



# Alexander Milner KC

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*The Legal 500*

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Alexander Milner KC has a broad practice covering both commercial litigation and international arbitration.

Described in directories as “brilliant in every respect” and “a Rolls-Royce choice for all cases”, he is recommended in the fields of commercial dispute resolution, international arbitration, aviation, banking and finance and civil fraud. He was named ‘Commercial Litigation Junior of the Year’ at the Chambers Bar Awards in 2021, before being appointed silk the following year.

A Russian speaker, he has appeared in many of the largest disputes to emerge from Russia and other ex-Soviet states, including *Berezovsky v Abramovich*, *BTA Bank v Ablyazov*, *Mezhprombank v Pugachev* and *Bank St Petersburg v Arkhangelsky* (where the trial judge praised his “very effective” cross-examination). He has also participated in numerous major arbitrations, including claims between Gazprom and Naftogaz of Ukraine where the sums in dispute exceeded \$100 billion.

His cases often involve the law of Russia and other post-Soviet countries, and he has extensive experience of conflicts of law and jurisdictional disputes. He frequently makes and defends applications for injunctive relief.

His aviation practice includes all types of leasing, financing and regulatory matters, including those relating to airport slots. He is currently acting for a lessor in a \$300m claim against reinsurers arising out of the Russian invasion of Ukraine.

Alexander sits as an arbitrator and has been appointed to numerous tribunals in London, Singapore and Moscow. He is an empanelled arbitrator at the BVI International Arbitration Centre, the Hong Kong International Arbitration Centre, the Korean Commercial Arbitration Board in Seoul and the Asian International Arbitration Centre in Kuala Lumpur.

He is a registered practitioner at the Dubai International Financial Centre.

## Recent Highlights

Federal Republic of Nigeria v Process & Industrial Developments Ltd

Acting for a creditor seeking to enforce an arbitral award against Nigeria worth more than \$10 billion, and defending allegations of fraud and bribery.

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#### **PJSC Tatneft v Bogolyubov [2021] EWHC 411 (Comm)**

Acted for a Ukrainian oligarch defending a \$300 million fraud claim brought by a Russian oil company under Russian law. Following a 12-week, fully remote trial, all the claims against the Defendants were dismissed.

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#### **Motorola Solutions Inc v Hytera Communications Corp [2021] 2 WLR 679**

Acted for Hytera, a large Chinese radio manufacturer, in its successful appeal to the Court of Appeal against a \$345 million freezing order granted in support of proceedings in the USA alleging theft of trade secrets. The Court of Appeal definitively restated the law relating to the 'unambiguous impropriety' exception to without prejudice privilege.

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#### **Yukos Finance BV v Lynch [2019] EWHC 2621 (Comm)**

Acted for the CEO of a Russian investment bank in his successful defence of claims brought under Russian law in respect of an alleged dishonest conspiracy to "rig" an auction of assets owned by Yukos Oil Company.

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#### **NJSC Naftogaz v PJSC Gazprom [2019] 2 Lloyd's Rep 20**

Instructed by Naftogaz of Ukraine in two SCC arbitrations against Russia's Gazprom where the total sums in dispute exceeded \$100 billion. Subsequently acted in proceedings in England to enforce the resulting award in favour of Naftogaz, including applications for freezing relief and for a stay of enforcement under s.103(5) of the Arbitration Act.

## Expertise

### Aviation & Travel

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#### Notable Aviation & Travel cases

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#### **Voyager Aviation Holdings LLC v Allianz**

Acting for a lessor of two Boeing 747 aircraft claiming an indemnity from reinsurers in respect of the alleged loss of the aircraft following the Russian invasion of Ukraine.

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#### **FW Aviation v VietJet**

Acting for a Vietnamese airline in complex proceedings arising out of the alleged termination of leasing and finance agreements in respect of four Airbus aircraft.

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#### **AerSale 25362 Ltd v Med-View Airline Plc [2018] EWHC 3912 (Comm)**

Acting for aircraft lessors in Commercial Court proceedings against a Nigerian lessor to recover sums due under two leases of Boeing 737s.

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#### **R (Monarch Airlines Ltd) v Airport Coordination Ltd [2017] EWCA Civ 1892**

Judicial review proceedings brought by the administrators of an insolvent airline concerning its right to be allocated valuable slots at Gatwick and Luton airports in order to sell the slots to raise money for its creditors.

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#### **National Air Services v Creditrade LLP [2016] EWHC 2144 (Comm)**

Acting for a lessor in Commercial Court proceedings against a Ukrainian airline following the termination of two leases of Embraer 95 aircraft.

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#### **Sheikh Kaki v National Air Services [2015] EWCA Civ 731**

Claim for breach of a contract for the sale of an interest in a Gulfstream aircraft.

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#### **Virgin Atlantic Airways v K.I. Holdings [2014] EWHC 1671 (Comm)**

Acting for one of the defendants to a £40 million claim arising out of the supply of aircraft seats by a fraudulent manufacturer.

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#### **Aerotransleasing v Polet Airlines [2014] EWHC 1318 (Comm)**

Obtained and successfully defended an injunction under s.25 of the Civil Jurisdiction and Judgments Act 1982 in support of Russian proceedings, preventing the removal of a Russian-registered AN-124-100 aircraft from the jurisdiction.

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#### **ACG Acquisition XX v Olympic Airlines [2010] 1 CLC 581**

Acting for Olympic Airlines in a dispute over a lease of a defective Boeing 737 aircraft, successfully resisted lessor's application for summary judgment.

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#### **Rooney v CSE Bournemouth Ltd [2010] EWCA Civ 1364**

Acting for the defendant maintenance organisation in a contractual dispute arising out of an accident to a Cessna

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Citation aircraft.

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### **BAE Systems v Enimex [2010] EWCA Civ 107**

Acting for BAE Systems against an Estonian airline in proceedings arising out of the termination of an aircraft lease.

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### **Natixis v Islas Airways**

Acting as sole counsel for a lender in Commercial Court proceedings arising out of the termination of a number of lease agreements. Involved issues of jurisdiction and the effect of an insolvency opened in another Member State on English proceedings.

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### **G.E. Capital v Fell**

Acting as sole counsel for a lender in Commercial Court proceedings to enforce a European Enforcement Order against an aircraft temporarily located in the UK. Obtained an emergency out-of-hours injunction restraining the aircraft from leaving the jurisdiction, and successfully resisted an application to set the injunction aside on the ground of material non-disclosure.

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Acting for a lessor in an LCIA arbitration against an Asian airline alleging fraud in connection with the leasing of two Airbus 319 aircraft.

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Acting for a national airline in an LCIA arbitration against a lessor relating to the early termination of six Airbus aircraft.

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Acting for a Russian airline in an LCIA arbitration relating to the leasing of a number of Boeing 737 aircraft.

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Acting for a Portuguese airline in Commercial Court proceedings brought by an Italian airline in connection with a wet lease of a Boeing 767 aircraft.

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Acting for the Light Aircraft Association in High Court proceedings arising out of a fatal gyroplane accident.

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Alexander has substantial experience of claims against airlines and aircraft operators under the Montreal Convention 1999, Regulations EC 261/2004 and 1107/2006, and at common law, and of advising on aviation insurance, leasing/financing and regulatory matters.

## **Banking & Finance**

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## Notable Banking & Finance cases

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### JSC Privatbank v Kolomoisky

Acting for a Ukrainian businessman defending a claim by a Ukrainian bank, governed by Ukrainian law, in respect of an alleged misappropriation of approximately US\$2 billion.

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### PJSC National Bank Trust v Mints

Acting for two of the Defendants to a \$600 million claim brought by two Russian banks in respect of alleged frauds involving the substitution of loans with worthless bonds, and in related arbitration proceedings.

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### Deutsche Bank AG v Unitech Global Ltd [2019] EWHC 969 (Comm)

Acted for a syndicate of lenders in proceedings to recover a \$300 million debt from an Indian property development group (led by Richard Handyside QC).

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### Quoi v National Westminster Bank plc [2016] EWHC 1351 (QB)

Acted as sole counsel for the bank, successfully defending a multi-million-pound claim for breach of contract arising out of the collapse of a construction business.

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### Smeaton v Equifax plc [2013] 2 All ER 959

Acting for the defendant credit reference agency in this leading Court of Appeal case on the scope of the duties imposed on CRAs under the Data Protection Act 1998.

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### Calle Marketing Ltd v Aldbourne Investment Management Ltd

Acted as sole counsel for Russian investors in High Court proceedings against a London-based investment advisory firm for negligence and breach of contract in relation to investments in structured products.

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### LIC Telecommunications v VTB Capital Plc

Acted for the Claimants in two trials of preliminary issues under Luxembourg law, in the context of a conspiracy claim against a Russian bank said to have misappropriated a substantial Bulgarian telecoms business (led by Stephen Rubin QC).

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### Ukrsibbank v Polyakov

Acted for a Ukrainian bank in proceedings concerning a worldwide freezing injunction against a Ukrainian politician

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under s.25 of the Civil Jurisdiction and Judgments Act 1982.

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## A v B

Acted for an investment bank in an arbitration arising out of the underwriting of a failed IPO.

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Acting for major banks in numerous High Court cases defending claims by customers alleging breach of contract, breach of duty, fraud and conspiracy, and in claims involving mortgages, guarantees, mistaken payments, credit agreements etc.

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Representing both claimants and defendant banks in High Court proceedings alleging mis-selling of interest rate hedging products.

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Acting for two investors in proceedings against an asset manager under the Financial Services and Markets Act 2000 for failing to procure the return of a series of investments in structured products.

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## Standard Bank plc v EFAD Real Estate

### JSC Mezhdunarodniy Promyshlenniy Bank v Pugachev

Acted for the Defendant in conjoined appeals to the Court of Appeal in relation to a \$2 billion freezing order.

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## Bank St Petersburg v Arkhangelsky

Acted for a Russian businessman in proceedings involving an alleged fraud by a Russian bank. Obtained a rare anti-enforcement injunction in the Court of Appeal ([2014] 1 WLR 4360), restraining the enforcement of Russian judgments said to have been obtained by fraud, and appeared at the trial to cross-examine the Claimant's experts and make submissions.

## Civil Fraud

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### Notable Civil Fraud cases

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### PJSC Tatneft v Bogolyubov [2021] EWHC 411 (Comm)

Acted for a Ukrainian oligarch in his successful defence of a \$300 million fraud claim brought by a Russian oil company under Russian law.

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## Republic of Nigeria v Process & Industrial Developments Ltd

Acting for a creditor defending a claim by Nigeria to set aside an arbitration award worth \$10 billion on the grounds of fraud and bribery.

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### **JSC Privatbank v Kolomoisky**

Acting for a Ukrainian businessman defending a \$2 billion fraud claim governed by Ukrainian law.

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### **NRC Holding Ltd v Danilitskiy [2017] EWHC 1431 (Ch)**

Enforcing a judgment against the beneficial interest in a London property owned through an offshore structure, and obtaining injunctive relief in support of a €120 million fraud claim brought in Cyprus.

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### **Vis Trading Co Ltd v Nazarov [2014] EWCA Civ 313**

Appeal in a \$30 million fraud claim brought under Russian law. Subsequent committal proceedings reported at [2016] 4 WLR 1.

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### **Tajik Aluminium Plant v Ermatov**

Acted for seven of the defendants and the Part 20 claimant in a \$500 million fraud claim concerning the operations of an aluminium smelting plant in Tajikistan.

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### **JSC Mezhdunarodniy Promyshlenniy Bank v Pugachev**

Acted for the Defendant in conjoined appeals to the Court of Appeal in relation to a \$2 billion freezing order.

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### **Fundo Soberano de Angola v Dos Santos**

Claim by the Angolan sovereign wealth fund against its former chairman and others to recover \$3 billion of assets alleged to have been fraudulently misappropriated.

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### **Bank St Petersburg v Arkhangelsky**

Acted for a Russian businessman in proceedings involving an alleged fraud by a Russian bank. Obtained a rare anti-enforcement injunction in the Court of Appeal ([2014] 1 WLR 4360), restraining the enforcement of Russian judgments said to have been obtained by fraud, and appeared at the trial to cross-examine the Claimant's experts and make submissions.

## **Commercial Disputes**

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## Notable Commercial Disputes cases

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### **Federal Republic of Nigeria v Process & Industrial Developments Ltd**

Acting for a creditor seeking to enforce an arbitral award against Nigeria worth more than \$10 billion, and defending allegations of fraud and bribery (led by Andrew Mitchell KC).

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### **Motorola Solutions Inc v Hytera Communications Corp [2021] 2 WLR 679**

Acted for Hytera, a large Chinese radio manufacturer, in its successful appeal to the Court of Appeal against a \$345 million freezing order granted in support of proceedings in the USA alleging theft of trade secrets (led by Charles Béar QC). The Court of Appeal definitively restated the law relating to the 'unambiguous impropriety' exception to without prejudice privilege. Subsequently obtained a stay of enforcement proceedings for non-payment of costs orders: [2023] EWHC 1393 (Comm).

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### **Republic of Tatarstan v Ukraine**

Instructed by Ukraine in a \$400 million investor-state arbitration concerning the alleged expropriation of shares in an oil refinery.

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### **Savchenko v Davletyarov [2019] EWHC 1186 (Comm)**

Acted for the successful defendant in a contractual dispute relating to the sale of interests in a Russian bank.

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### **Kazakhstan Kagazy Plc v Zhunus [2019] EWHC 2630 (Comm)**

Acted for the respondent to a £14 million non-party costs application, following a \$300 million judgment handed down against the principal defendants.

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### **Bank St Petersburg v Arkhangelsky [2018] EWHC 1077 (Ch)**

Acted for a Russian businessman in proceedings involving an alleged fraud by a Russian bank. Obtained a rare anti-enforcement injunction in the Court of Appeal ([2014] 1 WLR 4360), restraining the enforcement of Russian judgments said to have been obtained by fraud, and appeared at the trial to cross-examine the Claimant's experts and make submissions.

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### **Astor Management AG v Atalaya Mining Plc [2018] EWCA Civ 2407; [2017] 1 Lloyd's Rep 476; [2017] 1 CLC 724**

Acting for the Defendants in a €60 million contractual dispute relating to the acquisition and commissioning of a copper mine in Spain (led by Stephen Moriarty QC).

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### **Fundo Soberano de Angola v Dos Santos [2018] EWHC 2199 (Comm)**

Claim by the Angolan sovereign wealth fund against its former chairman and others to recover \$3 billion of assets alleged to have been fraudulently misappropriated.

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### **LIC Telecommunications Sarl v VTB Capital Plc [2018] EWHC 169 (Comm), [2019] EWHC 1747 (Comm)**

Acted for the Claimants in two trials of preliminary issues under Luxembourg law, in the context of a conspiracy claim against a Russian bank said to have misappropriated a substantial Bulgarian telecoms business (led by Stephen Rubin QC).

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### **JSC Mezhdunarodniy Promyshlenniy Bank v Pugachev [2016] 1 WLR 160**

Acted for the Defendant in conjoined appeals to the Court of Appeal in relation to a \$2 billion freezing order.

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### **Ukrsibbank v Polyakov [2014] EWHC 4292 (Comm)**

Acted for a Ukrainian bank in proceedings concerning a worldwide freezing injunction against a Ukrainian politician under s.25 of the Civil Jurisdiction and Judgments Act 1982.

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### **Cuccolini Srl v Elcan Industries, Inc [2013] EWHC 2994 (QB)**

Jurisdictional dispute in proceedings arising out of the termination of a distribution agreement.

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### **Berezovsky v Abramovich [2012] EWHC 2463 (Comm)**

Acted for Boris Berezovsky in his well publicised \$5 billion claim against Roman Abramovich in relation to the ownership of Russian oil and aluminium assets.

## **Competition**

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### **Notable Competition cases**

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Instructed on behalf of two groups of banks in ICSID arbitrations against an EU Member State raising defences based on the CJEU's *Achmea* judgment.

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Gave written and oral expert evidence on EU competition law issues in two ICC arbitrations between major European airlines and a global distribution system operator.

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Advising a major financial services company on issues relating to the revisions to the EU Payment Services Directive

and regulation of multilateral interchange fees.

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Providing legal opinions in connection with proceedings between the EU Commission and a pharmaceutical company regarding the circumstances in which patent settlement agreements infringe the EU competition rules.

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Providing written expert evidence in Lithuanian proceedings on the application of Article 101 TFEU to agreements between a number of banks and a provider of cash handling services.

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Providing a legal opinion in connection with an action against the EU Commission regarding the lawfulness of a dawn raid.

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Advising manufacturers of electronic cigarettes as to the legality of the proposed revisions to the Tobacco Products Directive.

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Advising leading European airlines on the interpretation and application of the EU slots regulation.

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Advising major drinks and clothing manufacturers on the interpretation of EU regulations concerning the labelling of spirit drinks and textiles.

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Advising two non-European investment funds as to whether their shares constituted eligible investments for the purposes of a UCITS scheme within the meaning of Commission Directive 2007/16/EC (the Eligible Assets Directive).

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Advising a number of law firms as to the compatibility of the rules of an EU Member State's Bar Association with the EC Treaty.

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Advising a Czech bank as to whether a restructuring plan adopted by the Czech state constituted aid applicable after accession requiring review by the Commission under Article 108 TFEU.

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Assisted Sir Francis Jacobs QC in preparing numerous expert reports and opinions on behalf of companies and national governments, in connection with proceedings before arbitral tribunals, national courts and regulators, the EU Commission and courts, and the International Court of Justice.

## International Arbitration - as arbitrator

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Notable International Arbitration - as arbitrator cases

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Acting as sole arbitrator in an expedited arbitration in the Russian Arbitration Centre, Moscow, between a law firm and a former client arising out of a previous LCIA arbitration.

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Acting as party-nominated arbitrator in an ICC arbitration seated in Singapore relating to the leasing of commercial passenger aircraft.

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Acting as party-nominated arbitrator in two related LCIA arbitrations between Russian parties concerning a financing transaction in the energy field.

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Acting as party-nominated arbitrator in an LCIA arbitration between Russian and Asian parties relating to the licensing of pharmaceutical products.

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Acting as party-nominated arbitrator in an LCIA arbitration brought by a company against a Russian individual under a guarantee.

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Acting as party-nominated arbitrator in a \$10 million arbitration between two offshore companies in the International Commercial Arbitration Court, Moscow.

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Acting as sole arbitrator, appointed by the LCIA, in an UNCITRAL arbitration concerning the provision of legal services to a company in Kazakhstan.

## International Arbitration - as counsel

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### Notable International Arbitration - as counsel cases

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#### Republic of Tatarstan v Ukraine

Instructed by Ukraine in a \$400 million investor-state arbitration concerning the alleged expropriation of shares in an oil refinery.

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#### NJSC Naftogaz v PJSC Gazprom [2019] 2 Lloyd's Rep 20

Instructed by Naftogaz of Ukraine in proceedings to enforce a \$2.5 billion arbitration award, including applications for freezing relief and for a stay under s.103(5) of the Arbitration Act.

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#### Eastern European Engineering Ltd v Vijay Construction (Proprietary) Ltd [2016] EWHC 1450 (Comm)

Application under s.103 of the Arbitration Act 1996 for security for a \$20 million award said to have been procured by intimidation/blackmail.

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### Stemcor UK Ltd v Global Steel Holdings Ltd [2015] 1 Lloyd's Rep 580

Obtained a stay of proceedings to recover \$150 million from two guarantors pending an arbitration between the creditor and the principal debtor.

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Acting in a \$500 million LCIA arbitration concerning an alleged fraud against a Russian bank.

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Acting as sole counsel for a Russian airline in an LCIA claim concerning an alleged \$200 million fraud.

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Acting in an LCIA arbitration between two prominent Russian individuals relating to the ownership and disposal of extremely valuable industrial and real estate assets.

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Acting as sole counsel in a \$100 million LCIA arbitration brought by a Russian bank to enforce an option agreement.

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Acting in an LCIA arbitration arising out of the sale of a Russian supermarket chain.

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Acting in an LCIA claim brought by a steel trader to recover a debt of \$200 million from an industrial enterprise in Eastern Europe.

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Acting for a well-known "oligarch" in LCIA proceedings to recover a loan of \$100 million.

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Acting in an LCIA arbitration relating to the ownership of shares in a Russian technology company estimated to be worth more than \$3 billion.

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Acting in an LCIA arbitration concerning the alleged fraudulent disposal of a Russian joint venture asset.

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Acting as sole counsel for a Russian manufacturer in an ICC arbitration in Geneva to recover over €5 million from a joint venture partner.

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Acting in a €300 million ICC arbitration between joint venture partners relating to the construction of a telecoms network.

## Directory Quotes

*"He is my first choice at the Bar for aviation matters. He's phenomenally bright."*

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Chambers & Partners

*"He is brilliant legally and strategically. He is responsive and deals with complex issues very easily."*

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Chambers & Partners

*"Fantastically bright and all over foreign law. Commercial and charming."*

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The Legal 500

*"Very clever, drafts beautifully. A pleasure to work with. Excellent cross-examination skills."*

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The Legal 500

*"Meticulously prepared, extremely responsive and his analysis is first rate. He is well known for his work on foreign law issues, and in particular in Russian and CIS disputes - where his work is particularly impressive."*

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The Legal 500

*"Absolutely excellent courtroom skills and very convincing before the judge. He has a strong understanding of the client's commercial needs and is very good at looking at the bigger picture."*

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Chambers & Partners

*"an experienced barrister with renowned intellect and clarity of vision... He has an excellent ability to effectively handle multi-jurisdictional matters"*

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Chambers & Partners

*"He works extremely efficiently, his advice is always spot on and he gets right into the detail of cases. Exceptionally bright, he's a very good tactician and a smooth operator in court."*

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Chambers & Partners

*"Well ahead of the pack in terms of the standard of his advocacy."*

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The Legal 500

## Directory Rankings

### Chambers & Partners – Global

- International Arbitration – The English Bar
- Dispute Resolution: Commercial – UK

### Chambers & Partners – UK

- Aviation
- Banking & Finance
- Commercial Dispute Resolution
- International Arbitration: General Commercial & Insurance

### The Legal 500 – UK

- Aviation
- Banking & Finance
- Commercial Litigation
- Fraud: Civil
- International Arbitration: Counsel

## Education

- BVC (Outstanding), Inns of Court School of Law
- CPE (Distinction), City University
- BA Modern & Medieval Languages (First Class), King's College, Cambridge

## International Bar / Court Appointments

- Registered Practitioner at the Dubai International Financial Centre.
- On the Dubai International Arbitration Centre Arbitrator List.

## Appointments, Memberships and Prizes

- On the Dubai International Arbitration Centre Arbitrator List.
- Registered Practitioner at the Dubai International Financial Centre.
- Member of the Panel of Arbitrators of the BVI International Arbitration Centre.
- Member of the List of Arbitrators of the Hong Kong International Arbitration Centre.
- Member of the Panel of Arbitrators of the Asian International Arbitration Center, Kuala Lumpur.
- Member of the Panel of Arbitrators of the Korean Commercial Arbitration Board, Seoul.
- Listed arbitrator at the Russian Arbitration Center, Moscow.
- Executive Committee member, Russian & CIS Arbitration Network.
- Member of the Chartered Institute of Arbitrators.
- Lord Mansfield Scholarship, Lord Bowen Scholarship, City University Scholarship, Hardwicke Scholarship, Shelford Scholarship, and Buchanan Prize, Lincoln's Inn.

## Publications

- Liability for property fraud: *P&P Property v Owen White & Catlin*, *Journal of Professional Negligence*, Vol. 33 No. 3 (2017)
- Liability for negligent investment advice following extraordinary market turmoil: *Rubenstein v HSBC Bank plc*, *Journal of Professional Negligence*, Vol. 29, No. 1 (2013)
- 'Advantages and disadvantages of arbitrating Russian and CIS disputes in western Europe', *Transnational Dispute Management* Vol. 9, issue 3 (April 2012)
- 'Regulation EC 261/2004 and "extraordinary circumstances"', *Air and Space Law* 34, no.3 (2009); 215-220
- Contributor to the Civil Procedure Reports (Sweet & Maxwell)

## Languages

- French (fluent)
- Italian (good working knowledge)
- Russian (fluent)

## Awards

