



Daniel Schwennicke

Call 2020

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Daniel Schwennicke has a broad commercial practice with particular interest and expertise in banking and insurance work.

Much of his practice is international in nature and involves issues of jurisdiction and conflicts of laws. Daniel is equally happy working as part of a team or as sole counsel and regularly appears unled in the County Court and the High Court.

Daniel graduated from Oxford University with a First in Classics and received a Henry Fellowship at Yale University. He then completed an accelerated degree in Law at Oxford, taking a First and receiving the Elton Davies Scholarship and the Dickey Scholarship. He was subsequently a teaching fellow at Jesus College, Oxford, in Tort Law.

Before commencing practice, Daniel worked full-time as a Judicial Assistant in the High Court, assisting Cockerill J, Foxton J and Bacon J in a range of commercial trials and applications.

Recent Highlights

Russia/Ukraine aviation insurance litigation

Acting for an insurer in multi-billion-dollar litigation arising from alleged losses of aircraft following the Russian invasion of Ukraine and the imposition of Western sanctions (with Jeffrey Gruder KC, Ben Lynch KC, David Peters and Helen Morton).

Phones4U Ltd (in Administration) v EE Ltd

Acting for the first defendant in an 11-week trial in a multi-party dispute concerning alleged anticompetitive agreements by mobile network operators to cease supply to indirect distributor and alleged breach of contract / bad faith (with Meredith Pickford KC, Laura John KC and David Gregory).

CA Indosuez (Switzerland) SA v Afriquia Gaz SA [2022] EWHC 2871 (Comm); [2023] EWCA Civ 1072

Acted for defendant bank in constructive trust / restitution claim alleging payment by mistake. Initial jurisdiction challenge, raising novel questions of service following Brexit transitional arrangements and issues relating to Article 6 of the Lugano Convention (with Laura John KC).

Van Zuylen v Whiston-Dew [2021] EWHC 2219 (Ch)

Assisting with a commercial fraud case involving offshore trusts, FSMA 2000, breach of trust, breach of fiduciary duty and deceit (assisting Derrick Dale KC as a pupil).

Recovery Partners GP Ltd v Rukhadze [2022] EWHC 690 (Comm)

Assisting Cockerill J (as a Judicial Assistant) in a 6-week quantum trial following a judgment in which the defendants were found liable for breach of fiduciary duties by appropriating a business opportunity relating to the assets of a deceased Georgian billionaire.

Expertise

Art & Cultural Property

Notable Art & Cultural Property cases

Assisting with insurance claim relating to the theft of high value jewellery (with Tamara Oppenheimer KC).

Acting in an insolvency application relating to the alleged sale of an antique clock which was alleged to have been fraudulently presented as a 17th century antique.

Advising on claims in deceit, for breach of fiduciary duty, unlawful means conspiracy and dishonest assistance arising out of the alleged fraudulent sales of high value 20th century artworks (during pupillage).

Aviation & Travel

Notable Aviation & Travel cases

Assisting with international arbitral proceedings concerning the manufacture of aeroplane engine components (during pupillage).

Banking & Finance

Notable Banking & Finance cases

Targetfollow v Bank of Scotland

Acting for the Bank of Scotland in its defence of a fraudulent misrepresentation claim brought in relation to alleged LIBOR manipulation by a major property development group, which seeks around £1 billion in damages (with Richard Handyside KC and James Duffy).

Advising a defendant bank in relation to claims that it made fraudulent misrepresentations as to the credit quality of \$100 million of residential mortgage-backed securities (assisting Andrew Mitchell KC and Adam Sher as a pupil).

Assisting in relation to an appeal to the Supreme Court arising out of a sovereign bond issue (during pupillage).

Assisting in relation to a bank's defence of LIBOR-manipulation based misrepresentation claims brought by a number of local authorities (during pupillage).

Advising on the recovery of funds lost as a result of a payment redirection fraud (during pupillage).

Assisting with an appeal concerning a bank's duty of care to its customer in the context of authorised push payment fraud (during pupillage).

Advising a bank in relation to claims against it arising out of an investment fraud, including claims for breach of the bank's tortious duty of care, in dishonest assistance and for participation in fraudulent trading (during pupillage).

Acting for a bank resisting additional disclosure sought pursuant to the *Norwich Pharmacal / Bankers Trust* jurisdictions.

Civil Fraud

Notable Civil Fraud cases

Van Zuylen v Whiston-Dew [2021] EWHC 2219 (Ch)

Assisting with a commercial fraud case involving offshore trusts, FSMA 2000, breach of trust, breach of fiduciary duty and deceit (assisting Derrick Dale KC as a pupil).

Assisting with jurisdiction challenge relating to fraudulent misrepresentation claim (assisting Laura John KC as a pupil).

Commercial Disputes

Notable Commercial Disputes cases

CA Indosuez (Switzerland) SA v Afriquia Gaz SA [2022] EWHC 2871 (Comm); [2023] EWCA Civ 1072

Acted for defendant bank in constructive trust / restitution claim alleging payment by mistake. Initial jurisdiction challenge, raising novel questions of service following Brexit transitional arrangements and issues relating to Article 6 of the Lugano Convention (with Laura John KC).

Acting for the defendants in a joint venture dispute relating to the development and operation of a dementia care home in London (with Derrick Dale KC).

Recovery Partners GP Ltd v Rukhadze [2022] EWHC 690 (Comm)

Assisting Cockerill J (as a Judicial Assistant) in a 6-week quantum trial following a judgment in which the defendants were found liable for breach of fiduciary duties.

Assisting with successful application to set aside a default judgment of over £100 million (during pupillage).

Advising VTB Capital in multiple proceedings in the Commercial Court arising from the so-called “hidden loans” controversy involving in excess of \$2 billion of debt guaranteed by the Republic of Mozambique (assisting David Railton KC, Timothy Howe KC, Adam Sher and Ian Bergson as a pupil).

Advising on the proper law of an unjust enrichment claim relating to a mistaken payment for a shipment of commercial butane (during pupillage).

Advising a parcel carrier on potential vicarious liability for losses alleged to have been caused by the theft carried out by one of the carrier’s employees.

Company, Restructuring & Insolvency

Notable Company, Restructuring & Insolvency cases

Acting for a company in a successful application to restrain presentation of a winding-up petition relating to the alleged sale of an antique clock.

Advising on claims against company directors relating to alleged negligent accounting.

Competition

Notable Competition cases

Phones4U Ltd (in Administration) v EE Ltd

Acting for the first defendant in an 11-week trial in a multi-party dispute concerning alleged anticompetitive agreements by mobile network operators to cease supply to indirect distributor and alleged breach of contract / bad faith (with Meredith Pickford KC, Laura John KC and David Gregory).

Construction, Energy & Infrastructure

Notable Construction, Energy & Infrastructure cases

Advising on a construction contract written on the JCT Design and Build Contract 2011 form (assisting Laura John KC as a pupil).

Advising on an on-demand guarantee relating to a construction project in Rwanda (during pupillage).

Employment

Notable Employment cases

Assisting with procedurally complex appeal by Ryanair before the EAT (during pupillage).

Financial Services

Notable Financial Services cases

Advising on regulatory risks associated with assisting in the administration and performance of an insurance contract (during pupillage).

Insurance

Notable Insurance cases

Russia/Ukraine aviation insurance litigation

Acting for an insurer in multi-billion-dollar litigation arising from alleged losses of aircraft following the Russian invasion of Ukraine and the imposition of Western sanctions (with Jeffrey Gruder KC, Ben Lynch KC, David Peters and Helen Morton).

Acting for the claimant in an arbitration relating to a circa £14 million claim under a quota share reinsurance treaty (with Ben Lynch KC).

Assisting with insurance claim relating to the theft of high value jewellery (with Tamara Oppenheimer KC).

Advising a solicitor's firm in a professional indemnity insurance policy aggregation dispute (with Ben Lynch KC).

Assisting with an arbitration considering whether business interruption policies responded to COVID-19-related losses (assisting Ben Lynch KC as a pupil).

Assisting with credit insurance claim involving an alleged breach of the duty of fair presentation owed under s. 3 of the IA 2015 (during pupillage).

Advising an insurer on residual value insurance relating to two leased aircraft (during pupillage).

Advising on coverage issues relating to a motor insurance policy (during pupillage).

International Arbitration

Notable International Arbitration cases

Assisting with international arbitration relating to a pharmaceutical licensing dispute (during pupillage).

Offshore

Notable Offshore cases

Advising on the effect of a series of assignments in an offshore investment fraud case (during pupillage).

Professional Discipline

Notable Professional Discipline cases

Advising on solicitors' undertakings to pay legal fees (during pupillage).

Advising on an SRA investigation into a potential breach by a firm of its duty to give full and frank disclosure (during pupillage).

Professional Negligence

Notable Professional Negligence cases

Advising on claims against company directors relating to alleged negligent accounting.

Education

- City Law School: BPTC (Outstanding)
- Jesus College, Oxford University: Senior Status BA in Jurisprudence (First Class)
- Yale University: Henry Fellowship
- Merton College, Oxford University: BA in Classics (First Class)

Appointments, Memberships and Prizes

- Lincoln's Inn: Lord Denning Scholarship (2019), Lord Brougham Scholarship (2017)
- City Law School: BPTC Scholarship (2019)
- Jesus College, Oxford: College Prize for performance in Final examinations (2019), Dickey Scholarship (2018), Elton Davies Scholarship (2018)
- Merton College, Oxford: Professor WM Edwards Prize in Classics (2016), Postmaster (2015), Exhibitioner (2014)
- Oxford University: Chancellor's Latin Prizes for Prose and Verse (2014), 1st Prizes in Greek and Latin Reading and Declamation Competitions (2013-2016)
- Scholarship, Studienstiftung des deutschen Volkes (German Academic Scholarship Foundation) (2015-2019)

Publications

- 'Damages for breach of anti-assignment clauses' (2023) 8 JIBFL 525 (co-written with Akhil Shah KC)
- 'Book VIII' in: The Visigothic Laws, eds. Lenski, N. and Fernández, D. (Liverpool, forthcoming)

Languages

- German (native)
- Italian (fluent)
- French (basic)