



Laurentia de Bruyn

Call 2018

 ldb@fountaincourt.co.uk  +44 (0)20 7583 3335

Laurentia was called to the Bar in 2012 in Australia, 2014 in New York, and 2018 in England & Wales. She has a broad commercial practice with a particular interest in the intersection of commercial and public law.

Before being called to the London Bar, Laurentia was an attorney at Quinn Emanuel Urquhart & Sullivan LLP in New York from 2013-2018 and, before that, was a litigation lawyer in Australia in government and leading commercial firms in the private sector.

Laurentia has trial and appellate experience at all stages of a dispute including evaluating claims and defences, fact and expert disclosure and inspection, both led and unled advocacy at hearings, trials, and arbitrations.

After graduating first in her year at the University of Western Australia, Laurentia served as a judicial assistant to the Chief Justice of Australia, The Hon. R.S. French AC, at the High Court of Australia from 2011 – 2012. Before that, Laurentia worked for three years within the Western Australian government legal service as the legal research assistant to the WA Solicitor General and WA State Solicitor, where she worked on constitutional cases in the High Court of Australia alongside the Solicitor General and provided advice to the Attorney General including in relation to constitutional and administrative law, statutory construction and legislative drafting, criminal and civil law.

Recent Highlights

Soteria Insurance Ltd v IBM UK Ltd

Led by Bankim Thanki KC and Michael Lazarus, represented CIS General Insurance (now Soteria Insurance) in its successful appeal to the Court of Appeal overturning the decision below (at [2021] EWHC 347 (TCC)) which had held that CIS's claim for wasted expenditure quantified at £122 million was excluded by a contractual exclusion of "loss of profit, revenue, [or] savings". One of The Lawyer's 'Top 10 Appeals' of 2022. Reported at [2022] EWCA Civ 440.

Ross Leasing Limited & Ors v Nile Air

As sole counsel, represented Nile Air in successfully resisting the making final of a third party debt order against

sums owed to it by the International Air Transport Association in proceedings brought by the aircraft lessors to enforce the judgment debt owed by Nile Air. Enforcement proceedings reported at: [2021] EWHC 2201 (Comm).

Manchikalapati & Ors v Financial Services Compensation Scheme

Led by James Cutress KC, advising and representing the Financial Services Compensation Scheme in its opposition of a judicial review claim regarding the Claimants' entitlement to compensation for court-ordered costs and statutory interest under the Scheme's Rules.

DAE 6583 Ireland Limited v Saudi Gulf Airlines Company & Ors

As sole counsel, obtained permission to apply for summary judgment in the Commercial Court for approximately US\$11.3 million on behalf of an aircraft lessor following failures by the aircraft lessee and guarantors to make payments under an aircraft lease agreement and guarantees.

De Havilland Aircraft of Canada Ltd v SpiceJet Ltd

Led by Akhil Shah KC, represented SpiceJet in a dispute in the Commercial Court arising from De Havilland's claim against SpiceJet for non-payment of sums in respect of the purchase of 25 Q-400 series aircraft under a Purchase Agreement including advising on the merits, preparing pleadings, appearing at the hearing of the cross-claims for summary judgment and/or strike out, successfully obtaining permission to appeal to the Court of Appeal, and in the Court of Appeal regarding De Havilland's application for a conditional order pursuant to CPR r. 52.18(1)(a) and/or an order that SpiceJet provide security for costs of the appeal. Reported at: [2021] EWCA Civ 1834 (Court of Appeal) and [2021] EWHC 362 (Comm) (Commercial Court).

Expertise

Administrative & Public Law

Notable Administrative & Public Law cases

Preparing a skeleton argument successfully resisting an application for judicial review of certain financial services rules (as a pupil).

Preparing a skeleton argument for an applicant seeking pre-action disclosure in judicial review proceedings (as a pupil).

Assisting counsel in advising on the historical existence and scope of the duty of candour in inquiries and inquests in a prosecution (as a pupil).

Assisting counsel in framing a judicial review challenge to a potential prosecution (as a pupil).

Successfully representing a parent in a case of alleged criminal neglect, including multi-day cross-examination of the key expert medical witness (pro bono as an attorney at Quinn Emanuel).

Aviation & Travel

Notable Aviation & Travel cases

DAE 6583 Ireland Limited v Saudi Gulf Airlines Company & Ors

As sole counsel, obtained permission to apply for summary judgment in the Commercial Court for approximately US\$11.3 million on behalf of an aircraft lessor following failures by the aircraft lessee and guarantors to make payments under an aircraft lease agreement and guarantees.

As sole counsel, advising an aircraft lessee regarding its obligations and options under an aircraft lease agreement with the lessor, which was ultimately owned by the Russian State, following the imposition of international sanctions upon Russian entities following Russia's invasion of Ukraine.

Ross Leasing Limited & Ors v Nile Air

As sole counsel, represented Nile Air in successfully resisting the making final of a third party debt order against sums owed to it by the International Air Transport Association in proceedings brought by the aircraft lessors to enforce the judgment debt owed by Nile Air. Enforcement proceedings reported at: [2021] EWHC 2201 (Comm).

Ross Leasing Limited & Ors v Nile Air

As sole counsel, represented Nile Air in summary judgment proceedings brought against it by aircraft lessors in the Commercial Court for non-payment of aircraft lease payments for the lease of three Airbus A320-200 aircraft.

De Havilland Aircraft of Canada Ltd v SpiceJet Ltd

Led by Akhil Shah QC, represented SpiceJet in a dispute in the Commercial Court arising from De Havilland's claim against SpiceJet for non-payment of sums in respect of the purchase of 25 Q-400 series aircraft under a Purchase Agreement including advising on the merits, preparing pleadings, appearing at the hearing of the cross-claims for summary judgment and/or strike out, successfully obtaining permission to appeal to the Court of Appeal, and in the Court of Appeal regarding De Havilland's application for a conditional order pursuant to CPR r. 52.18(1)(a) and/or an order that SpiceJet provide security for costs of the appeal. Reported at: [2021] EWCA CIV 1834 (Court of Appeal) and [2021] EWHC 362 (Comm) (Commercial Court).

DS-Rendite-Fonds Nr. 136 Flugzeugfonds XI GmbH & Co. KG v Société Air France

Led by Akhil Shah KC, represented the Claimant in Commercial Court proceedings brought against Air France for failure to redeliver an Airbus A380-861 aircraft in accordance with the terms of an aircraft operating lease agreement including advising, preparing pleadings, appearing at the case management conference, including obtaining an order for further information.

AWAS Netherlands A320-a BV v Pacific Airlines Aviation Joint Stock Company

As sole counsel, prepared Particulars of Claim on behalf of an aircraft lessor in respect of outstanding payments due under an aircraft lease agreement by the lessee, wrongful removal of parts from the leased aircraft, and return of the aircraft in a condition that was not compliant with the lease agreement.

AWAS 6696 Ireland Limited & Ors v Vietjet Aviation Joint Stock Company

As sole counsel, prepared the Reply on behalf of an aircraft lessor following the aircraft lessor's pleaded defence of the doctrine of frustration to the aircraft lessor's claim for outstanding payments due under an aircraft lease agreement.

Instructed to appear (as sole counsel) for airlines in the County Court in numerous claims by passengers for compensation under Regulation 261/2004, the Montreal Convention and the common law.

Advising on the merits of a claim arising out of a fatal helicopter accident (as a pupil).

Preparing particulars of claim in a dispute between an airline and airport ground services company following damage to an aircraft (as a pupil).

Civil Fraud

Notable Civil Fraud cases

Advising on the merits of possible group action claims for misrepresentation and section 90 of the Financial Services and Markets Act 2000 in connection with the issue of securities (as a pupil).

Advising claimants in swaps cases regarding alleged LIBOR misrepresentations (as a pupil).

Assisting counsel in a case concerning innocent receipt of funds allegedly obtained by fraudulent misrepresentation (as a pupil).

Commercial Crime

Notable Commercial Crime cases

FIFA Investigation

Representing the Federation Internationale de Football Association (FIFA) in connection with investigations by the U.S. Department of Justice and the Office of the Attorney General of Switzerland into allegations of bribery and corruption by former high-level soccer officials in international football leading a team of approximately 50 lawyers in Zurich, Switzerland (as an attorney at Quinn Emanuel). *The New York Times* described the matter as “one of the most complicated international white collar cases in recent memory”.

Representing a defendant in a multi-million-pound fraud prosecution (as a pupil).

United States v McDonnell

Assisting in defending Maureen McDonnell, former First Lady of Virginia, in a federal criminal case charging Mrs. McDonnell and her husband, former Virginia Governor Robert McDonnell, with political corruption, extortion, obstruction of justice, and bank fraud (as an attorney at Quinn Emanuel).

Commercial Disputes

Notable Commercial Disputes cases

Instructed to advise on arguments supporting a jurisdictional challenge in a prosecution (led by Richard Lissack KC).

Warger v Shauers

Obtaining a unanimous victory in the U.S. Supreme Court resolving a long-standing division in authorities regarding the application of Federal Rule of Evidence 606(b) which prohibits juror testimony about statements made during deliberations in an inquiry into the validity of a verdict (as an attorney at Quinn Emanuel).

Waymo v Uber

Represented Waymo, Google’s former self-driving vehicle division now a subsidiary of Google’s parent company, Alphabet, against Uber in a case alleging theft self-driving technology by former employees (as an attorney at Quinn Emanuel).

Representing Pro-Football, Inc., owner of the trademarks for the Washington Redskins, an American National Football League team, in a dispute seeking cancellation of the team’s trademark registrations on grounds of alleged

disparagement (as an attorney at Quinn Emanuel).

Representing a Russian government agency, Federal Treasury Enterprise Sojuzplodoimport (FTE), in seeking to establish ownership rights of the Stolichnaya vodka trademarks (as an attorney at Quinn Emanuel).

Representing the ResCap Liquidating Trust in approximately 85 lawsuits arising from the defendant lenders' sale of defective mortgage loans that resulted in billions of dollars of losses and liabilities for the Trust's predecessor (as an attorney at Quinn Emanuel).

Representing the Lehman Brothers Estate against Citibank, NA, regarding calculations of close out amounts arising from early termination of derivative trades under ISDA Agreements resulting in a \$1.74 billion settlement following a six-month trial (as an attorney at Quinn Emanuel).

Representing National Australia Bank against Goldman Sachs in obtaining a \$100 million award in a FINRA arbitration arising out of fraudulent misrepresentations in the sale of collateralised debt obligation securities (as an attorney at Quinn Emanuel).

MASTR Adjustable Rate Mortgages Trust 2006-OA2 v UBS

Representing the claimant trustee in a breach of contract action regarding residential mortgage-backed securities trusts (as an attorney at Quinn Emanuel).

Representing former shareholders of a chemical company and a special purpose entity in a complex contractual dispute relating to responsibility for remediation of a contaminated site (as an attorney at Quinn Emanuel).

Representing online travel agencies operated through Despegar.com against American Airlines alleging antitrust violations and defamation, and defending the agencies against various trademark claims (as an attorney at Quinn Emanuel).

Financial Services

Notable Financial Services cases

Advising on the proper interpretation and application of various FCA Handbook rules (as a pupil).

Insurance

Notable Insurance cases

Assisting counsel in advising on contractual construction of insurance policies.

Preparing particulars of claim for the claimant insurer in a double insurance claim (as a pupil).

Advising a claimant regarding prospects of success under the Third Parties (Rights Against Insurers) Act 2010 (as a pupil).

Professional Discipline

Notable Professional Discipline cases

SRA v Kabir and Anderson

Assisting counsel for the SRA (as a pupil).

SRA v Hind

Assisting counsel for the SRA (as a pupil).

Sanctions

Notable Sanctions cases

Acting as sole counsel, advising an aircraft lessee regarding its obligations and options under an aircraft lease agreement with the lessor, which was ultimately owned by the Russian State, following the imposition of international sanctions upon Russian entities, following Russia's invasion of Ukraine.

Education

- Master of Laws (LL.M), Harvard Law School (2012-2013)
- Bachelor of Laws (First in Class and First Class Honours), The University of Western Australia (2005-2010)
- Bachelor of Commerce (Corporate Finance & Financial Accounting), The University of Western Australia (2005-2010)

International Bar / Court Appointments

- Admitted as a lawyer to the Supreme Court of Victoria, 2012
- Admitted as an attorney to the New York State First Department, 2014 (current)
- Admitted as an attorney to the Southern District of New York, Second Circuit, 2014 (current)

Appointments, Memberships and Prizes

- ALBA
- COMBAR
- Senior Associate, Quinn Emanuel Urquhart & Sullivan LLP, New York, New York (2013-2018)
- Lawyer (Dispute Resolution), King & Wood Mallesons, Melbourne, Australia (2012)
- Judicial Assistant to The Chief Justice of Australia, The Hon. R.S. French AC, The High Court of Australia (2011-2012)
- Legal Research Assistant to the Solicitor General for Western Australia (2009-2010)
- Legal Research Assistant to the State Solicitor for Western Australia (2008)
- Legal Researcher (Corporate), Corrs Chambers Westgarth Lawyers, Perth, Western Australia (2005-2008)
- Saltonstall Memorial Scholarship, Harvard Law School (2012)
- Winner (as lead oralist), Victorian Young Lawyers Appellate Moot (2012)
- Top graduating law student (1st in a cohort of 208)
- JA Wood Memorial Prize (most outstanding UWA graduate) (2010)
- Frank Edward Parsons Memorial Prize in Law (displaying the most outstanding personal characteristics for leadership and service) (2010)
- Mallesons Stephen Jaques Prize for Best Honours Dissertation in Law (2009)
- Hackett Alumni Honours Scholarship (top law honours student) (2009)
- Thomson Legal & Regulatory Prize in Evidence (2008)
- Minter Ellison Prize in Administrative Law (highest mark: Administrative Law I and II) (2008)
- John Norman Barker Prize in Law (highest aggregate mark: Evidence, Corporations Law and five other law units) (2008)
- Freehills Prize (highest aggregate mark: Equity, Trusts, Administrative Law I and II, Property I and II, Constitutional Law I and II) (2008)
- Deacons Prize in Corporations Law (2008)
- Blackstone Society Anniversary Prize for Constitutional Law (highest aggregate mark: Constitutional Law I and II) (2008)
- Anita and Meyer Davis Prize (highest mark: Constitutional Law I) (2007)
- RSM Bird Cameron Prize in Auditing (2007)
- RSM Bird Cameron Prize in Financial Accounting: Theory and Practice (2007)
- Corporate Financial Policy (2006)
- "Recent Developments in Constitutional and Public Law", Western Australian Bar Association Annual Conference (October 2011)
- Corporations Law Tutor, Australian National University, Canberra (2011)
- Financial Accounting Tutor, University of Western Australia Business School (2008)

Publications

- Commentary, *Group Seven Ltd v Notable Services LLP* [2019] EWCA Civ 614, [2019] Lloyd's Rep FC 319 (with Nicholas Medcroft KC)
- Laurentia McKessar, *Three Constitutional Themes in the High Court of Australia*, 33(2) L. Rev. 559 (2012) (also presented as a speech on constitutional matters by invitation at the WA Constitutional Law Centre, June 2010)

Languages

- French (basic)