

Simon Davenport KC

Call 1987 Silk 2009



Simon Davenport KC is a senior commercial and chancery silk who specialises in commercial disputes, civil fraud, insolvency, international arbitration and professional negligence cases both domestically and internationally (and in particular cases involving Russian/CIS clients).

A trusted KC and widely acclaimed as a leading silk in five practice areas in the Legal 500 (Civil Fraud – tier 2, Insolvency, Commercial Litigation, International Arbitration and Professional Negligence). Client testimonials cite him as “a leader of choice”, “a strong, fearless and brilliant advocate” who “is loved by his clients for his commitment to their cause”.

He is frequently asked to provide expert opinions on English Law for use in Russian and CIS proceedings and in particular involving trust and contract law. Simon recently wrote in the [New Law Journal on Sanctions](#) on can persons on the receiving end of targeted sanctions challenge this designation.

He is currently leading a team acting for [BACOL](#) (a large group of policy holders) in a claim against the Republic of Trinidad & Tobago before the Caribbean Court of Justice in the first large group action before the Court.

Civil Fraud

Simon has extensive experience in both domestic and international civil fraud with a particularly significant track record in cases involving Russia/CIS parties. He has become one of the go-to silks for Russian oligarchs when multi-billion pound deals have gone wrong.

Simon has acted for major liquidators on fraud cases and he has encountered a wide breadth of tax fraud for HMRC and liquidators. These cases have included high value MTIC/carousel frauds, failed tax scheme frauds, Ponzi schemes, excise duty frauds, corporation tax frauds and negligible tax value schemes.

His experience also extends to terrorist, gangland and extortion cases involving fraud by organised crime.

Simon has a particular knowledge of claims, including claims potentially running to in excess of £300 million, arising from Libor-rigging events and from related interest rate hedging product sales. He also has a particular interest in similar

claims arising from Forex-rigging, and has developed substantial market knowledge in this context

Featured Civil Fraud cases

- *Devon Commercial v Barnett* [2019] EWHC 700 (Ch): defence of two insolvency practitioners (receivers) in a collusion to take a sale at an undervalue of a factory. A two week trial in the Chancery Division.
- *IV fund and related litigation*: This involved two cases interrelated to allegations of fraud in investments by Russian parties (the victims) where the UK party is alleged to have been defrauding circa £30 million.
- *Feeney v NatWest and others*: involved a Bribery/mis-selling case. It settled for the claimant client.
- *National Trust bank v Yurov*: Assistance with pre-trial for one of the three former directors of National Bank Trust, one of Russia's largest retail banks, against whom claims valued at over US\$1 billion are being made in the Commercial Court as a result of the allegedly dishonest management of the bank. The claim was heard at a nine-week trial in late 2018 and was listed as one of The Lawyer's Top 20 Cases of 2017/18. \$1.4 billion fraud.
- *Drelle v Motylev*: This is a fraud investment case between two Russian individuals relating to Russian and CIF companies.
- *Gorbachev v Gorbachev*: These involved two large fraud investigation cases of a value of over \$1.5bn.
- *Confidential*: A confidential matter relating to a Channel Islands Russian conspiracy relating to patents.
- *NGM v Phillip Wallis & ors*: acting for the Defendants in a six week trial in a £30-£50 million claim. The case dealt with fraud and conspiracy to remove a Patent for developing 'can-float' property technology.
- *AM Holdings Limited v Henderson Global Investors Limited* [2018] EWHC 934 (Ch): Successfully obtained an order for pre-action disclosure in the Chancery Division on behalf of the claimant, in relation to the purchase of the Leadenhall Triangle portfolio of properties in June 2011 for £188 million.

Commercial

Simon's practice incorporates commercial work in both the Chancery Division and the Commercial Court, and he advises on various international aspects of Commercial and Insolvency Law, examples include: advising on the position relating to British litigation against the Icelandic banks, the Icelandic Moratoria and the Treasury Freezing Orders and Licenses; representing US companies with UK assets resisting pursuit by English liquidators; the investigation of Panamanian and Bahamian Trust assets as part of a masking operation within a complex fraud; a trust claim within the Lehman Brothers Administrations and litigation including considering a negligence claim against administrators arising out of a huge value Ponzi scheme.

He is able to advise on all aspects regarding the Bribery Act and, in particular, compliance

In commercial actions he has considerable experience of acting in Russian/CIS and Anglo-Indian trade contracts.

He conducts arbitrations as both advocate and arbitrator. He was recently appointed an LCIA arbitrator in an international money exchange claim and has been nominated in a Russian v Russian LCIA commercial reference. He conducted a shipping arbitration (export of steel) as an advocate, Foreign Exchange (Forex) contracts (Open and Closed Forwards) and issues relating to the terms of Letters of Credit as well as a hydrocarbons contract dispute.

Featured Commercial cases

- *One Blackfriars Ltd* [2021] EWHC 684 (Ch): Acting for the claimant liquidator in a £250m claim against the former administrators of One Blackfriars for, amongst other things, selling the landmark building at an undervalue. The longest virtual hearing to take place in July 2020.
- *IV fund and related litigation*: This involves two cases interrelated to allegations of fraud in investments by Russian parties (the victims) where the UK party is alleged to have been defrauding circa £30 million.
- *National Trust bank v Yurov*: Assistance with pre-trial for one of the three former directors of National Bank Trust, one of Russia's largest retail banks, against whom claims valued at over US\$1 billion are being made in the Commercial Court as a result of the allegedly dishonest management of the bank. The claim was heard at a nine-week trial in late 2018 and was listed as one of The Lawyer's Top 20 Cases of 2017/18. \$1.4 billion fraud.
- *Gorbachev v Guryev*: These involved two large fraud investigation cases of a value of over \$1.5bn.
- *Confidential*: Concerns of fraud within a company that has been heavily invested in (for the largest non-founder shareholder). An extensive forensic exercise and Shareholder pressure.
- *BACOL v T&T*: This is an ongoing case under the CARICOM treaty before the Caribbean Court of Justice (CCJ) and are claims of discriminatory payments out of investments/policies in the English-speaking Caribbean, arising out of the collapse then bailout of CLICO insurance and investment company.
- *CLICO v T&T*: Challenge to the emergency powers used by the Trinidad government and the central bank of Trinidad and Tobago in relation to the nationalisation of CLICO. Commercial Judicial review and action to restore in effect the privatisation of a nationalised company.
- *Shell v Gazprom*: five billion-dollar ongoing claim relating to Nord stream 2 and loans.
- *Re-Derek Quinlan*: linked Chancery and insolvency proceedings relating to Spanish financial centre property control, \$220 million debt and hold harmless deed compliance;

International Arbitration

Simon conducts arbitrations as both advocate and arbitrator. He was recently appointed an LCIA arbitrator in an international money exchange claim and has been nominated in a Russian v Russian LCIA commercial reference. He conducted a shipping arbitration (export of steel) as an advocate, Foreign Exchange (Forex) contracts (Open and Closed Forwards) and issues relating to the terms of Letters of Credit.

Featured International Arbitration cases

- *CIS v. RCC – LCIA*: An arbitration relating to a Siberian copper – gold mine and the D authorisation policies of Russia; BVI third-party company, Western investor in participation agreement/investment in strategic asset in Russia.
- *KGPPL*: An extensive arbitration relating to Uganda/California subsoil investment.
- *Cliveden v Eronat* : two ongoing London arbitrations relating to huge oil fields in Chad and an indemnity claim from a Texan arbitration
- *Shell v Gazprom*: five billion-dollar ongoing claim relating to Nord stream 2 and loans

Insolvency

Simon Davenport KC is a noted Insolvency silk. He represents most of the leading insolvency practitioners in all forms of insolvency actions as well as appearing for directors and individuals. He has far-reaching experience of both trials and interlocutory work with frequent applications relating to freezing and search orders and all forms of interlocutory relief.

Featured Insolvency cases

- *One Blackfriars Ltd* [2021] EWHC 684 (Ch): Acting for the claimant liquidator in a £250m claim against the former administrators of One Blackfriars for, amongst other things, selling the landmark building at an undervalue. The longest virtual hearing to take place in July 2020.
- *Baha Mar Resort Development*: Successfully obtaining dismissal of US Bankruptcy Proceedings after being granted pro hac vice rights of audience to appear as Co-Counsel at the hearing in Delaware, USA.
- *Coventry & others v Lawrence and another* [2015] UKSC 50: Acting as an intervener in the much-awaited and ground-breaking Supreme Court costs appeal considering whether to strike-down CFAs under the Access to Justice Act ('AJA') scheme.
- *National Trust bank v Yurov*: Assistance with pre-trial for one of the three former directors of National Bank Trust,

one of Russia's largest retail banks, against whom claims valued at over US\$1 billion are being made in the Commercial Court as a result of the allegedly dishonest management of the bank. The claim was heard at a nine-week trial in late 2018 and was listed as one of The Lawyer's Top 20 Cases of 2017/18. \$1.4 billion fraud.

- *Servis Terminal (Gazpromneft funding) v Drelle* – first ever security for costs order in cross-border personal insolvency proceedings; groundbreaking test relating to differences between enforcement of a foreign judgement in the commercial court and within insolvency proceedings.
- *Re-Derek Quinlan*: linked Chancery and insolvency proceedings relating to Spanish financial centre property control, \$220 million debt and hold harmless deed compliance; change of legal team directly lead to capitulation, entry into bankruptcy and avoidance of three-week trial
- *Nord Stream 2*, in Switzerland, consequences to administration orders

Offshore

Much of Simon's work involves international clients and litigation that is taking place abroad.

Featured Offshore cases

- *Baha Mar Resort*: Simon was granted rights of audience to appear as Co-Counsel to dismiss bankruptcy proceedings in Delaware, USA.
- *BAICO v T&T*: This ongoing case is under the CARCOM treaty in the Caribbean Court of Justice (CCJ) and are claims of discriminatory payments out of investments/policies in the English-speaking Caribbean, arising out of the collapse then bailout of CLICO insurance and investment company
- *CLICO v T&T*: Challenge to the emergency powers used by the Trinidad government and the central bank of Trinidad and Tobago in relation to the nationalisation of CLICO. Commercial Judicial review and action to restore in effect the privatisation of a nationalised company.

Media

Featured Media cases

- *Kenny Rogers*: Represented Mr Rogers in a meaningful copyright case. The case settled very favourably and total protection of rights were achieved. This case was part of a UK/US joint litigation.

- Extreme International Ltd – ongoing trademark and website dispute post sale

Professional Negligence

Simon regularly acts in professional negligence actions including solicitors, valuers, insurance and other brokers, and accountants and insolvency practitioners.

Featured Professional Negligence cases

- *Confidential – December 2021*: Successfully defending an entire professional negligence claim before the High Court which settled after the start of the trial.
- *KMR v Forsters* [2018] EWCA Civ 89: A £75-200 million professional negligence action in relation to a missed oil opportunity/share transfer (Commercial Court and Court of Appeal) which involved a petition to the Supreme Court on the effect of an earlier settlement clause.
- *AM Holdings v Batten & Page* [2018] EWHC 934 (Ch): A case against administrators for professional negligence in (i) a failure to keep a company as a going concern on a Lehman loan on collapsing values and (ii) a sale at an under value. Claims circa £100 million.
- *Moya v Begbies Traynor*: A claim arising out of the mishandling of a payroll company's remaining funds being used fraudulently.
- *John North v Forsters*: A claim of solicitors' professional negligence for mishandling a defence to a commercial action.
- *Devon Commercial v Barnett* [2019] EWHC 700 (Ch): Defence of two insolvency practitioners (receivers) in a collusion to take a sale at an undervalue of a factory. A two week trial in the Chancery Division.
- *Hutchinsons v St Paul Insurance*: Successor practice disputes; the successor test in the indemnity insurance rules; dispute around whether San Diego Federal Credit Union v Cumis Insurance was expressly rejected by Brown v Guardian Royal Exchange.

Direct Access

Simon is able to accept instructions directly from members of the public, companies and other entities through the public access scheme (also known as direct access). Simon has acted, advised and drafted pleadings and documents for a number of individuals and small and medium sized businesses on a direct access basis. He is happy to accept

instructions on a direct basis in appropriate cases. If you wish to instruct Simon on a direct basis, please speak to the clerks.

Publications

- New Law Journal – April 2022 – [Sanctions in the spotlight](#)
- Legal 500 article – [Inside the UK's longest remote hearing](#)
- New Law Journal article – [Third Party Funding: a litigation lifeline?](#)
- New Law Journal articles on Russian Litigation in London, [Part One](#) and [Part two](#)
- New Law Journal – [Whose cash is it anyway?](#)
- JIBFL – [The scope of English law claims against primary dealers](#)

Memberships

- London Common Law & Commercial Bar Association (LCLCBA) – former executive committee
- Chancery Bar Association
- CEBA (Commonwealth in England Bar Association) – Ex Chairman
- R3 – former member of the Council, the Policy Group and the Fraud Group
- Commercial Fraud Lawyers Association
- Fraud Lawyers Association

Education

Simon has 2 degrees, the first in Law (LLB) and the second in History of Art (BA)

Languages

French, German

Recommendations

Simon's market leading reputation is demonstrated by his recommendations in Chambers & Partners and Legal 500 for his commercial, fraud, arbitration, insolvency, professional negligence and offshore expertise:

- *A particularly strong advocate, especially in cross examination.*

- *Bold, bouncy and courageous in court*
- *He and his team are extremely good in all respects – knowledgeable, problem-solving, delivering the best possible result.*
- *An excellent advocate who can cut through the complexities and get to the heart of the matter – passionate in his desire to get the best possible result for the client. A true team leader but also a team player.*
- *Excellent on his feet and persuasive. Good with clients.*
- *Simon is exceptionally strong in strategy and thoughtful handling of complex cases. He has excellent knowledge and drafting skills and his way of presenting the case in court is very convincing.*