cayman courts between directors of the largest Caribbean property consultancy;
- **Ad hoc arbitration India** (as arbitrator) – claim concerning insurance of loss of profits of oil refinery in India damaged by cyclone. Indian law, seat Mumbai. Said to be the largest domestic arbitration to take place in India;

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- **LCIA arbitration London** (as counsel) concerning the application of war risks insurance to gold mine in Solomon Islands looted during civil unrest;
- **ICC arbitration Geneva** (as counsel) concerning agency agreement between Middle East and European companies concerning hotel projects;
- **UNCITRAL arbitration Hong Kong** (as counsel) between HK supplier and Chinese OEM concerning computer equipment;
- **UNCITRAL arbitration Singapore** (as counsel) between French and Korean companies concerning the creation of a steel trading website;
- **ICC arbitration London** (as counsel) concerning agency/sponsorship agreement between member of Gulf Royal Family and European company relating to infra-structure works;
- **LCIA arbitration London** (as arbitrator) – dispute between shareholders in and traders on Middle East oil trading market;
- **City Disputes Panel** (as arbitrator) – claim for indemnity against mis-selling by financial institution against agent;
- **ICC arbitration Paris** (as arbitrator) – dispute concerning the management of oil concessions in Nigeria.

## Company & Partnership Law

Company work forms an important part of Michael's practice and one for which he is recommended in The Legal 500.

He has particular experience in disputes between shareholders and co-venturers in the financial services, energy, oil & gas, construction and property sectors.

Michael's company practice is almost exclusively international and focussed on the Middle East, Far East and Caribbean.

He is recommended for *Company and Partnership* in The Legal 500 and said to be **"diligent , very hardworking and a real team player"**.

Some of his recent cases include:

- **LCIA Arbitration** – (seat London, law of a Gulf State) dispute relating to tax stabilization clause in joint venture between foreign investor and state-owned enterprise
- **DIAC Arbitration** – (seat London, English law) dispute in respect of rights and liabilities arising out of sale of multinational group of companies supplying technology and services to oil & gas industry
- **LCIA Arbitration** – dispute concerning construction of convertible note agreement
- **ICC Arbitration** – (seat Dubai, English law) dispute relating to joint venture for the manufacture, supply, servicing and maintenance of equipment used for the production of oil and gas
- **ICC arbitration** – (seat Paris, English law) dispute concerning the sale and purchase of a pharmaceutical manufacturing business in Egypt
- **LCIA Arbitration** – (seat London, English law) sole arbitrator in 7 consolidated arbitrations arising out of demerger of multinational group of companies
- **DIFC-LCIA Arbitration** – (seat DIFC, English law) claim between two investment funds relating to the management of an SPV incorporated for the purpose of acquiring and managing a shareholding in a target company.
- **LCIA Arbitration** – (seat London, English law) claim concerning sale of onshore and offshore oil and gas rights by major

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oil company in African state – USD 100m+;

- **DIFC-LCIA Arbitration** – (seat DIFC, English law) dispute concerning control over major media interests worth in excess of USD 1 billion
- **ZCCM v Kansanchi** – (Commercial Court London) successfully resisting appeal of order refusing permission to bring derivative claim in arbitration in excess of USD 2 billion in shareholders' dispute
- **Tabari v Tabarak Investments** – (DIFC Courts) proceedings relating to liabilities under share purchase agreement
- **Sunatco Medical v Intellistent** – (English Commercial Court leading Edward Knight) claim in relation to breach of licensing agreement of medical products and shareholders' dispute
- **DIFC Court** – USD 800 million shareholders' dispute concerning joint venture in telecommunications sector
- **Bank of Nova Scotia Trust Company v BVI Registrar of Companies** – (Court of Appeal of Eastern Caribbean Supreme Court) concerning the rights attached to disabled bearer shares.
- **UNCITRAL arbitration** – (seat London, law of an African state) USD 2 billion+ shareholder dispute relating to extractive industry.
- **Anzen Ltd & Others v Hermes One Limited** – (Privy Council) "optional" arbitration clauses and stay of proceedings where winding-up sought on just and equitable grounds
- **ICC Arbitration** – (seat London, Jordanian law) dispute concerning Joint Venture and Distributorship & Agency Agreements
- **ICC arbitration** – (seat London, Indian law) shareholders' dispute in joint venture between Indian and Italian parties
- **ICC arbitration** – (seat London, Indian law) concerning Joint Venture in automotive industry
- Advising investors in connection with a shareholders' dispute concerning the establishment of a merchant bank in several jurisdictions.
- **ICC arbitration** (seat DIFC, English law) counsel for Middle Eastern client in claim against US corporation for breach of joint venture agreement for the provision of health care services.
- **ICC arbitration** (seat London, English/Saudi Arabian law) arbitration in dispute concerning joint venture for oil exploration.
- Advice concerning joint venture between Middle Eastern investors and European company in relation to operation of oil refinery.
- **ICC arbitration** (seat London, English law) counsel in dispute concerning a joint venture to establish REITs in Eastern Europe.
- **B v A** – English arbitration appeal concerning the breach of warranties in an agreement for the sale of a Spanish company subject to Spanish law;
- **LCIA arbitration** – (seat London, English law as arbitrator) concerning the sale and purchase of shares in a Cypriot company dealing in crude oil
- **Emirates International Investments v Malouche** – BVI Court of Appeal and Privy Council relating to principles on which court will terminate liquidation of company allegedly receiving proceeds of fraud
- **Gulf Merchant Group Ltd**: Shareholder dispute between a hedge fund and an Abu Dhabi bank concerning the acquisition of another bank in Oman. This is the largest case yet heard in the DIFC.
- **Kensington International v Montrow**: A US vulture fund bought up the debt of a project finance structure which had been put into provisional liquidation on the basis that it was a sham to hide the assets (US\$400m) of the Republic of Congo.

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- **BCQS v Bould**: shareholder dispute between the directors of a major Caribbean property consultancy.
- **Petra Invest Ltd v Shuaa Capital (DIFC)**: dispute arising out of purchase of brokerage business
- **Hansen v Olsen (Cayman Islands)**: action concerning sale of aircraft.

## Construction & Energy

Michael has decades of experience dealing with large construction projects as counsel and latterly as Adjudicator, Arbitrator and a Deputy Judge of the Technology and Construction Court in London. He is Visiting Professor of Construction Law at Manchester University and a Fellow of both the Chartered Institution of Civil Engineering Surveyors and the Chartered Institute of Arbitrators.

He has developed expertise in all aspects of infra-structure projects particularly involving government and publicly-owned entities under EPC/Turnkey, Design & Build, EPCM, BOOT and DBO forms of contract (both bespoke and FIDIC) amongst others. He is recognised as having the experience not only to master technically complex engineering issues, but also to deal with related funder, shareholder and joint venture disputes, off-shore project finance structures, insolvency and professional liabilities. He is regularly retained by Owners, Sponsors, Contractors and Liability and Professional Indemnity Insurers alike.

Michael has longstanding and extensive experience in India and the Middle East and Dubai in particular. Not only was he the principal draftsman of the Rules of the Court of the Dubai International Financial Centre and was involved in the draughtsmanship of the Arbitration Law, but he has also acted for many prominent individuals and corporations in relation to project disputes both within the region and in arbitration and court proceedings in England, Switzerland and off-shore jurisdictions.

He is ranked as a leader in the Construction field by both the current editions of **The Legal 500** and **Chambers & Partners**. He is said to be: "**very successful, very experienced and awfully popular with clients**" as well as "**extremely bright, very commercial and excellent to work with**" and "**stupendously hard-working**". He also appears in the *International Who's Who of Construction Lawyers*.

He has appeared in a number of important English cases on Construction and Arbitration Law, including – **Henry Boot Construction (UK) Limited v Malmaison Hotel (Manchester) Limited**, the leading authority on the calculation of extensions of time and **Al-Naimi v Islamic Press**, concerning the application of arbitration clauses.

Current and recent cases include:

### As counsel:

- **DIAC Arbitration** – (seat Dubai, UAE law) delay and disruption claim in relation to construction of supertall tower
- **Crestar Integrated Services v Newton Energy** – (Commercial Court), leading Edward Knight, claim under escrow agreement for sums due in connection with abortive agreement to purchase oil mining leases in Nigeria.
- **DIFC Court** – proceedings relating to building defects, issues relating to appointment of expert by Dubai courts
- **DIFC Court** – enforcement of DIFC-LCIA arbitration award relating to offshore works, issues as to Managing Director's capacity under UAE law to sign arbitration agreement
- **DIFC Court** – enforcement of DIAC arbitration award in the DIFC where allegations of fraud are made
- **IPCO v NNPC** – (Court of Appeal) enforcement of USD300m+ arbitration award concerning construction of oil terminal. Allegations of fraud under the construction contract and before tribunal
- **DIAC Arbitration** – (seat Dubai, UAE law) dispute concerning the construction of infrastructure works

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- **ICC arbitration** (seat London, Japanese law) concerning fraud in bidding for projects in the Middle East
- **ICC arbitration** (seat London, English law) acting for Middle Eastern party in joint venture with European company in construction industry
- **DIAC arbitration** – (seat Dubai, UAE law) acting for Master Developer in claim by Sub-Developer in dispute concerning the construction of infra-structure, hand-over of plots and termination.
- **Ad hoc arbitration** – (seat London, Nigerian law) counsel for party claiming in excess of USD 7 billion in respect of the construction of gas processing and power generation facility.
- **ICC arbitration** – (seat DIFC, UAE law) acting for Developer in connection with construction of hotel project.
- **ICC arbitration** – (seat Paris, Swiss law) concerning tendering for infra-structure projects in Middle East.
- **Masri v CCIC and Tayseer:** Michael represents the Qatari joint venture partner of CCIC in a multi-billion dollar project for the construction of the world's largest gas liquefaction plant for Shell in Qatar.
- Advising the Government of the Virgin Islands on the largest public works contract it has undertaken – the construction of a large international medical facility under FIDIC terms;
- Acting for a contractor in court and in arbitration against the Government of the Cayman Islands on the largest public works contract it has undertaken – the construction of two college campuses under AIA terms;
- Advising a cable-laying contractor in its relations with a state electricity company;
- **LCIA arbitration** concerning delays to the completion of the Las Vegas Monorail;
- Advising on tender for public works in Jersey.

#### As arbitrator:

- **ICC arbitration** – (seat London, Jordanian law) dispute under Power Purchase Agreement concerning construction and operation of Gas/Distillate Fired Combined Cycle Electric Facility
- **DIAC Arbitration** – (seat Dubai, UAE law) dispute concerning design and construction of landmark leisure facility
- **Ad hoc arbitration** – (seat Mumbai, Indian law) dispute concerning architectural design services in relation to airport
- **ICC arbitration** – (seat London, Moroccan law) dispute concerning the construction of a process engineering plant
- **ADCCAC arbitration** – (seat Abu Dhabi, UAE law) dispute concerning execution of MEP works
- **ICC arbitration** – (seat Oman, Omani law) dispute concerning construction of residential development
- **Ad hoc arbitration** – (seat Oman, Omani law) dispute concerning construction of energy infrastructure
- **Ad hoc Arbitration** – (seat Dubai, UAE law) dispute relating to construction of infrastructure works
- **ICC Arbitration** – (seat Qatar, Qatari law) dispute relating to construction of process engineering works
- **ICC Arbitration** – (seat London, English law) claim concerning the bidding for the construction of petrochemical plant
- **LCIA Arbitration** – (seat London, English law) claim for commission on contract to construct power plant in Middle East
- **Ad hoc arbitration** – (seat Oman, Oman law) dispute concerning consultancy services in relation to infrastructure project
- **ICC arbitration** – (seat London, English law) dispute concerning construction of satellite ground control station in Central Asian state.

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- **Ad hoc arbitration** – (seat India, Indian law) dispute concerning termination of BOO project worth in excess of USD 50 million
- **DIAC arbitration** – (seat Dubai, Dubai/UAE law) construction dispute concerning development in Dubai Marina.
- **DIFC-LCIA Arbitration** – (seat DIFC, UAE law) dispute concerning the construction of district cooling works
- **UNCITRAL arbitration** (seat New Delhi, Indian law) arbitrator in USD 1 billion+ dispute concerning construction management services in connection with the construction of a grassroots oil refinery.
- **ICC arbitration** (seat Qatar, Qatari law) USD 156 million dispute relating to construction of airport.
- **Ad hoc arbitration** (seat New Delhi, Indian law) USD 40 million+ concerning termination of construction of hydro-electric project
- **DIAC arbitration** – (seat Dubai, UAE law) arbitrator in AED 180m+ dispute concerning the cancellation of a hotel project
- **UNCITRAL arbitration** – (seat London, Zambian law) concerning supply of electrical equipment under FIDIC terms
- **ICC arbitration** – (seat London, English law) concerning the production of natural gas.
- **ICC arbitration** – (seat London, UAE law) concerning construction of sporting facilities.
- **ICC arbitration** concerning the construction of a power and desalination plant in Oman;
- **3 consolidated ICC arbitrations** concerning the construction of motorways and national roads in Eastern Europe under FIDIC terms;
- **AD HOC** (seat Mumbai, Indian law) What is said to be the largest ever domestic Indian arbitration concerning delays to the construction of an oil refinery caused by a cyclone;
- **ICC arbitration** concerning the construction of an oil refinery in the Caribbean;
- **DIAC arbitration** concerning claim for professional fees.

Michael has written extensively on Construction and Arbitration topics.

## Energy, Oil and Gas

Michael has been associated with the Energy, Oil and Gas industry for over 25 years since he was instructed as junior counsel in connection with the Piper Alpha Disaster. He has been involved in many different aspects of the industry as counsel and latterly as arbitrator. Michael's practice often involves advising or acting for and against state entities. Some of his most recent matters include:

- **LCIA Arbitration** – (seat London, English law) dispute concerning settlement agreement of long running dispute relating to the sale and carriage of gasoil involving multiple jurisdictions
- **DIAC Arbitration** – (seat London, English law) dispute in respect of rights and liabilities arising out of sale of multinational group of companies supplying technology and services to oil & gas industry
- **ICC Arbitration** – (seat Dubai, English law) dispute relating to joint venture for the manufacture, supply, servicing and maintenance of equipment used for the production of oil and gas
- **ICC arbitration** – (seat London, Jordanian law) dispute under Power Purchase Agreement concerning construction and operation of Gas/Distillate Fired Combined Cycle Electric Facility
- **Ad hoc arbitration** – (seat Oman, Omani law) dispute concerning construction of energy infrastructure

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- **LCIA Arbitration** – (seat London, English law) claim for commission on contract to construct power plant in Middle East
- **DIFC-LCIA Arbitration** – (seat DIFC, English law) claim relating to bidding for oil exploration rights – claim USD 94M+;
- **LCIA Arbitration** – (seat London, English law) claim concerning sale of onshore and offshore oil and gas rights by major oil company in African state – USD 100m+;
- **HKIAC Arbitration** – (seat Hong Kong, English law) dispute under multi-billion dollar long term LNG supply contract
- **Crestar Integrated Services v Newton Energy** – (Commercial Court), leading Edward Knight, claim under escrow agreement for sums due in connection with abortive agreement to purchase oil mining leases in Nigeria.
- **Pearl Petroleum & others v Kurdish Regional Government of Iraq** – (DIFC Courts) successfully setting aside order for substituted service of order for the recognition and enforcement of USD 2 billion arbitration award made in London on grounds of failure to comply with the mandatory provisions of the Riyadh Convention applicable in the UAE.
- **IPCO v NNPC** – (Supreme Court) enforcement of \$300m+ arbitration award concerning the construction of an oil terminal. Allegations of fraud under the construction contract and before tribunal.
- **ICC arbitration** – (seat DIFC, law of Iraq) dispute concerning the removal of wrecks, debris and unexploded ordnance from oil fields in the Persian Gulf.
- Advice concerning proceedings for breach settlement agreement in relation to joint venture dispute concerning oil mining leases.
- **ICC Arbitration** – (seat London, English law) – dispute between US and Indian parties concerning agency with respect to the sale of products and services relating to sugar cane-to-energy cogeneration in South America
- **LMAA arbitration** – (seat London, English law) termination of \$600m contract for construction of Drillship
- **LCIA arbitration** – (seat London, English law) \$500 million+ dispute concerning redelivery of Floating Production Storage and Off-loading Vessel to Bondholders and interaction with foreign restructuring proceedings
- **Ad Hoc arbitration** – (seat Delhi, Indian law) \$40 million+ dispute concerning termination of construction of hydro-electric project
- Advice on cross-border remedies available in relation to \$500 million sale of oil mining lease in African country.
- Advice on cross-border remedies available in relation to Law of Sea arbitration between 2 African states concerning maritime border passing through off-shore oil-field
- **AD HOC** (seat Mumbai, Indian law) What is said to be the largest ever domestic Indian arbitration concerning delays to the construction of an oil refinery caused by a cyclone;
- **LCIA arbitration** – (seat London, law of Gibraltar) dispute arising out of sale of oil leases.
- **UNCITRAL arbitration** – (seat New Delhi, Indian law) arbitrator in \$1 billion+ dispute concerning construction management services in connection with the construction of a grassroots oil refinery.
- **Ad hoc arbitration** – (seat London, Nigerian law) counsel for party claiming in excess of \$7 billion in respect of the construction of gas processing and power generation facility.
- **ICC arbitration** – (seat London, English/Saudi Arabian law) arbitration in dispute concerning joint venture for oil exploration.
- Advice concerning joint venture between Middle Eastern investors and European company in relation to operation of oil refinery.
- **LCIA arbitration** – (seat London, English law as arbitrator) concerning the sale and purchase of shares in a Cypriot company dealing in crude oil

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- **ICC arbitration** – (seat London, English law) concerning the production of natural gas.
- (as counsel) advising on dispute concerning the supplier of oil pipelines in Dubai
- (as counsel) advising on claims during the construction of on-shore LNG facilities in the Middle East;
- (as counsel) successfully securing an adjustment of the pricing mechanism of a series of contracts whereby an offshore oil field supplied power plants in a South American state (AAA, seat New York);
- (as counsel) successfully resisting attempts by a “Vulture Fund” to impugn the offshore project finance structure holding oil mining rights in an East African offshore oil field (BVI);
- (as arbitrator) claim for delays and disruption to the construction of a refinery in the Middle East (ICC, seat London);
- (as counsel) advising on claims to interests in JV for the construction of large GTL facility in Middle East (Bermuda);
- (as arbitrator) India’s largest ever insurance claim relating to advance loss of profits arising out of damage to refinery under contraction by cyclone involving all aspects of its funding, construction and both technical and commercial operation (ad hoc, India);
- (as arbitrator) dispute between shareholders in and traders on Middle East bench-mark crude oil trading exchange (LCIA, seat London);
- (as arbitrator) dispute between state petroleum corporation and US contractor concerning construction of refinery in Caribbean (ICC, seat Trinidad).

## Hedge Funds & Structured Investment Vehicles

Michael has particular experience in dealing with claims by and against hedge funds. He is recommended by Chambers & Partners for his offshore expertise, it being noted that he has handled a number of hedge fund related matters and is frequently seen in the Cayman Islands, Bermuda, Bahamas, BVI and Channel Islands.

Recent cases include:

- **DIFC-LCIA Arbitration** – (seat DIFC, English law) claim between two investment funds relating to the management of an SPV incorporated for the purpose of acquiring and managing a shareholding in a target company.
- **Grand Court, Cayman Islands** – expert evidence on DIFC law
- **Re Wimbledon Financing Master Fund Ltd (in liquidation)** – (Cayman Financial Services Division) advice to Joint Liquidators on appointment to liquidator of US judgment-debtor fund
- **Kazzaz v Standard Chartered Bank** – (Singapore International Commercial Court) co-counsel in relation to allegations of breaches of Dubai Financial Service Authority regulations relating to sale of investment products
- **Cayman/DIFC Courts** – advice in relation to freezing injunction
- **Expert Testimony Cayman Financial Services Division** – jurisdiction of DIFC Courts over proceedings arising out of sale of share in investment funds holding assets in the Middle East
- **Expert Testimony on DIFC Law** – (High Court of Singapore) on allegations of breaches of DIFC banking regulatory requirements.
- Advising investors in the liquidation of a Cayman fund in connection with fraud by the Investment Manager.
- **DIFC Court** – enforcement of Singapore arbitration award relating to investment by US Fund in Pakistani media company

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- **ICC Arbitration** – (seat London, English law) counsel in dispute concerning a joint venture to establish REITs in Eastern Europe.
- **ICC Arbitration** – (seat London, Cayman law) dispute between an international investment bank and asset manager concerning the launch and funding of REITs in the Middle East
- **Al Khorafi v Bank Sarasin** – acting for bank in DIFC Court in \$200m claim in relation to the sale of investments.
- **Mana v Clariden Leu Asset Management** – acting for bank in DIFC Court in claim in relation to the sale of investments.
- **Gulf Merchant Group Ltd** – a shareholder dispute in the DIFC Court between a hedge fund and an Abu Dhabi bank concerning the acquisition of another bank in Oman;
- **Ithmar Capital v 8 Investments Inc** – the first appeal in the Court of Appeal of the DIFC – acting for Dubai-based hedge fund in dispute with US investment company;
- **Diamond Age Capital Advisors Limited v Radley Capital Investments LLP** – claim by a Russian hedge fund against an English placement agency for damages for negligence and malicious falsehood in the marketing of the fund;
- **Investidores Institucionais Fundo de Investimento Em Ações v Opportunity Fund** – claim in the Cayman Islands for Brazilian institutional investors (led by the pension fund of the Banco do Brasil) in US\$1 billion claim against investment bank concerning investments in Brazilian infra-structure privatizations;
- **CVC/Opportunity Equity Partners Limited v Demarco** – claim in the courts of the Cayman Islands and Privy Council in dispute between partners in investment fund;
- **Brasil Telecom v Opportunity Fund** – claim in the courts of the Cayman Islands in US\$200 Million+ claim by Brazilian telecommunications company against Cayman investment fund for knowing receipt of proceeds of misconduct by former directors.

## Insolvency

Michael was instructed by Singaporean liquidators in one of the largest ever insolvencies, *Amedeo Development Corporation Sdn Bhd v HRH Price Jefri Bolkiah* concerning a \$24 billion claim by the Brunei Investment Agency for misappropriation of state assets. He appeared in the British Virgin Islands in *Kensington International v Montrow International* to resist the liquidation of a project finance structure owning offshore oilfields on the grounds that it amounted to a conspiracy between international oil companies and banks to assist the Republic of Congo to place its assets outside the reach of its creditors.

Other recent examples of his work include:

- **LCIA Arbitration** – (seat London, English law) dispute concerning settlement agreement of long running dispute relating to the sale and carriage of gasoil involving multiple jurisdictions
- **LCIA Arbitration** – (seat London, English and North Macedonian Law) claim under agreement for smelting of feronickel ores involving issues of fraud and insolvency
- **Re Wimbledon Financing Master Fund Ltd (in liquidation)** – (Cayman Financial Services Division) advice to Joint Liquidators on appointment to liquidator of US judgment-debtor fund
- **SCMA Arbitration** – (seat Singapore, Singapore law) 25 consolidated claims for the purchase of fuel oil by bank claiming as assignee from insolvent company.
- Advising investors in the liquidation of a Cayman fund in connection with fraud by the Investment Manager.
- **Anzen Ltd & Others v Hermes One Limited** – (Privy Council) “optional” arbitration clauses and stay of proceedings where

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winding-up sought on just and equitable grounds

- **LCIA arbitration** – (seat London, English law) \$500 million+ dispute concerning redelivery of Floating Production Storage and Off-loading Vessel to Bondholders and interaction with foreign restructuring proceedings
- **Emirates International Investments v Malouche** – BVI Court of Appeal and Privy Council relating to principles on which court will terminate liquidation of company allegedly receiving proceeds of fraud
- Advising on potential claims against lender banks in the restructuring of Dubai sovereign debt;
- Advising on the classification of business in the liquidation of a Bahamian insurance company;
- Advising in relation to proceedings in Bermuda, part of global litigation concerning the execution of an English judgment by the appointment of a receiver over the revenues of a Swiss law joint venture engaged in a multi-billion dollar project for the construction of world's largest gas liquefaction plant for Shell in Qatar;
- **TCB Creditor Recoveries Ltd v Arthur Anderson** – a US\$1 billion+ claim on behalf of a Cayman liquidator relating to audit negligence of a bank in liquidation in the Cayman Islands;
- **CM2 Services Limited v Lloyds Bank** – claim on behalf of the liquidator of an investment scheme against a bank for negligent collection of investors' cheques;
- **Architects of Wine v Barclays Bank** – claim on behalf of the Cayman liquidator of a US-based fraudulent investment scheme against a bank for negligent collection of investors' cheques.

## Publications

- Chapter on international arbitration in "*Discovery Deskbook for Construction Disputes*" American Bar Association (2006)
- Chapter on ethics in international arbitration in "*International Construction Law*", American Bar Association (2009)
- Chapters on Arbitration and Construction in Sweet & Maxwell's "*The Law & Practice of Compromise*" (7th edition, 2010)
- Chapter on arbitration in the Legal Year in Overview section of The UK Supreme Court Yearbook, Volume 8, 2016-2017 Legal Year.

## Academic History

- University College, London
- Visiting Professor of Construction and Engineering Law, University of Manchester (2002)

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## Appointments

- Appointed a Judge at the DIFC Court of Appeal and Judge in charge of the Digital Economy Court (DEC) (2022)
- Member ADGM Arbitration Centre Panel of Arbitrators (2020)
- Member of Commercial Litigators' Forum Panel of Arbitrators (2020)
- Member SIAC Panel of Arbitrators (2019)
- Member of ICC Commission on Arbitration and ADR (2017-2024)
- Chartered Arbitrator (2017)
- Member of Court of Casablanca International Mediation and Arbitration Centre (2016)
- BVI International Arbitration Centre Panel of Arbitrators (2016)
- ICC UK Committee for Arbitration and ADR (2015)
- ICC Commission Task Force on Emergency Arbitrator Proceedings (2015)
- Bencher Middle Temple (2006)
- Member Civil Justice Council (2005-9)
- Deputy High Court Judge (2008 – 2013)
- Member of Court of Appeal panel of mediators (2001 – 2003)
- Member Civil Procedure Rule Committee (2000 – 2004)
- Assistant Commissioner, Parliamentary Boundary Committee for England (2000-2013)
- Chartered Institute of Arbitrators Panel of Mediators (2000)
- Deputy Judge of Technology and Construction Court (1999-2013)
- Recorder of the Crown Court (1999-2013)
- RICS President's Panel of Arbitrators (1999)
- Presenter (Disciplinary Prosecutor) for Chartered Institute of Arbitrators (1995)
- FIMBRA panel of arbitrators (1993 – 1995)

## Professional Memberships

- Bar of the Cayman Islands (ad hoc)
- Bar of the Eastern Caribbean Supreme Court
- Bar of the Isle of Man (ad hoc)
- Chinese Arbitration Association
- COMBAR ( The Commercial Bar Association)

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