



Damien Bruneau

Call 2016

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Damien Bruneau joined chambers in October 2019 following the successful completion of his pupillage and worked full time as a Judicial Assistant in the Commercial Court in early 2020.

Prior to joining the Bar, he worked at the Law Commission of England and Wales and the South African Constitutional Court. Before pursuing a career in law, Damien taught philosophy at the University of the Witwatersrand in Johannesburg, South Africa.

Damien has developed a broad commercial practice in line with chambers' profile and has a particular interest in work that involves an international element. He is currently part of the counsel team on Dame Linda Dobbs' Review which concerns issues relating to fraud committed in the Reading branch of HBOS in the mid-2000s and the subsequent handling of those issues by Lloyds Banking Group.

Recent Highlights

Dobbs Review

Part of the counsel team commissioned to consider whether issues relating to HBOS Reading were investigated and appropriately reported to authorities at the time by Lloyds Banking Group, following its acquisition of HBOS.

International fraud/administration

Acting (with Bankim Thanki KC, Henry King KC, Nico Leslie, and Alexandra Whelan) in a matter pertaining to a multibillion pound fraud in an international company which caused the company to go into administration.

Auditors' Regulation

Acting for the FRC (with Eleanor Davison) to draft Investigation Reports pertaining to alleged regulatory breaches by three auditors in relation to the audits of a company which sold unregulated high-risk financial products to retail investors.

High Court and County Court matters

Acting as sole counsel in numerous cases involving banking, aviation, timeshares, and contractual disputes.

Discovery Land Co LLC v Jirehouse [2019] EWHC 2249 (Ch)

Assisting in proceedings where a solicitor was committed to prison for contempt for having breached undertakings given to the court (as a pupil).

Expertise

Administrative & Public Law

Reported Administrative & Public Law cases

Discovery Land Co LLC v Jirehouse [2019] EWHC 2249 (Ch)

Involved in this case where a solicitor was committed to prison for contempt for having breached undertakings given to the court (as a pupil).

Banking & Finance

Reported Banking & Finance cases

Nigeria v JP Morgan Chase Bank [2019] EWHC 347 (Comm)

Advising in a significant case on the so-called Quincecare duty owed by a bank to its customer in circumstances in which the bank suspects fraud (as a pupil).

AXA SA v Genworth Financial International Holdings Inc [2018] EWHC 2898 (Comm)

Acting in this and related matters (including subrogation, limitation, declarations, and contribution) which stem from payments for PPI mis-selling and agreements to distribute that liability (as a pupil).

Notable Banking & Finance cases

Advising in two separate cases pertaining to the recovery of funds lent to Lebanese banks by large international lenders (with Bankim Thanki KC and Raymond Cox KC, respectively).

Part of the counsel team on the *Dobbs Review*.

Various strike out and interlocutory hearings in relation to claims against banks.

Civil Fraud

Reported Civil Fraud cases

Nigeria v JP Morgan Chase Bank [2019] EWHC 347 (Comm)

Involved in a case where The Federal Government of Nigeria allege that the bank had reasonable grounds for believing that a payment order was an attempt to misappropriate the customer's funds and therefore should not have executed that order (as a pupil).

Notable Civil Fraud cases

A matter pertaining to NMC, a UAE healthcare provider, which is alleged to have been defrauded by management. There are currently a number of fraud/conspiracy/tracing and recovery claims contemplated against numerous parties including individuals, banks, and auditors. The claims run into the billions of US dollars. Part of a team of five barristers from Fountain Court led by Bankim Thanki KC and Henry King KC.

A claim by the NCA for a civil recovery order pursuant to sections 243 and 266 of POCA in relation a number of properties which were alleged to be the proceeds of crime.

Commercial Disputes

Reported Commercial Disputes cases

Travelers Insurance Co Ltd v XYZ [2019] UKSC 48

Acting in this group litigation in which a non-party costs order was made against a liability insurer (as a pupil).

Michael Wilson & Partners Ltd v Emmott [2019] EWCA Civ 219

Acting in what is now the leading case on when the Angel Bell exception will be appropriate within a post-judgment freezing order (as a pupil).

Notable Commercial Disputes cases

A matter concerning whether independent school fees are due where exams have been cancelled due to the

COVID-19 pandemic, effectively bringing an end to the schooling of pupils in their final year.

Matters related to a dispute between the freeholder of a multi-million pound development and leaseholders and the managing agent of the estate. The issues include potential breaches of the manager's obligations, contempt and unlawful means conspiracy.

Acting for the Royal Mail in a claim brought on the basis that it had breached its Universal Service Obligation.

Instructed in a matter pertaining to the questioning of a judgment debtor under Part 71 of the CPR.

Assisting counsel in defending a challenge to the jurisdiction of the English courts on the basis of the recast Brussels Regulation.

Assisting counsel in advising on jurisdiction issues in relation to a dispute about products made and sold by a Russian oil refinery.

Assisting counsel in a COBS claim alleging that an investor had been misled about the nature of a FOREX investment platform.

Assisting counsel in several matters involving the construction of share purchase agreements, covering issues of debt, limitation, indemnity, and conditional payments.

Assisting counsel in a contractual matter concerning the construction and purchase of a new build apartment in Marylebone.

Assisting counsel in a contractual dispute arising from an agreement to create a video game.

Assisting counsel in an application for Norwich Pharmacal order.

Assisting counsel in resisting an application for a non-party costs order.

Assisting counsel in matters related to the enforcement of a judgment made against a sovereign state.

Company, Restructuring & Insolvency

Notable Company, Restructuring & Insolvency cases

Acting (with Ros Phelps KC) in a matter where the claimant sought declaratory relief pertaining to the proper interpretation of a company's articles of association.

An application to restore a company to the register where jurisdictional matters were potentially at issue.

Advising a company in relation to an unfair prejudice petition.

Education

- BPTC (Outstanding), University of Law
- BA Law (Senior Status) (Double First), University of Cambridge
- MA Philosophy, University of the Witwatersrand
- BA (Hons) Philosophy, University of the Witwatersrand
- BA Philosophy & Economics, University of the Witwatersrand

Appointments, Memberships and Prizes

BPTC

- University of Law Immigration Law prize 2016
- University of Law RDOC/ADR prize 2016
- Lincoln's Inn Lord Denning Scholarship 2015
- Lincoln's Inn Hardwicke Scholarship 2014

Cambridge

- Wilsey and Lerch Book Prize 2015
- Graduate Scholar 2015
- Seton Cavendish Book Prize 2014 and 2015
- Lincoln's Inn Lord Bowen Scholarship 2014
- Downing College Harris Scholar 2014
- Squire Scholar 2014
- Oppenheimer Memorial Trust Scholarship (RSA) 2013
- Cambridge Trust Scholarship 2013

University of the Witwatersrand



- Wits University Postgraduate Merit Award 2009 and 2010
- Academic Scholarship 2004

Memberships

- COMBAR

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