

Daniel Khoo

Call 2014



Daniel Khoo specialises in heavy commercial litigation and arbitration.

Daniel specialises in heavy commercial litigation and arbitration and has particular experience in civil fraud; banking; energy; jurisdiction challenges and freezing injunctions.

He is presently instructed in a wide range of commercial disputes, both as part of a team and as sole counsel. Recent instructions include acting for two of the defendant banks in Public Institution for Social Security v Al Rajaan and ors, a large-scale fraud claim for US\$850 million (Lawyer Top 20 case).

Commercial Litigation

Featured Commercial Litigation cases

- Public Institution for Social Security v Al Rajaan and ors (Comm Ct): acting for two of the defendant banks in a large-scale fraud claim for US\$850 million (Lawyer Top 20 case).
- Morris v RBS (Comm Ct): junior counsel in a c. £40 million Commercial Court dispute involving allegations of LIBOR manipulation.
- Nua & Ors v Brady [2019] EWHC 2184 (TCC): junior counsel for the successful claimant in a three week, £1.5 million fraud trial involving allegations of unlawful means conspiracy and dishonest assistance.
- London Executive Aviation Ltd v RBS [2018] EWHC 74 (Ch): acted for the successful bank in a £3.8 million High Court trial brought by a private jet company.
- Freezing injunctions: EEEL v Vijay [2018] BLR 555; [2018] EWHC 1539 (Comm): instructed for the claimant in a worldwide freezing injunction involving a challenge to the jurisdictional gateways under s. 44 Arbitration Act 1996

and s. 25 Civil Jurisdiction and Judgments Act 1982.

- Proprietary injunctions: instructed in relation to a number of proprietary injunctions, including in relation to injunctions to preserve cryptoassets (bitcoin).
- Covid-19 (coronavirus): instructed in a number of disputes arising out of the coronavirus pandemic, raising issues of frustration, force majeure and repudiation.

International Arbitration

Featured International Arbitration cases

- *Pakistan & ors v Broadsheet* [2019] Bus LR 2753; [2019] EWHC 1832 (Comm): instructed by the successful defendant in a challenge under s. 68 Arbitration Act 1996 to a US \$21 million arbitration award.
- *EEEL v Vijay* [2019] 1 Lloyd's Rep 1; [2018] EWHC 2713 (Comm): acted for the successful claimant in a claim to enforce a EUR €20 million ICC arbitration award in a challenge under s. 103 Arbitration Act 1996.
- LCIA Arbitration (London seat): instructed as sole counsel in a US \$18m arbitration for a Hong Kong based entity.
- *ICC Arbitration* (Paris seat): instructed (with Benjamin Pilling QC) by a Chinese party in relation to a US \$5.7bn hydroelectric project in Africa.
- *ICC Arbitration* (Singapore seat): acted (with Sean Brannigan QC and James Leabeater QC) in a US\$150 million ICC arbitration in relation to a large liquid natural gas ('LNG') project.
- *LCA Arbitration*: instructed (with Benjamin Pilling QC) to advise in relation to a jurisdictional challenge in a Brazilian energy dispute.
- *SIAC Arbitration* (Singapore seat): instructed in relation to a charterparty/bill of lading arbitration.

Banking & Financial Services

Daniel has extensive experience of banking litigation. Daniel has been involved in claims under the ISDA 2002, GMRA 2000 and GMSLA 2000 forms, including claims involving forward rate agreements and currency basis swaps.

Featured Banking & Financial Services cases

- Morris Group Limited v RBS & Ors (Comm Ct): acting for the defendant bank, in a claim alleging misrepresentation and LIBOR rigging allegations. The swap was entered into in support of facilities in excess of £300 million.
 - London Executive Aviation Ltd v RBS [2018] EWHC 74 (Ch): junior counsel for the successful bank in a £3.8 million High Court trial brought by a private jet company.
 - Prospect Medical v NatWest (Comm Ct): acting for the defendant bank in a £8 million misrepresentation claim arising out of a fixed rate loan.
 - *Second charge lender*: advising (with Benjamin Pilling QC) second charge lender in relation to its shared appreciation mortgage ('SAM') portfolio.
 - FCA v Skinner and ors [2020] EWHC 1097 (Ch): acting for the regulator in its successful claim relating to a £3.6 million share promotion scheme involving alleged breaches of ss. 19, 21 FSMA 2000 and s. 89 of the Financial Services Act 2012.
-

Energy / Construction

Daniel is familiar with the JCT, NEC and FIDIC forms in addition to having experience of bespoke contracts and PFI/PPP agreements. He is equally comfortable working in a team or as sole counsel in litigation, arbitration or adjudications. He has been instructed in both domestic and overseas cases, including claims involving Islamic finance.

Featured Energy / Construction cases

- Nua and ors v Brady [2019] EWHC 2184 (TCC): acting for the successful claimant in a three week, £1.5 million final account dispute involving allegations of unlawful means conspiracy and dishonest assistance.
 - *ICC Energy Arbitration* (Singapore seat): acting (with Sean Brannigan QC and James Leabeater QC) in a US\$150 million ICC arbitration in relation to a large liquid natural gas ('LNG') project.
 - Instructed in relation to a US\$4bn arbitration brought in relation to an extensive infrastructure project in the Middle East.
 - Instructed as junior counsel for the employer in a £16m adjudication concerning issues of quantum and extension of time in relation to a £250m project.
 - *PFI contracts*: advising (with Sean Brannigan QC) a FTSE 250 company in relation to a dispute over the scope of works in a £100m+ PFI contract.
-

- Advising on covid-19; frustration and delay in relation to a £300m science development.
-

Professional Negligence

Daniel has extensive experience of professional negligence claims. He has been instructed as sole counsel in a range of claims involving surveyors, financial advisors, building contractors and solicitors.

Daniel also has experience of a varied range of product liability work, including claims arising out of fires, circuit-breakers, solar panel systems and bio-insecticides.

Featured Professional Negligence cases

Solicitors: instructed (with Nigel Tozzi QC) in relation to a £8 million claim arising out of a failed investment in a tech startup.

Accountants: Advising in relation to tax advice given in relation to a company buyout.

Energy Brokers: Acted for the successful defendant in relation to a negligence claim brought by a former client.

Fire Claims: Instructed in relation to a multi-party fire claim arising out of defective electrical equipment.

Surveyors: instructed to advise in claim against a surveyor.

Awards

- Prince of Wales Scholarship (Gray's Inn, 2013-2014)
- Clifford Chance Prize for best performance in Civil Procedure (BCL, 2013)
- Allen & Overy Prize for best performance in Corporate Insolvency (BCL, 2013)
- Winner, OUP-BPP National Mooting Competition (2009)
- Slaughter and May Prize for best performance in Criminal Law (Moderations, 2009)

Education

- BPTC (Outstanding)
- BCL, University of Oxford (Distinction)
- Certificat Supérieur, Université Paris II, Panthéon-Assas
- BA (Jurisprudence with Law Studies in Europe), University of Oxford

Languages

- French (working knowledge)