



# 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 energy, civil fraud, banking and finance, sports law, aviation, professional negligence, insurance, construction and general commercial litigation and arbitration.

Max is recommended as a "Rising Star" in *The Legal 500* for Energy, and has been described as "incredibly bright" and "a precise and relentless advocate". Max is also ranked in *Chambers & Partners* for Construction, and was nominated for Construction & Energy Junior of the Year in *The Legal 500* 2022 awards.

## Recent Highlights

### Russian Aircraft Claims Litigation

Acting (with Akhil Shah KC and James Duffy) for war risks insurers in claims brought by lessors of Russian aircraft in the aftermath of Russia's invasion of Ukraine in early 2022. The litigation concerns consolidated claims worth a total of over \$4.5 billion. The claims have been listed for an 11.5 week trial in the Commercial Court due to commence in October 2024.

### The Ingenious Litigation

Acting for the principal Defendants in the *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 KC) 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).

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## Gwynt y Mor Ofte Plc v Gwynt y Mor Offshore Wind Farm Limited and others

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

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## Natixis v Marex Financial and ors

Acting (with Alain Choo-Choy KC, Laura John KC 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).

# Expertise

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## Aviation & Travel

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### Notable Aviation & Travel cases

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#### Russian Aircraft Claims Litigation

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#### CargoLogicAir Ltd v WWTAI Airopco 1 Bermuda Ltd

Acting (with Michael McLaren KC) for the Claimant in a dispute arising out of the termination of the lease of a Boeing 747-400ERF freighter. The Claimant successfully resisted an application to strike out the claim, where Particulars of Claim could not be served due to the impact of sanctions and the Claimant's supervening administration.

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

Acting (with Michael McLaren KC) 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.

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#### 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.

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

Acting (with Akhil Shah KC) 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.

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

Acting (with Michael McLaren KC) 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**

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### **Notable Banking & Finance cases**

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### **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.

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### **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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### **Ventra Investments Ltd v Bank of Scotland**

Acting (with Rosalind Phelps KC 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).

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

Acting (with Richard Handyside KC and Rosalind Phelps KC) 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.

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## 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

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### Notable Civil Fraud cases

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#### Glenn & Anor v Adam Walker & Ors

Acting (with James Cutress KC) in a claim for breach of fiduciary duty and unlawful means conspiracy arising out of the collapse of a partnership to acquire and manage renewable energy assets. The claim includes a derivative claim on behalf of the management company.

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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.

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#### SDI Retail Services Limited v The Rangers Football Club Limited

Acting (with Akhil Shah KC) 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).

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## 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. The case is due to go to trial before the Financial List over nine months in 2022.

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### **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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### **LIC Telecommunication Sarl & Another v VTB Capital Plc & Others**

Acting (with Stephen Rubin KC and Alexander Milner KC) 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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### **Natixis v Marex Financial & Ors**

Acting (with Alain Choo-Choy KC, Laura John KC 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).

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Acting (with Rosalind Phelps KC 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).

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Acting (with Richard Handyside KC and Rosalind Phelps KC) 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.

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## **Commercial Disputes**

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### **Notable Commercial Disputes cases**

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### Russian Aircraft Claims Litigation

Acting (with Akhil Shah KC and James Duffy) for war risks insurers in claims brought by lessors of Russian aircraft in the aftermath of Russia's invasion of Ukraine in early 2022. The litigation concerns consolidated claims worth a total of over \$4.5 billion. The claims have been listed for an 11.5 week trial in the Commercial Court due to commence in October 2024.

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### Pinewood Technologies Asia Pacific Ltd v Pinewood Technologies PLC

Acting (with Tamara Oppenheimer KC) for the Defendant in a \$312 million claim arising out of the termination of reseller agreements relating to the distribution of motor vehicle dealer management software in the Asia Pacific region. The claim gives rise to a multitude of issues of foreign law, including issues under the laws of Thailand, Vietnam, the Philippines, Hong Kong and Japan.

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### Glenn & Anor v Adam Walker & Ors

Acting (with James Cutress KC) in a claim for breach of fiduciary duty and unlawful means conspiracy arising out of the collapse of a partnership to acquire and manage renewable energy assets. The claim includes a derivative claim on behalf of the management company.

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### CargoLogicAir Ltd v WWTAI Airopco 1 Bermuda Ltd

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### Polypipe Limited v Mr Peter Russell Davidson

Acting (with Tamara Oppenheimer KC) in a claim for breach of warranty under an SPA.

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### Tethys Petroleum Limited v Lilley and another

Acting (with Ben Valentin KC) for the Defendants in a claim for breach of directors' duties brought by a Cayman oil/gas company operating in Kazakhstan. The Defendants succeeded in having the claim struck out, including on the basis that the claims were excluded by an indemnity contained in the company's articles of association: [2023] EWHC 725 (Ch).

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

Acting (with Richard Lissack KC 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).

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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).

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## Construction, Energy & Infrastructure

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### Notable Construction, Energy & Infrastructure cases

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### National Infrastructure Development Company Limited v Construtora OAS S.A.

Acting (with Anneliese Day KC) for the Claimant in a successful application to set aside a \$126 million LCIA arbitration award in favour of the Defendant. The award was set aside on the basis of error of law and that it contained unsupportable/irrational findings. An appeal against the judgment of the High Court of Trinidad and Tobago is due to be heard by the Court of Appeal of Trinidad and Tobago in 2024.

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Acting (with Alexander Milner KC) for the Claimant in a series of arbitrations (LCIA, ICC and LMAA) arising out of contracts for the sale of coal. The arbitrations are worth in excess of \$500 million and involve sanctions issues and issues of contractual interpretation.

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### Glenn & Anor v Adam Walker & Ors

Acting (with James Cutress KC) in a claim for breach of fiduciary duty and unlawful means conspiracy arising out of the collapse of a partnership to acquire and manage renewable energy assets. The claim includes a derivative claim

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

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Acting (initially with Timothy Howe KC 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.

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#### **Nirvana Maintenance Limited v Rendall & Rittner Limited**

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

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#### **Gwynt y Mor Ofte Plc v Gwynt y Mor Offshore Wind Farm Limited and others**

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

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

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Acting (with Anneliese Day KC) 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.

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#### **NMCN Plc v Lanes Group Plc**

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

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### Higgins Partnerships 1961 Plc v HTA Architects Limited and another

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

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### Rabilizirov v A2 Dominion London Limited and others

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

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

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## Insurance

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### Notable Insurance cases

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#### Russian Aircraft Claims Litigation

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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.

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## International Arbitration

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### Notable International Arbitration cases

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#### National Infrastructure Development Company Limited v Construtora OAS S.A.

Acting (with Anneliese Day KC) for the Claimant in a successful application to set aside a \$126 million LCIA arbitration award in favour of the Defendant. The award was set aside on the basis of error of law and that it

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Acting (with Anneliese Day KC) 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.

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Acting (initially with Timothy Howe KC 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.

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

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

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

## Professional Negligence

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### Notable Professional Negligence cases

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#### Higgins Partnerships 1961 Plc v HTA Architects Limited and another

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

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#### JP SPC 4 v Mayer Brown International LLP

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

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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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Notable Privilege, Confidentiality & Conflicts of Interest cases

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

Acting (with Richard Lissack KC 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).

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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.

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## Sports

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Notable Sports cases

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

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

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

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Advising (with Anneliese Day KC) 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.

## 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."*

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The Legal 500

*"Max has a first-rate intellect that sets him apart. On his feet, he is a precise and relentless advocate who is able to communicate sophisticated arguments to the court in a way that they can clearly be understood."*

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The Legal 500

*"He is incredibly bright and gets on top of the issues extremely quickly, and his writing is brilliant."*

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The Legal 500

*"Max has a tireless work ethic, laser-like attention to detail and a command of the law befitting a silk. He rolls up sleeves and dives straight in."*

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The Legal 500

*"Max Kasriel is very thorough and diligent. He's a very strong writer, and his pleadings and drafting have been excellent."*

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Chambers & Partners

*"He's a really big brain and can digest large amounts of information very quickly and get to the correct answers. He does excellent work."*

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Chambers & Partners

*"Highly intelligent, you know he's thought of everything."*

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Chambers & Partners

## Directory Rankings

Chambers & Partners – Global

- Construction

Chambers & Partners – UK

- Construction

The Legal 500 – UK

- 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

## Appointments, Memberships and Prizes

- 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

