



Daniel Carall-Green

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The Legal 500

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Daniel acts in commercial, financial, and regulatory cases of all kinds, especially those involving complex questions of accounting, economics, or finance, or issues of personal misconduct.

His recent high-profile cases include disciplinary proceedings connected with the audits of Carillion, High Court proceedings about the recovery of money from the Lebanese banking system, a challenge to an ICC arbitral tribunal's jurisdiction, and a competition class action against Apple.

Daniel has experience of a variety of dispute resolution procedures, including CMA administrative proceedings, judicial review claims before the EU courts, litigation in the ADGM, and arbitrations conducted under LCIA, LMAA, ICC, and SIAC rules. He is also a member of the Serious Fraud Office's proceeds of crime panel B.

Daniel is one of the contributing authors to the book *"Brexit and Financial Regulation"*.

Before being called to the Bar, Daniel was a solicitor-advocate at Slaughter and May.

Recent Highlights

Banking and the Lebanese crisis: Bitar v Banque Libano-Française SAL [2021] EWHC 2787 (QB), [2022] 2 All ER (Comm) 298 (jurisdiction), and [2023] EWHC 17 (KB) (trial); and Bitar v Bank of Beirut SAL [2022] EWHC 2163 (QB) (trial), and [2022] EWHC 2930 (KB) (consequential); and Kalo v Bankmed SAL [2023] EWHC 2606 (Comm) (jurisdiction)

Acting for claimants in various claims for the recovery of money from the Lebanese banking system *via* specific performance of instructions to make international money transfers. As well as involving multiple issues of Lebanese law, the claims have raised complex questions of English law, such as the choice of law governing the rate of interest applicable under the Rome I regulation and the application of the post-Brexit consumer jurisdiction provisions in the Civil Jurisdiction and Judgments Act 1982. Two the claims on which Daniel has acted have reached trial, and both have been successful; a third has succeeded at the jurisdiction stage and is now proceeding towards trial.

Civil fraud: Abu Dhabi Commercial Bank PJSC v Shetty [2022] EWHC 529 (Comm), [2022] EWHC 1020 (Comm);

and Abu Dhabi Commercial Bank PJSC v Manghat [2022] ADGMCFI 0007

Acting for Mr Prasanth Manghat, the former director of NMC plc (the London-listed healthcare business), in relation to claims for fraud and conspiracy brought against him and five others by Abu Dhabi Commercial Bank. In a four-day hearing, Daniel represented Mr Manghat in a successful challenge to the jurisdiction of the English court. Thereafter, the claim was moved to the ADGM, where Daniel continued to appear for Mr Manghat.

Competition: Ennis v Apple Inc [2024] CAT 23 (jurisdiction)

Acting for Dr Sean Ennis, the proposed class representative, in collective proceedings against Apple before the Competition Appeal Tribunal. Dr Ennis is seeking to recover damages on behalf of UK-based app developers for payment of excessive and unfair prices in the form of Apple's commission on sales made *via* the App Store. Apple challenged the jurisdiction of the Tribunal to hear the claims on the basis that the law governing the claims was the law of the various places where the apps are purchased. The Tribunal rejected Apple's challenge, and the case is now proceeding towards certification.

International arbitration: Dassault Aviation SA v Mitsui Sumitomo Insurance Co Ltd [2022] EWHC 3287 (Comm), [2023] 2 WR 1061WLR 1061, [2023] 2 All ER (Comm) 500 (first instance); [2024] EWCA Civ 5 (appeal)

Acting for Dassault (the French aerospace company) in a successful challenge before the Commercial Court to the jurisdiction of an ICC arbitral tribunal. The tribunal had been constituted pursuant to a request made by an insurer seeking to enforce rights said to have been acquired from the assured (which was the counterparty to the arbitration agreement) by a transfer under Japanese law. At first instance, Dassault successfully argued that a prohibition on assignment in the contract with the assured prevented the rights under the arbitration agreement from being transferred to the insurer. The judgment was the first authority in over a century squarely addressing the application of contractual prohibitions on assignment to transfers "by operation of law". The matter was nominated by Global Arbitration Review for the "Most Important Decision" award in 2023. The Court of Appeal reversed the first-instance decision in early 2024.

Professional discipline: Executive Counsel to the Financial Reporting Council v KPMG LLP (accountancy scheme tribunal, 30 May 2022) (individuals' dishonesty); Executive Counsel to the Financial Reporting Council v KPMG LLP (settlement notice, 12 October 2023) (audit failings)

Acting for the Executive Counsel to the FRC in successful cases against KPMG and others in relation to the collapse of Carillion plc. In the first case (decided in 2022), Daniel acted in the successful prosecution of KPMG and six individual auditors for dishonestly misleading the regulator about KPMG's audit of Carillion (and also its audit of an unrelated company called Regeneris). One auditor settled before trial; the remaining auditors and KPMG were found guilty of misconduct after a five-week trial. The result was the imposition of the (then) largest-ever fine in FRC proceedings. The case was one of *The Lawyer's* top 20 cases of 2022. In the second case (settled in 2023), Daniel acted for the FRC against KPMG and two audit partners for failing to conduct proper audits on Carillion's accounts for four successive years. The result set a new record for the largest-ever fine in FRC proceedings.

Expertise

Banking & Finance

Daniel is ranked as a “*Leading Junior*” in this field in The Legal 500, which comments, “*Daniel’s written advocacy is superb*”. He practices across the full range of banking and finance disputes, both for and against financial institutions.

Notable Banking & Finance cases

Kalo v Bankmed SAL [2023] EWHC 2606 (Comm)

Acting for the claimant in a claim for the recovery of money from the Lebanese banking system. The Bank challenged jurisdiction on the basis that it had not directed its business activities towards England (meaning that the Claimant could not take the benefit of the consumer jurisdiction rules in the Civil Jurisdiction and Judgments Act 1982). The Claimant successfully resisted the Bank’s challenge.

Bitar v Banque Libano-Française SAL [2021] EWHC 2787 (QB), [2022] 2 All ER (Comm) 298 (jurisdiction), and [2023] EWHC 17 (KB) (trial):

Acting for the claimant in a successful claim for the recovery of money from the Lebanese banking system. This claim led to the first reported decision on the application of the post-Brexit consumer rules in the Civil Jurisdiction and Judgments Act 1982. The claim culminated in a two-week trial in King’s Bench Division of the High Court.

Bitar v Bank of Beirut SAL [2022] EWHC 2163 (QB) (trial), and [2022] EWHC 2930 (KB) (consequential)

Acting for the claimant in a successful claim for the recovery of money from the Lebanese banking system *via* specific performance of instructions to make international money transfers. As well as involving multiple issues of Lebanese law, the claim raised questions of English law, such as the choice of law governing the rate of interest applicable under the Rome I regulation and the status of previous findings of foreign law under section 4 of the Civil Evidence Act 1972. The claim culminated in a two-week trial in Queen’s Bench Division of the High Court.

Other Lebanese banking claims

Acting for other claimants in claims to recover money from the Lebanese banking system.

Acting for various financial institutions

Acting for Barclays, Funding Circle, Lloyds, and the Royal Bank of Scotland in various claims relating to alleged frauds, wrongful payments, breaches of financial regulation, alleged failures to detect frauds, misappropriated funds, stolen goods, and unpaid debts (including the enforcement of security).

Corporate/M&A

Advising on cross-border loan documentation.

Expert evidence

Assisting an expert witness on English law in preparing evidence for foreign proceedings about the legal effect of transfers of securities from one bank to another.

Mis-selling

Acting for the claimant in a claim for the mis-selling of interest-rate hedging products against a bank.

Civil Fraud

Daniel is regularly instructed in disputes involving alleged frauds, conspiracies, deceptions, misrepresentations, false accounting, and other forms of commercial wrongdoing.

Notable Civil Fraud cases

Abu Dhabi Commercial Bank PJSC v Shetty [2022] EWHC 529 (Comm), [2022] EWHC 1020 (Comm); and Abu Dhabi Commercial Bank PJSC v Manghat [2022] ADGMCFI 0007

Acting for Mr Prasanth Manghat, the former director of NMC plc (the London-listed healthcare business), in relation to claims for fraud and conspiracy brought against him and five others by Abu Dhabi Commercial Bank. In a four-day hearing, Daniel acted for Mr Manghat in a successful challenge to the jurisdiction of the English court. Thereafter, the claim was moved to the ADGM, where Daniel continued to appear for Mr Manghat.

Gaia River SA v Behike Limited

Acting for the claimant lender in claims in the Commercial Court against a borrower and a guarantor. Following judgment, the claims resulted in two days of debtor questioning under CPR 71.

Bribery and deceit

Acting for the defendant and counterclaimant in a cross-border dispute involving allegations of bribery, deceit, and employee misconduct.

Claims against banks

Acting for claimants against banks in fraud and conspiracy claims involving allegations of deceit and misappropriation of assets.

Commercial Disputes

Daniel also acts in a broader range of commercial disputes, including those that engage technical questions having to do with competition law, financial regulation, and insurance.

Notable Commercial Disputes cases

JD Williams & Co Ltd v Allianz Insurance PLC

Acting for JD Williams (the online retailer) in its dispute with Allianz (the insurer) over liability to customers (including under the consumer credit regime) for allegedly unfair and mis-sold insurance products.

Assignment

Advising and acting on cases involving question of champerty, maintenance, and the law of assignment.

Aviation

Acting for British Airways, EasyJet, and Emirates in relation to a variety of customer claims against them.

Corporate/M&A

Advising the seller of a business in relation to third-party rights under the purchase agreement.

Debt

Acting for claimants and defendants in debt actions. For example:

- Acting for petitioners in applications for bankruptcy and winding-up orders.
 - Acting for a company seeking to restrain the presentation of a winding-up petition.
 - Acting for a seller of Covid-19 medical equipment in a claim for debts owed by the buyer.
 - Acting for a construction company in debt recovery proceedings (defended on the basis that the construction was defective).
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Financial services

Acting in various commercial disputes raising questions of financial regulation. For example:

- Acting for a financial institution in a dispute with a contractual counterparty over liability to customers.
- Acting for a merchant bank in a dispute with a broker about alleged breaches of a broker agreement.
- Advising and acting for claimants and regulated firms in claims for breach of the FCA Handbook.

Family/chancery

Acting for individuals and families in relation to commercial/financial disputes. For example:

- Acting for the settlor in a multi-jurisdictional family trust dispute.
- Advising a beneficiary under a discretionary trust in relation to a dispute with the trustees.
- Advising on the recovery of assets belonging to a missing person.

Mis-selling

Acting for a defendant in a dispute over liability for allegedly unfair insurance products.

Securities litigation

Acting for businesses/representors in relation to claims for allegedly-false statements made to actual/potential investors.

Competition

Daniel started his career as a solicitor in the competition department at Slaughter and May, where he took a particular interest in then-emerging field of private enforcement of competition law and then-proposed collective proceedings regime. His practice now covers the full range of public and private enforcement, including collective proceedings.

Notable Competition cases

Ennis v Apple Inc [2024] CAT 23

Acting for Dr Sean Ennis, the proposed class representative, in collective proceedings against Apple before the Competition Appeal Tribunal. Dr Ennis is seeking to recover damages on behalf of UK-based app developers for payment of excessive and unfair prices in the form of Apple's commission on sales made *via* the App Store. Apple challenged the jurisdiction of the Tribunal to hear the claims on the basis that the law governing the claims was the law of the various places where the apps are purchased. The Tribunal rejected Apple's challenge, and the case is now proceeding towards certification.

Instaplanta (Yorkshire) Limited v Leeds City Council [2023] CAT 11 (fast track), and [2023] CAT 37 (security for costs)

Acting for the claimant—as sole counsel against a three-counsel team led by a senior silk—in a case before the Competition Appeal Tribunal about alleged exclusionary and abusive behaviour by Leeds City Council in the advertising market.

Bombardier Transportation UK Ltd v London Underground Ltd and Alstom Transport UK Ltd v London

Underground Ltd

Acting for London Underground in the claims brought against it by Alstom, Bombardier, and Hitachi in the Technology and Construction Court for breach of the public procurement rules in its decision to award a £1.5 billion contract for new underground trains to Siemens.

Advising the CMA

As part of an integrated case team, advising the Competition and Markets Authority in relation to three separate enforcement cases under the Competition Act 1998.

Acting for complainants to the CMA

Acting for the complainant in a complaint to the Competition and Markets Authority about allegedly anticompetitive conduct in the transport sector.

Acting for undertakings under investigation by competition authorities

Acting for undertakings in connection with investigations by competition authorities for cartel conduct and in connection with applications for immunity and/or leniency.

Appellate

Acting for an applicant to intervene in an appeal to the Supreme Court in a case relating to the private enforcement of competition law.

Corporate/M&A

Advising corporates on potential competition exposures arising in relation to corporate/M&A transactions. For example:

- Advising a seller of a business in relation to the effect on that business of ongoing litigation surrounding allegedly anticompetitive multilateral interchange fees.
 - Advising a financial services firm on allegedly anticompetitive provisions in an agreement with an insurer.
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Public procurement

Advising the successful bidder in relation to an allegedly defective public procurement process.

State aid and subsidies

Advising businesses and public bodies on various questions of state aid and subsidies. For example:

- Advising an applicant for grant funding on the potential state aid implications of receiving such funding.
- Advising a local authority in relation to the potential state aid (and post-Brexit equivalent) implications of various proposals for construction and redevelopment.
- Advising a multinational on the potential state aid implications of certain non-legislative decisions taken by national tax authorities.

International Arbitration

Daniel's practice has a strong international element: he has worked on proceedings in various jurisdictions, including the ADGM, Brussels, London, Luxembourg, and Singapore. Much of his international work today is in the field of arbitration. The nature of arbitration means that most of his cases in this field are confidential. However, he has a wide range of experience, examples of which are given below.

Notable International Arbitration cases

Dassault Aviation SA v Mitsui Sumitomo Insurance Co Ltd [2024] EWCA Civ 5

Acting for Dassault on appeal from the decision of the Commercial Court. The Court of Appeal reversed the Commercial Court's decision (as to which see below).

Dassault Aviation SA v Mitsui Sumitomo Insurance Co Ltd [2022] EWHC 3287 (Comm), [2023] 2 WR 1061

Acting for Dassault (the French aerospace company) in a successful challenge before the Commercial Court to the jurisdiction of an ICC arbitral tribunal. The tribunal had been constituted pursuant to a request made by an insurer seeking to enforce rights said to have been acquired from the assured (which was the counterparty to the arbitration agreement) by a transfer under Japanese law. Dassault successfully argued that a prohibition on assignment in the contract with the assured prevented the rights under the arbitration agreement from being transferred to the insurer. The judgment is the first authority in over a century squarely addressing the application of contractual prohibitions on assignment to transfers "*by operation of law*". The matter was nominated by *Global Arbitration Review* for the "*Most Important Decision*" award in 2023.

LCIA

Acting as secretary to the tribunal in two international arbitrations under the LCIA rules about long-term contracts in the hospitality sector. The cases raised issues of good faith, employee misconduct, and repudiatory breach.

LMAA

Acting for the claimants in an international arbitration under the LMAA rules about a claim for under a policy of marine insurance. The claim raised issues about the scope of the indemnity, the doctrine of *ex turpi causa*, and the need to prove actual loss.

SIAC

Acting as secretary to the tribunal in an international arbitration under the SIAC rules.

Professional Discipline

Daniel acts primarily in the field of accountants' and auditors' discipline (which also informs his civil fraud, commercial, and competition practices, since those too often raise questions of accounting).

Notable Professional Discipline cases

Executive Counsel to the Financial Reporting Council v KPMG LLP (decision notices dated 12 October 2023)

Acting for the Executive Counsel to the FRC in the investigation into KPMG itself and two partners in KPMG for failing to comply with relevant requirements in the audits of Carillion's financial statements for the years ending 31 December 2013, 2014, 2015, and 2016. Among the results of the investigation was the imposition in KPMG of the FRC's highest-ever fine.

Executive Counsel to the Financial Reporting Council v KPMG LLP (accountancy scheme tribunal, 30 May 2022)

Acting for the Executive Counsel to the FRC in successful prosecutions against KPMG and six individual auditors for dishonestly misleading the regulator in the context of an inspection into the quality of KPMG's audits of Carillion and Regeneris. One auditor settled before trial; the remaining auditors and KPMG were found guilty of misconduct after a five-week trial. The case was one of *The Lawyer's* top 20 cases of 2022. The result was the imposition of the (then) largest-ever fine in FRC proceedings.

Executive Counsel to the Financial Reporting Council v KPMG LLP (decision notices dated 12 October 2023)

Acting for the Executive Counsel to the FRC in the investigation into KPMG itself and two partners in KPMG for failing to comply with relevant requirements in the audits of Carillion's financial statements for the years ending 31 December 2013, 2014, 2015, and 2016. Among the results of the investigation was the imposition in KPMG of the FRC's highest-ever fine.

BHS

Acting for the Financial Reporting Council in its investigation into the collapse of BHS.

BT

Acting for the Financial Reporting Council in proceedings in its investigation into the audit of BT's 2017 financial statements.

Carillion

Acting for the Financial Reporting Council in its investigations into the accounting aspects of the collapse of Carillion PLC.

Directory Rankings

The Legal 500

- Banking & Finance

Education

- 2012 – Legal Practice Course – BPP (Distinction)
- 2012 – LLB – BPP (First)
- 2010 – BA in Classics – Magdalen College, Oxford (First)

Appointments, Memberships and Prizes

- Megarry Scholarship, Lincoln's Inn, 2016
- Horsfall Turner Prize, The Law Society, 2013
- Placed first in year, BPP, 2012
- Placed second in year, Oxford University, 2010
- Congratulated by the examiners (first-class mark in every paper), Oxford University, 2010
- Comparative Linguistics and Philology Prize, Oxford University, 2010
- *Proxime Accessit*, Gibbs Prize for Philosophy, Oxford University, 2010
- Roberts-Gawen Scholarship, Magdalen College, Oxford, 2008

Publications

- “*The EU approach to authorisation*” in Herbst, J, and Lovegrove, S (eds), *Brexit and Financial Regulation* (OUP, 2020)

Languages

- French (intermediate)

Awards

