

Max Kasriel

Call 2015

"An excellent drafter and a diligent junior."

The Legal 500



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Max Kasriel has a broad practice encompassing all areas of commercial law, including banking and finance, energy, civil fraud, sports law, aviation, professional negligence, insurance, construction and general commercial litigation and arbitration.

He is recommended as a "Rising Star" in *The Legal 500* for both Energy and Construction, and is described as an "excellent drafter and a diligent junior".

Max is equally happy working as junior counsel as part of a team, or as sole counsel, and regularly appears unled before the County Court and the High Court.

Before coming to the bar, Max was a management consultant specialising in the retail, energy, telecommunications and travel sectors.

Recent Highlights

The Ingenious Litigation

Acting for the principal Defendants in the ongoing *Ingenious Litigation*, a £200 million fraud claim arising out of the marketing and operation of film production partnerships between 2002 and 2007. The dispute has resulted in numerous judgments in the High Court and the Court of Appeal, including in relation to security for costs and the Business and Property Courts Disclosure Pilot.

SDI Retail Services Limited v The Rangers Football Club Limited

Acting (with Akhil Shah QC) in a long-running fraud and breach of contract claim brought by the Sports Direct Group against Rangers Football Club concerning replica kit supply and retail rights. The most recent judgment in this case concerned a disclosure application under Practice Direction 51U: [2021] EWHC 3364 (Comm).

Gwynt y Mor Ofto Plc v Gwynt y Mor Offshore Wind Farm Limited and others

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Acting (with Anneliese Day QC) in Commercial Court proceedings relating to the failure of undersea cabling at an offshore wind farm: [2020] EWHC 850 (Comm).

Natixis v Marex Financial and ors

Acting (with Alain Choo-Choy QC, Laura John and Robert Weekes) in a Commercial Court dispute concerning fraudulent metal trades based on counterfeit warehouse receipts, and a claim against insurers under the Insurance Act 2015 raising a range of coverage issues including material non-disclosure: [2019] EWHC 2549 (Comm).

Ventra Investments Ltd v Bank of Scotland

Acting (with Rosalind Phelps QC and Rupert Allen) on a substantial damages claim concerning alleged LIBOR manipulation, misrepresentation and negligence in relation to the sale of interest rate swaps, and intermeddling in an administrative receivership. The case involved a heavy disclosure application which was one of the first to be determined under the Business and Property Courts Disclosure Pilot: [2019] EWHC 2058 (Comm).

Expertise

Aviation & Travel

Notable Aviation & Travel cases

IFLL Invicta Leasing III Limited v OBN Private Jet Limited & Another

Acting (with Michael McLaren QC) in Commercial Court proceedings to recover sums advanced pursuant to an aircraft financing agreement. The Defendants allege that the agreement was obtained by bribery and seek to resist enforcement on that basis.

LCI Helicopters (Labuan) Limited & Others v Elitaliana S.r.l. & Another

Acting (as sole counsel) in Commercial Court proceedings relating to unpaid invoices under aircraft leasing contracts and related documents.

Blanche v EasyJet Airline Co Ltd [2019] EWCA Civ 69

Acting (with Akhil Shah QC) in the leading Court of Appeal case concerning flight cancellation/delay claims under European Regulation 261/2004. Max also acted for easyJet as sole counsel in the hearing below.

Skye Holdings Limited & Others v Gama Aviation (Engineering) Limited & Others

Acting (with Michael McLaren QC) in two related claims before the London Circuit Commercial Court concerning (among other things) a disputed series of aircraft maintenance agreements, a director's service agreement, and a claim on a promissory note.

Banking & Finance

Notable Banking & Finance cases

IFLL Invicta Leasing III Limited v OBN Private Jet Limited & Another

Acting (with Michael McLaren QC) in Commercial Court proceedings to recover sums advanced pursuant to an aircraft financing agreement. The Defendants allege that the agreement was obtained by bribery and seek to resist enforcement on that basis.

Probitas Fidelis Limited v Purple Eye Limited

Acting (as sole counsel) the Defendant in High Court proceedings relating to the loss of funds transmitted via the SWIFT system.

AU Card Limited v Onyx Lifestyle Limited

Acting (as sole counsel) for the Claimant in Commercial Court proceedings to obtain anti-suit injunctive relief. The wider dispute relates to the provision of white label e-commerce services, and involves claims in conspiracy, conversion and the tort of interference with contract.

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Aldersgate Investments Limited & Others v Bank of Scotland Plc & Another

Acting (with Richard Handyside QC and Rosalind Phelps QC) for Lloyds Banking Group in the *Reuben Brothers* litigation – four claims brought by companies within the Reuben Brothers Group involving allegations of fraudulent misrepresentation in relation to the sale of interest rate hedging products indexed to LIBOR.

Hawkins v Lloyds Banking Group

Acting (as sole counsel) for Lloyds Banking Group defending a claim alleging breach of duty in relation to the Bank's conduct of the Interest Rate Hedging Product Review.

Civil Fraud

Notable Civil Fraud cases

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LIC Telecommunication Sarl & Another v VTB Capital Plc & Others

Acting (with Stephen Rubin QC and Alexander Milner) in a conspiracy and fraud claim brought against VTB Capital as part of a wider battle for control of Bulgaria Telecom. Max has acted in two Commercial Court preliminary issues trials in this matter, both in relation to issues of Luxembourg law: [2018] EWHC 169 (Comm) and [2019] EWHC 1747 (Comm).

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Commercial Disputes

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HungryPanda AU Pty Ltd and others v Yan Liu and others

Acting (with Nik Yeo) in Commercial Court proceedings relating to the sale and purchase of an Asian food delivery business. The claim concerns allegations of unlawful means conspiracy and breach of confidence as well as breach of contract.

Financial Reporting Council Ltd v Frasers Group Plc (formerly Sports Direct International Plc)

Acting (with Richard Lissack QC and Adam Sher) in Sports Direct's long-running dispute with the FRC concerning the latter's investigation into the activities of Grant Thornton LLP. The dispute has given rise to judgments of the High Court and the Court of Appeal in relation to privilege issues: [2020] EWCA Civ 177, [2020] EWHC 2607 (Ch).

Polypipe Limited v Mr Peter Russell Davidson

Acting (with Tamara Oppenheimer QC) in Commercial Court proceedings concerning a claim for breach of warranty under an SPA.

Probitas Fidelis Limited v Purple Eye Limited

Acting (as sole counsel) the Defendant in High Court proceedings relating to the loss of funds transmitted via the SWIFT system.

Mr Timothy David Clapham v Mr Robert William Ground and another

Acting (as sole counsel) in High Court proceedings for the recovery of sums due under a financing agreement relating to a high-value property development in Brighton.

SDI Retail Services Limited v The Rangers Football Club Limited

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Nirvana Maintenance Limited v Rendall & Rittner Limited

Acting (with James Cutress QC) in High Court litigation arising out of the disputed termination of a fire door inspection and maintenance contract.

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GSH6 Investments AG v Atalian Europe SA

Acting (with Adam Zellick QC) in Commercial Court proceedings concerning a directors' dispute arising out of the Atalian Servest merger.

Gwynt y Mor Ofte Plc v Gwynt y Mor Offshore Wind Farm Limited & Others

Acting (with Anneliese Day QC) in Commercial Court proceedings relating to the failure of undersea cabling at an offshore wind farm: [2020] EWHC 850 (Comm).

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JP SPC 4 v Mayer Brown International LLP

Acting (with Anneliese Day QC) in a £75 million claim brought by the collapsed Axiom litigation finance fund against former solicitors.

Aldersgate Investments Limited and others v Bank of Scotland Plc and Another

Acting (with Richard Handyside QC and Rosalind Phelps QC) for Lloyds Banking Group in the *Reuben Brothers* litigation – four claims brought by companies within the Reuben Brothers Group involving allegations of fraudulent misrepresentation in relation to the sale of interest rate hedging products indexed to LIBOR.

Construction, Energy & Infrastructure

Notable Construction, Energy & Infrastructure cases

Acting (initially with Timothy Howe QC and subsequently as sole counsel) for the Claimant in a US\$50 million LCIA Arbitration concerning a joint venture agreement relating to a power generation project in West Africa.

Acting (with Anneliese Day QC and Hugh Saunders) for the Respondent in an LCIA Arbitration concerning the termination of a FIDIC contract relating to a major road construction project in the Caribbean.

Polypipe Limited v Mr Peter Russell Davidson

Acting (with Tamara Oppenheimer QC) in Commercial Court proceedings concerning a claim for breach of warranty under an SPA.

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Gwynt y Mor Ofte Plc v Gwynt y Mor Offshore Wind Farm Limited & Others

Acting (with Anneliese Day QC) in Commercial Court proceedings relating to the failure of undersea cabling at an offshore wind farm: [2020] EWHC 850 (Comm).

Acting (with Timothy Howe QC) for the Respondent in an UNCITRAL arbitration concerning an indemnity clause in an SPA between two major international oil companies.

Acting (with Anneliese Day QC) for the Respondent in a series of multi-million-pound adjudications arising out of the failure of a steam turbine at an energy-from-waste facility.

NMCN Plc v Lanes Group Plc

Acting (with Anneliese Day QC) in TCC proceedings relating to alleged negligent repair works at a major UK sewage treatment plant.

Higgins Partnerships 1961 Plc v HTA Architects Limited & Another

Acting (with Anneliese Day QC) in TCC proceedings against an architect relating to the design of cladding at a high-rise development in South London.

Rabilizirov v A2 Dominion London Limited & Others

Acting (with Anneliese Day QC) for Ground Construction Limited in an appeal in the High Court concerning the construction of an office block at 16 St Pancras Way.

Acting (with Anneliese Day QC and Thomas Crangle) for the Respondent in an LCIA Arbitration concerning a major

high-rise construction project in Central Asia.

Insurance

Notable Insurance cases

Natixis v Marex Financial & Ors

Acting (with Alain Choo-Choy QC, Laura John and Robert Weekes) in a Commercial Court dispute concerning fraudulent metal trades based on counterfeit warehouse receipts, and a claim against insurers under the Insurance Act 2015 raising a range of coverage issues including material non-disclosure: [2019] EWHC 2549 (Comm).

Acting (as sole counsel) for an insurance broker in defending a claim for professional negligence relating to the placing of employers' and public liability insurance.

International Arbitration

Notable International Arbitration cases

Acting (with Anneliese Day QC and Hugh Saunders) for the Respondent in a nine-figure LCIA Arbitration concerning the termination of a FIDIC contract relating to a major road construction project in the Caribbean.

Acting (initially with Timothy Howe QC and subsequently as sole counsel) for the Claimant in a US\$50 million LCIA Arbitration concerning a joint venture agreement relating to a power generation project in West Africa.

Advising (with Richard Lissack QC) in relation to privilege issues in an arbitration arising out of a high-profile sports dispute.

Acting (with Timothy Howe QC) for the Respondent in an UNCITRAL arbitration concerning an indemnity clause in an SPA between two major international oil companies.

Acting (with Anneliese Day QC and Thomas Crangle) for the Respondent in an ICC Arbitration concerning a major high-rise construction project in Central Asia.

Media, Entertainment & Sport

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Advising (with Richard Lissack QC) a former owner of a Premier League football club in relation to an ongoing and high-profile dispute with the club's new ownership.

Advising (with Richard Lissack QC) a Premier League football club in relation to privilege issues in a high-profile arbitration.

Advising (as sole counsel) a professional football club in relation to ongoing issues concerning the interpretation of a Sale and Purchase Agreement.

Advising (with Anneliese Day QC) a local authority in relation to a dispute concerning the sale of land to be developed for use as a sporting venue for an upcoming high-profile international event.

Professional Negligence

Notable Professional Negligence cases

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Acting (with Anneliese Day QC) in a £75 million claim brought by the collapsed Axiom litigation finance fund against former solicitors.

Acting (as sole counsel) for an insurance broker in defending a claim for professional negligence relating to the placing of employers' and public liability insurance.

Privilege, Confidentiality & Conflicts of Interest

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Acting (with Nik Yeo) in Commercial Court proceedings relating to the sale and purchase of an Asian food delivery business. The claim concerns allegations of unlawful means conspiracy and breach of confidence as well as breach of contract.

Directory Quotes

"Max has a first-rate mind: he is able to process large amounts of information and complicated problems and produce clear, concise, accurate legal and practical advice quickly. His drafting is superb: it is to the point, persuasive and forceful."

The Legal 500

Directory Rankings

The Legal 500

- Construction (Rising Star)
- Energy (Rising Star)

Education

- BPTC, City Law School: Outstanding
- BA (Law), Wolfson College, Cambridge: Starred Double First (Highest mark in university)
- MA (Philosophy), King's College London: Distinction (Highest mark in university)
- BA (Philosophy, Politics and Economics), Worcester College, Oxford

Memberships

- College Supervisor in Contract Law, University of Cambridge (2014-2015)
- Teaching Fellow, University College London (2014-2015)
- Prince of Wales Scholarship, Gray's Inn (2014-2015)
- Slaughter & May Prize for best performance in final examinations, University of Cambridge (2014)
- Three Verulam Buildings Prize for Equity, University of Cambridge (2014)
- Sir David Williams Prize, Wolfson College, Cambridge (2014)
- James William Squire Scholarship, University of Cambridge (2013-2014)
- Clifford Chance C. J. Hamson Prize for the Law of Contract, University of Cambridge (2013)
- Dato Ng Kong Yeam Priz, Wolfson College, Cambridge (2013)
- CPE Scholarship, Gray's Inn (2012-2014)
- College Scholarship, Worcester College, Oxford (2007-2009)

Awards



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