



# Samuel Ritchie

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*"The perfect barrister - super bright, great advocacy, and a joy to deal with."*

*The Legal 500*

✉ [sjr@fountaincourt.co.uk](mailto:sjr@fountaincourt.co.uk) ☎ +44 (0)20 7583 3335

Samuel Ritchie has broad commercial practice covering a wide range of commercial disputes, banking and financial litigation, civil fraud and aviation.

He is ranked as a leading junior in Civil Fraud and Commercial Litigation (*The Legal 500*) where he is described as "The perfect barrister – super bright, great advocacy, and a joy to deal with".

Samuel has considerable experience in a range of heavy and complex disputes, both as sole counsel and as part of large teams of solicitors and counsel. Notable recent examples include acting for the Republic of Argentina in litigation concerning GDP-linked sovereign debt in *Palladian Partners & Ors v the Republic of Argentina & Anr*; (1) *Manek* (2) *Chandi* (3) *EAGM Ventures v Wirecard*, concerning fraud allegations surrounding Wirecard's largest ever acquisition of a third-party company in India; and acting in a suite of proceedings against Aston Martin Lagonda Ltd.

Many of Samuel's cases involve an international element and engage cross border issues of jurisdiction and governing law. He has a particular interest in and experience of civil fraud, appearing in a number of cases engaging civil causes of action arising out of bribery and corruption in a range of contexts.

## Recent Highlights

Samuel is currently instructed in a high value international arbitration proceedings that will determine the ongoing value of a significant Middle Eastern business.

### **Palladian Partners v LP & Ors v Republic of Argentina & Anr**

Acting for the Republic of Argentina, led by Ben Valentin KC and Tamara Oppenheimer KC, in litigation brought against the Republic by holders of GDP linked bonds issued by the Republic as part of its national debt restructuring.

### **Aston Martin Middle East Limited v Aston Martin Lagonda Ltd**

Acting for the distributors of Aston Martin vehicles in the Middle East in a dispute concerning the resumption of operation of the Distribution Agreement and unpaid sums whilst Aston Martin Lagonda was acting as agent in the

region.

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### **(1) Manek (2) Chandi (3) EAGM Ventures v Wirecard AG**

Acting for Wirecard AG, led by Jeffrey Chapman KC, in successfully having a claim brought by former minority shareholders alleging participation in fraud to acquire their shares in an Indian company acquired by Wirecard struck out.

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### **Stokoe Partnership v Grayson**

Appearing in the Court of Appeal decision, led by Jeffrey Chapman KC, providing clarification on the circumstance in which an individual could be cross examined on a Norwich Pharmacal affidavit prior to trial where the deponent is also a defendant to the proceedings.

## Expertise

### **Art & Cultural Property**

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#### Notable Art & Cultural Property cases

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#### **Aston Martin Lagonda v Premier International Motor Group**

Acting in a team with Jeff Chapman KC and Hannah Bernstein in a dispute concerning the sale and/or auction of rare and valuable vintage Aston Martin vehicles.

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Advising on whether a dealer and gallery had reached a binding agreement in respect of a very valuable work by a major contemporary artist.

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Recently acted on a dispute concerning the sale and non-delivery of a work of art by the artist known as Banksy.

### **Aviation & Travel**

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#### Notable Aviation & Travel cases

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Led by Akhil Shah KC, acting for the liquidators of the GTLK group of companies in various disputes with airlines. The disputes raise important issues regarding the impact of sanctions on contracts, negating issues such a supervening illegality and frustration.

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### Air Europa v BOC Aviation

Led by Akhil Shah KC, acting for Air Europa in a high value dispute concerning the non-delivery of Aircraft under lease agreements and whether the basis of the transactions have totally failed.

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### Qatar Airways Group ACSC v Airbus SAS

Led by Rosalind Phelps KC, acting for Airbus SAS in the interim relief stage of a major dispute concerning allegations of manufacturing defects in A350 Aircraft, and the cross default provisions in interlinked Aircraft Supply Agreements (relating to the A321 Aircraft). The Claimant was seeking onerous (effectively mandatory) injunctions which Airbus successfully resisted.

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Acting in international arbitral proceedings, led by Akhil Shah KC, concerning the manufacture and supply of aeroplane components and the allocation of risk between supply contracts.

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### Alpstream AG v PK Airfinance & GE Capital Aviation Services

Assisting Stephen Moriarty KC and Rosalind Phelps KC in relation to a substantial dispute arising from the collapse of the Blue Wings airline and the financing of 7 Airbus A380 aircraft.

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Acting for various airlines to defend claims, including those arising under the Montreal Convention and under Regulation (EC) 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights.

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Handling several cases concerning the cases on the meaning of the “*extraordinary circumstances*” defence under Article 5(3) of Regulation 261/2004.

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## Banking & Finance

Samuel's practice encompasses a wide variety of banking and finance litigation. He has appeared for a number of UK banks in possession claims, and has defended them in a large variety of claims involving allegations of negligence, breach of contract and breach of statutory duty (including claims arising under the Consumer Credit Act 1974, the Financial Services and Markets Act 2000, and the FCA Handbook).

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### Notable Banking & Finance cases

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#### Abernethy & Ors v Barclays Bank & Ors

Led by Laura John KC, acting for the lead Defendant responding to the a Group Litigation Order application concerning thousands of Claimants alleging the misselling of PPI products.

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**Palladian Partners v LP & Ors v Republic of Argentina & Anr**

Acting for the Republic of Argentina, led by Ben Valentin KC and Tamara Oppenheimer KC, in litigation brought against the Republic by holders of GDP linked bonds issued by the Republic as part of its national debt restructuring.

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**Arempa International v Barclays Bank (UK) Plc**

Acting for the bank defending claims in negligence and unjust enrichment further to an alleged payment intercept fraud.

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**Sarbaz v Nedbank Private Wealth**

Acting for the bank, led by Jeffrey Chapman KC, in an alleged breach of mandate case.

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**Morgan v NatWest**

Acting as sole counsel for the Claimant in this piece of interest rate swap litigation.

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**MacDonald Hotels v Bank of Scotland Plc**

Assisting a major UK hotel group, led by Richard Lissack KC, in its claim against Bank of Scotland for breach of a long-standing joint venture relationship.

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**Libyan Investment Authority v Goldman Sachs International**

Acting as part of a team led by Roger Masefield KC for a sovereign wealth fund, in a multi-billion dollar claim in the Chancery Division concerning alleged undue influence with regard to equity derivative transactions.

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**Bank of Baroda v Imm International & Ors**

Acting with Simon Browne Wilkinson KC to appeal a grant of summary judgment in a banking guarantee matter.

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Recently acting on an intercreditor dispute, advising the junior creditors on their potential remedies against the senior creditors.

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Acting on many cases concerning the mis-selling of interest rate hedging products, and several other mis-selling cases.

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Advising a major international hedge fund on potential remedies against its master fund and directors.

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Undertaking various work while completing a three-month secondment to Group Litigation and Investigations at Barclays PLC in 2012, including assisting in managing litigation on behalf of the Barclays Group and in reporting to both the Board of Directors and the market on the possible litigation risks facing the Bank. He also worked on a major project focused on Barclays' regulatory capital requirements.

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Assisting (during pupillage) in a major syndicated lending dispute.

## Civil Fraud

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### Notable Civil Fraud cases

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#### Outlier Capital LLC v Tingo International Holdings

Acting for the Claimant fund as sole counsel in a dispute concerning an investment agreement where it transpired that the Defendant has been accused of a major fraud by the Securities and Exchange Commission, having its shares suspended and its CEO subject to an arrest warrant.

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Acting in major arbitral proceedings involving allegations of bad faith between a distributor and manufacturer.

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#### Devro Trust v Lloyd's Bank PLC

Acting as sole counsel for the trustees of a family investment trust to obtain *Norwich Pharmacal* relief to identify the whereabouts of trust assets.

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#### Palladian Partners v LP & Ors v Republic of Argentina & Anr

Acting for the Republic of Argentina, led by Ben Valentin KC and Tamara Oppenheimer KC, in litigation brought against the Republic by holders of GDP linked bonds issued by the Republic as part of its national debt restructuring. Very serious allegations of bad faith have been made against the Republic, with the Claimants alleging that officials have deliberately misled the international financial community and the International Monetary Fund with respect to the Republic's GDP statistics.

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#### Stokoe v Grayson & Ors [2021] EWCA Civ 626; [2021] 4 WLR 87

Led by Jeff Chapman KC, acting for a defendant accused of illegitimately obtaining and using the Claimant's confidential information. In a judgment given in these proceedings, the Court of Appeal clarified the test for cross examining a *Norwich Pharmacal* deponent who is also a defendant before trial.

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#### (1) Manek (2) Chandi (3) EAGM Ventures v Wirecard AG

Acting for Wirecard, led by Jeffrey Chapman KC, in successfully striking out proceedings brought by former minority

shareholders alleging participation in fraud to acquire their shares in an Indian company acquired by Wirecard.

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### **Shanghai Hongtou Network Technology Ltd v Jagex Ltd**

Acting for the shareholders in a Chinese company, led by Jeffrey Chapman KC, which had been defrauded of its interest in shares in a valuable English gaming company. The case required several different kinds of interim relief in the form of injunctions, Stop Notices and *Norwich Pharmacal* orders.

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### **The Libyan Investment Authority v Credit Suisse International Ltd**

Acting as part of a team led by Roger Masefield KC pursuing allegations of fraud against JP Morgan Markets predecessor, Bear Stearns.

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### **The Libyan Investment Authority v JP Morgan Markets & Ors**

Acting as part of a team led by Roger Masefield KC pursuing allegations of fraud against JP Morgan Markets predecessor, Bear Stearns.

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### **SKAT (the Danish Tax and Customs Authority) v Solo Capital Partners & Ors**

Acting for one of the Defendants in the litigation brought by the Danish tax and customs authority in respect of tax arbitrage trading.

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### **The Libyan Investment Authority v Société Générale & Ors**

Instructed as part of a team led by Mark Howard KC, acting for a sovereign wealth fund, in a multi-billion dollar claim in the Commercial Court involving allegations of bribery and corruption across several jurisdictions and seeking set aside a series of complex derivative transactions for fraud.

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### **Fundo Soberano de Angola v Jose Filomeno dos Santos**

Acting for the sovereign wealth fund of Angola in interlocutory proceedings relating to a multi-billion dollar freezing injunction.

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Advising numerous banks in circumstances where accounts held at the bank have been part of a fraud of which the bank was unaware.

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Advising and acting in many tracing and asset recovery matters, and the restitutionary claims (both personal and proprietary) which arise. As a pupil, he assisted Simon Browne-Wilkinson KC in providing advice on enforcement of judgement against assets traced into various international trusts.

## Commercial Disputes

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Samuel has significant experience across a broad range of commercial disputes. Much of his work is of an international character and he regularly advises and appears on matters giving rise to conflicts of laws and jurisdiction issues.

### Notable Commercial Disputes cases

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#### **Aston Martin MENA Limited v Aston Marin Lagonda Limited**

Led by Jeff Chapman KC, acting for the Claimant in these proceedings concerning the interpretation and termination of various agreements governing the distribution and sale of Aston Martin vehicles in the Middle East. The judgment in these proceedings was an important contribution to the ongoing development of the law of good faith in English law governed contracts.

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#### **Mulberry Waste Ltd v Unilever UK Ltd & Mitie Waste & Environmental Services**

Led by Laura John KC, acting for the Second Defendant in a contractual dispute concerning the supply of waster disposal services.

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#### **Allianz Insurance v JD Williams and Company Limited**

Acting for JD Williams, led by Paul Stanley QC and Laura John QC in very high value litigation concerning the apportionment under the Civil Liability (Contribution) Act and engaging complex issues of regulatory and common law liability for the misselling of PPI.

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#### **Fulstow & Woods v Francis**

Acting as sole counsel the Defendant in Chancery Division proceedings concerning share sale and allocation in a company with valuable land holdings.

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#### **Egyptian Sponge v Opus 2**

Acting as sole counsel for Opus 2 to successfully strike out vexatious proceedings brought against it concerning the transcripts provided of an international arbitration.

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#### **Epoq Legal Ltd v DAS Legal Expenses Insurance Co Ltd**

Successfully acting for the respondent to resist an impermissibly wide third party disclosure application.

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Acting as sole counsel to enforce security on business financing provided by a family office.

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Recently acting for a major oil and gas company in an international arbitration concerning a billion-dollar dispute with other shareholders in a specialist Middle Eastern oil and gas joint venture.

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Frequently advising on choice of law for international tortious claims.

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Acting for a major Baltic shipping company in a dispute with charterers.

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Acting on a number of cases regarding the breach of contractual terms implied by the Sale of Goods Act 1979, dealing with matters as diverse as polymer coating, oak floorings, industrial boilers and high specification kitchen appliances.

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Recently advising on a major collateral waiver of privilege inquiry.

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Acting as Independent Counsel to assess privilege attaching to documents in an insolvency context.

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Instructed by a major retail bank to assist with reviewing customer files for privileged documents.

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Acting in the full range of interlocutory applications, including jurisdiction disputes. He is currently instructed in a heavy application disputing jurisdiction and seeking to have alternative service set aside.

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Acting as junior counsel to assist in obtaining interim injunctions in aid of arbitral proceedings to restrain the payment of dividends in breach of a joint venture agreement.

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## Insurance

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### Notable Insurance cases

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Advising an insurance company regarding the recovery of unpaid commissions after the placing of a book of insurance after the insolvency of the previous insurance provider.

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Advising the Financial Services Compensation Scheme on coverage issues.

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Advising on a number of insurance claims, including questions of contractual construction and avoidance.

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Handling coverage issues arising from PPI mis-selling.

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## International Arbitration

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### Notable International Arbitration cases

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Acting in very high value arbitral proceedings between the international manufacturer and distributor of luxury goods, which will determine the future value of the business.

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Acting in international arbitral proceedings, led by Akhil Shah KC, concerning the manufacture and supply of aeroplane components and the allocation of risk between supply contracts.

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Recently acting for a major oil and gas company in an international arbitration concerning a billion-dollar dispute with other shareholders in a specialist Middle Eastern oil and gas joint venture.

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Recently acting as junior counsel to assist in obtaining interim injunctions in aid of arbitral proceedings to restrain the payment of dividends in breach of a joint venture agreement.

## Professional Discipline

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### Notable Professional Discipline cases

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#### Executive Counsel to the FRC v David Costley Wood & KPMG

Instructed by the Financial Reporting Council as junior to Richard Coleman KC and Nicholas Medcroft KC in proceedings alleging lack of objectivity and lack of integrity brought against KPMG and one of its partners regarding the administration of the Silentnight Group of Companies.

## Directory Quotes

*"Fantastic brain and a superb advocate, all encased in the most user friendly barrister at the Bar."*

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The Legal 500

*"One of the best commercial juniors in practice at the Bar. He is highly intelligent and motivated, always on top of the facts and the law, always fully prepared, and usually always right! He is excellent with clients and supremely easy to work with, being even-tempered, unflappable and helpful."*

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*"One of the most naturally gifted advocates of his generation. He has excellent judgement and is a delight for solicitors, leaders and judges."*

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## Directory Rankings

The Legal 500

- Commercial Litigation
- Fraud: Civil

## Education

- Bar Professional Training Course (Outstanding), BPP Law School
- Master of Arts (Jurisprudence) (Double First Class), Keble College, University of Oxford
- Bachelor of Civil Law, Keble College, University of Oxford

## Appointments, Memberships and Prizes

- Past Chairman of the Junior Combar Committee. Samuel was the Chair of the committee which exists to represent the concerns and interests of junior practitioners at the Commercial Bar.
- Inner Temple Advocacy Trainer. Samuel assists as a trainer on the Inner Temple advocacy programmes.
- Prize for Outstanding Performance on the BPTC, the Honourable Society of the Inner Temple.
- Peter Taylor Scholarship, the Honourable Society of the Inner Temple (awarded by the Inn to the barrister in that year considered most likely to succeed at the English Bar)
- Harris Society Prize for the Highest Mark in Keble College, Oxford in Law Finals.
- Academic Scholar of Keble College.
- Winner of the Slaughter and May Harris Society Moot.
- Harris Society Prize for the Highest Mark in Keble College in Law Moderations.
- Slaughter and May Prize for Introduction to Law (Highest mark in the University).

## Awards

