



# Hannah Bernstein

Call 2020

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Hannah Bernstein has a broad commercial practice with a particular interest in competition law, and regulated areas, such as aviation, banking, and the professions.

Hannah is currently acting in competition proceedings in the CAT in relation to follow-on damages claims, acting and advising in relation to a number of class actions, and acting as sole counsel in director disqualification proceedings. Additionally, Hannah is currently acting in international proceedings relating to an alleged breach of the *Quincecare* duty of care; and in the High Court in relation to the interpretation and performance of agreements governing the sale of Aston Martin vehicles. Hannah 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.

Before coming to the Bar, Hannah was an economist at PricewaterhouseCoopers, advising a range of public bodies and multinational corporations on commercial and competition disputes. Her experience includes advising a UK corporate on allegations of collusive behaviour, providing counterfactual analysis to aid the client's legal team in responding to the antitrust authority; advising a regulator on the estimated cost of capital; providing regression analysis for a public body to derive and quantify the drivers of demand for a service; and evaluating the potential implications for competition policy of AI-facilitated collusion.

## Recent Highlights

### **Lexon (UK) Limited & Others v Competition and Markets Authority**

Acting (as sole counsel) for Debangshu Dey in director disqualification proceedings transferred to the CAT in respect of the competition law issue; listed for 5 week trial in June 2023.

### **McLaren Class Representative v MOL & Ors**

Acting (with Sarah Abram KC) for CSAV SA in defending the collective proceedings claim for follow-on damages relating to RoRo services.

## Vattenfall v Prysmian and Nexans

Counsel for the Claimants in this follow-on damages claim relating to the power cables cartel.

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## Veolia Environnement S.A. and Others v Stellantis N.V. and Others

Acting for Volvo and Renault Trucks in the UK litigation relating to the Trucks cartel.

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## Justin Gutmann v Stagecoach & ors

Counsel for Stagecoach in relation to an alleged abuse of dominance.

# Expertise

## Aviation & Travel

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### Notable Aviation & Travel cases

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Assisting counsel for the defendant in relation to potential liability for an alleged breach of the Civil (Aviation) Insurance Regulations (during pupillage).

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Assisting counsel for the claimants in relation to an argument raised by an aircraft lessor that its leases had been frustrated by the occurrence of the COVID-19 pandemic (during pupillage).

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Assisting counsel for the defendant on its liability for early termination fees (during pupillage).

## Banking & Finance

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### Notable Banking & Finance cases

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Assisting counsel for the first defendant bank in relation to an application brought by the defendants seeking strike out on the basis of limitation and abuse of process (during pupillage).

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Assisting counsel for a bank in relation to a claim for breach of mandate and duty of care (during pupillage).

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## PPI mis-selling

Acting (as sole counsel) for major UK banks in various claims relating to alleged mis-selling of payment protection insurance.

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Assisting counsel for the claimant in relation to an asset disclosure application arising out of alleged misappropriation of assets (during pupillage).

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Assisting counsel for the defendant in relation to an arbitration arising out of alleged breaches of confidence (during pupillage).

## Civil Fraud

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### Notable Civil Fraud cases

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Assisting counsel for the claimant in relation to a claim arising in consequence of manipulation by the defendant of its annual accounts (during pupillage).

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Assisting counsel for the claimant in relation to a claim in dishonest assistance (during pupillage).

## Commercial Crime

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### Notable Commercial Crime cases

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Assisting counsel in advising on the enforceability of a sham transaction where that transaction assigns benefits to an innocent third party (during pupillage).

## Commercial Disputes

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### Notable Commercial Disputes cases

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Acting (with Jeff Chapman KC) in the High Court in relation to the interpretation and performance of agreements governing the sale of Aston Martin vehicles.

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Acting for the Claimants seeking damages for breaches of a share purchase agreement, and a shareholders agreement.

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Advising the Claimant company on the validity of a contract where the counterparty to the contract was dissolved at the time of contracting, and on the merits of its claim.

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Assisting counsel for a port-operator in advising on the applicability of English law to an agreement between the parties, and on the extent and enforceability of the rights and obligations arising in consequence of that agreement (during pupillage).

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Assisting counsel for the claimant in relation to the defendant's application to set aside service of the proceedings on the basis of alleged material non-disclosure and a jurisdiction challenge (during pupillage).

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Assisting counsel for the defendant in relation to a breach of contract claim (during pupillage).

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Assisting counsel for the claimant in relation to a dispute in respect of an implied waiver of privilege (during pupillage).

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Assisting counsel for a UK corporate in advising on the merits of an application for an anti-suit injunction on the basis of an exclusive jurisdiction clause and vexatious conduct (during pupillage).

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Assisting counsel for the claimant in relation to a breach of a shareholders' agreement (during pupillage).

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Assisting counsel for the claimant in an application for rectification of the register under the Companies Act 2006 (during pupillage).

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Assisting counsel for the defendant in relation to an alleged repudiatory breach of contract and an issue of whether payment obligations continued following termination of the contract (during pupillage).

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Assisting counsel for the defendant in relation to an application to contest jurisdiction (during pupillage).

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Assisting counsel for the claimant in relation to issues of actionable statements of fact and opinion (during pupillage).

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Assisting counsel for the claimant in advising on the merits of a claim for breach of contract involving a potential estoppel (during pupillage).

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Assisting counsel for the defendant in relation to the implications of Brexit on a dispute over jurisdiction (during pupillage).

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Providing analysis of the economic, social and environmental impacts of the Olympics on the local economy (as a consultant at PwC).

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Advising an international corporate on state aid, having evaluated its impact on the local economy (as a consultant at PwC).

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Advising a public body on the implications of a proposed funding allocation model, providing regression analysis to derive and quantify the drivers of demand (as a consultant at PwC).

## Company, Restructuring & Insolvency

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### Notable Company, Restructuring & Insolvency cases

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Acting for the Claimants seeking damages for breaches of a share purchase agreement, and a shareholders agreement.

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Advising the Claimant company on the validity of a contract where the counterparty to the contract was dissolved at the time of contracting, and on the merits of its claim.

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Assisting counsel for the claimant in relation to a breach of a shareholders' agreement (during pupillage).

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Assisting counsel for the claimant in an application for rectification of the register under the Companies Act 2006 (during pupillage).

## Competition

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### Notable Competition cases

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#### Lexon (UK) Limited & Others v Competition and Markets Authority

Acting (as sole counsel) for Debangshu Dey in director disqualification proceedings transferred to the CAT in respect of the competition law issue; listed for 5 week trial in June 2023.

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#### McLaren Class Representative v MOL & Ors

Acting (with Sarah Abram KC) for CSAV SA in defending the collective proceedings claim for follow-on damages relating to RoRo services.

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#### Vattenfall v Prysmian and Nexans

Acting (with Aidan Robertson KC and Sarah Abram KC) for the Claimants in this follow-on damages claim relating to the power cables cartel.

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## Veolia Environnement S.A. and Others v Stellantis N.V. and Others

Acting for Volvo and Renault Trucks in the UK litigation relating to damages claims brought on the basis of the European Commission's finding of an infringement of Article 101(1) TFEU. Listed for six-month trial in 2024.

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## Justin Gutmann v Stagecoach & ors

Acting (with Sarah Abram KC) for Stagecoach in relation to an alleged abuse of dominance.

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Assisting counsel for a UK corporate in advising in relation to abuse of dominance allegations (during pupillage).

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Advising a UK corporate on allegations of collusive behaviour and providing counterfactual analysis to aid the client's legal team in responding to the antitrust authority (as a consultant at PwC).

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Evaluating the potential implications for competition policy of AI-facilitated collusion (as a consultant at PwC).

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Advising an international corporate on state aid, having evaluated its impact on the local economy (as a consultant at PwC).

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## Construction, Energy & Infrastructure

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### Notable Construction, Energy & Infrastructure cases

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#### Vattenfall v Prysmian and Nexans

Acting (with Aidan Robertson KC and Sarah Abram KC) for the Claimants in this follow-on damages claim relating to the power cables cartel.

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Designing an impact assessment methodology used to evaluate technology required by a regulator (as a consultant at PwC).

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Assisting the Department for Transport with the economic appraisal of transport interventions by showing how to reconcile GDP and welfare impacts (as a consultant at PwC).

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## Offshore

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### Notable Offshore cases

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Assisting counsel for the defendant in relation to an issue as to whether English law, or the law of the foreign court, applied to determine questions of limitation; and on the Claimants' ability to rely on regulatory findings as evidence of the matters found by those regulators (during pupillage).

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Assisting counsel for the defendant in relation to an application to contest jurisdiction (during pupillage).

## Professional Discipline

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### Notable Professional Discipline cases

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Advising a city firm in respect of allegations of misconduct relating to the operation of a client account.

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Assisting counsel for a city firm on an internal investigation relating to a potential breach of the Solicitors Accounts Rules (during pupillage).

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Assisting counsel for a city firm in advising on the extent of obligations arising under historic anti-money laundering regulations (during pupillage).

## Education

- MA in Economics, University of Edinburgh: First Class Honours
- Graduate Diploma in Law, BPP: Distinction