

Aidan Casey KC

KC 2016, Called to the Bar 1992

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Aidan specialises in international arbitration and litigation involving civil fraud, chancery commercial and insolvency, offshore and Privy Council work, and general commercial dispute resolution. He also practises in banking and financial disputes, and has significant experience in sports law (particularly football). Most of his work is cross-border in nature.

He has significant experience in disputes involving Russia/the CIS, The UAE, Mauritius, Cyprus, Sweden, The BVI, Malta, Switzerland, Bermuda, and the Bahamas. He has been called (pro hac) to the Bars of Bermuda and the Bahamas.

The Legal 500 describes him as “an all-round excellent barrister, a first choice on almost every fraud case” and “extremely thorough and diligent and able to get to grips with extremely complex matters very quickly”. Aidan is rated by The Legal 500 and Chambers and Partners as a leading silk in: Commercial Dispute Resolution, Offshore, and Civil Fraud.

Select cases include:

International Arbitration

- *Re: a series of linked confidential arbitrations.* Acting in a series of six international arbitrations in a dispute between the shareholders in a large Russian retail bank, concerning a large number of complex issues centred around the exercise of a call option over a controlling stake. Case described in The Moscow Times as a “high-profile case which rocked Russia’s business community and spooked both foreign and Russian investors alike” and as “the most high-profile business dispute of recent years”.
- *Re: a confidential arbitration.* Acting in an arbitration of a complex shareholders’ dispute, concerning a Cypriot holding company ultimately owning one of the largest open cast coal mines in Siberia.
- *Re: a confidential arbitration.* Acting for the successful claimant seeking final anti-suit injunctive relief from an arbitral tribunal, restraining proceedings brought in Cyprus by the respondent, in breach of an arbitration clause in a shareholders’ agreement (Cypriot proceedings were framed as brought by reference to the Cypriot SPV’s articles of association).
- *Evison Holdings Ltd v International Co Finvision Holdings.* Acting for the successful respondent minority shareholder in PJSC Orient Express Bank, resisting the grant of an anti-suit injunction sought on the basis that court proceedings by the bank were brought in collusion with the shareholder in order to impede arbitrations between the shareholders.
- *NDK Ltd v Huo Holding Ltd [2022] EWHC 1682 (Comm)* Acting for the successful respondents in a Commercial Court challenge to an arbitral award which had granted final anti-suit relief. Important decision on the arbitrability of certain company law disputes
- *NDK Ltd v Huo Holding Ltd (No.2) [2022] EWHC 2580 (Comm)* Separate Commercial Court challenge to an arbitral award, raising issues as to the possibility of a shareholder acceding to

an arbitration agreement by a unilateral deed of adherence

- *Re an ad hoc arbitration*. Acting for the respondent in an ad hoc arbitration seated in Mauritius, on an application to the Supreme Court of Mauritius to challenge the arbitral award on several bases provided for in the Model Law
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Civil Fraud

- *Kingdom of Sweden v Serwin & Others*. Acting for the Kingdom of Sweden in a substantial (ca. €120m) fraud claim, brought under Swedish and Maltese law, arising out of a sophisticated fraud on the Swedish pension system.
 - *OJSC Aeroflot v Berezovsky & Others*. Acting for many years for Aeroflot in its litigation against Boris Berezovsky, Nikolai Glushkov, and various corporate defendants, claiming for vast frauds said to have been carried out during the Yeltsin era. Included securing the appointment of Kevin Hellard and Nick Wood as administrators of Berezovsky's (ostensibly insolvent) estate upon his death.
 - *Prime Gulf International (UK) Ltd v Aquashield Oil & Marine Services Ltd*. Acting for the claimant Nigerian shipowning company in a dispute over the control of an Aberdeen-based ship management company, and an associated arbitration worth US\$ several million.
 - 1) *Sir Owen Glenn*, 2) *Kea Investments Ltd v Watson & Others*. Acting for the 'right hand man' of Eric Watson, in a case involving allegations of dishonest assistance / the Marex tort - raised interesting issues as to *Henderson* abuse, and 'quasi-proprietary' claims.
 - *Group Seven Ltd v Notable Services LLP*. Acting for Dubai-based Swiss banker on appeal in a case involving a €100m fraud on the Allseas Group. An important case as to the test for dishonesty in dishonest assistance, and as to the rules as to remoteness and causation in such cases.
 - *Various Kazakh claimants*. Advising a group of Kazakh claimants, including an ex Prime Minister, on claims arising out of corruption and state sponsored expropriation of assets by a former son-in-law of the President.
 - *COP Corp Ltd v Fifty Shades Ltd*. Acting for the corporate vehicle of Erika Mitchell, author of the "Fifty Shades" works, in a dispute with its US merchandising licensee.
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Chancery Commercial & Insolvency

- *Re Petropavlovsk Plc*. Acting for the largest shareholder in Petropavlovsk Plc, in a derivative action seeking urgent injunctive relief, concerning a threatened sale at an undervalue of the company's 29% shareholding in a Hong Kong listed Russian iron ore company.
- *Re: Seven Premier League Clubs*. Advising a group of seven Premier League clubs in relation to potential s994 and related claims, arising out of the Premier League's proposed scheme for apportioning losses due to rebates payable to broadcasters (running to £ hundreds of millions) following disruption to the season due to COVID-19.
- *Umbrella Care Ltd (in liquidation) v Nisa & Others*. Acting for joint provisional liquidators of an umbrella company, in substantial claim (ca. £30m) against the directors and their associates, seeking freezing and passport orders, and urgent ex p. s234 and s236 orders against law firms involved in various transactions using company funds.
- *De Armas Davila v De Armas Davila*. Acting for the defendant in proceedings that formed part

of a bitter and long running dispute between the heirs of a wealthy Venezuelan oil family. Involving allegations of misuse of a PoA granted by the mother, in order to misappropriate funds held in a Swiss bank account.

- *Mills v McMillan*. Acting for defendant in a dispute over the purported dissolution of a successful UAE architectural practice. Involved complex jurisdictional / conflicts issues, including as to the identification of the seat of the partnership and as to the implied reflexive effect of Article 24 of Brussels Recast.

Commercial Dispute Resolution

- *Re: an Omani / Greek shipping JV*. Acting for a prominent Omani businessman in a claim for US\$ several hundred million, arising out of alleged unauthorised dealings in Iranian oil by his JV partner, a prominent Greek shipowner. Also acting for him on his related OFAC delisting petition (in order to remove his listing as a specially designated national).
- *Re: a claim against The Football Association Limited*. Acting for a management company which manages certain commercial rights on behalf of Team England (at any one time, the cadre of football players who play at the international level), in a claim against the FA for various forms of tortious interference.
- *Re: a Premier League Club*. Acting for a Premier League club in a dispute with the Treasury, concerning conditions sought to be imposed on a roll-over of a Coronavirus Large Business Interruption Loan Scheme loan of in excess of £100m.
- *Re: a confidential arbitration*. Acting for the successful claimant seeking final anti-suit injunctive relief from an arbitral tribunal, restraining proceedings brought in Cyprus by the respondent, in breach of an arbitration clause in a shareholders' agreement (Cypriot proceedings were framed as brought by reference to the Cypriot SPV's articles of association).
- *Re: an arbitration claim in the commercial court*. Acting in a s67 and s68 challenge to the award secured in the above arbitration

Offshore & Privy Council

- *Medlands (PTC) Ltd v Commissioner of the Bermuda Police Service*. Acting for the Bermuda Police Commissioner in litigation in Bermuda concerning the protocol to be adopted in relation to potentially privileged material seized under MLAT legislation in conjunction with a very substantial US DOJ tax fraud investigation.
- *R v Minister of the Environment ex p. Waterkeepers Bahamas Ltd*. Acting for the government of The Bahamas in urgent proceedings in The Bahamas seeking to restrain offshore drilling by Bahamas Petroleum Company Plc under an oil exploration licence granted by the government.
- *Business Mauritius v The Republic of Mauritius*. Acting for the government of Mauritius in litigation concerning a challenge to recent important pension reforms.
- *Emtel Ltd v Mauritius Telecom Ltd & Others*. Acting for Cellplus Mobile Communications Ltd, a subsidiary of Mauritius Telecom Ltd, in an appeal to the Privy Council concerning a substantial damages award (554m rupees) for *concurrance deloyale* (essentially unlawful competition), based upon alleged breaches of licence conditions arising out of cross-subsidisation by the parent.
- *AG of The Bahamas v Reid & Valdez-Lopez*. Acting for and advising the government of The

Bahamas (CA and Privy Council) in an appeal concerning restraint orders and associated relief granted following MLAT requests by the US DOJ, following a substantial fraud against Boeing in the USA.

- *Alternative Power Solution Ltd v Central Electricity Board*. Acting for Alternative Power Solution Ltd in an appeal to the Privy Council. Case concerned the so-called “fraud exception” in relation to letters of credit.
- *C-Care (Mauritius) Ltd v Employment Relations Tribunal*. Acting for the ERT, in an appeal to the Privy Council concerning a challenge to its award concerning a large-scale redundancy of hospital employees by a healthcare business.

Memberships

- R3
- COMBAR
- LCLCBA
- Commonwealth Law Association

Recent Publications

- *Changes to the arbitration landscape in Dubai* (Webinar - delivered with Hamdan Al-Shamsi (Dubai firm) and CANDEY) 02.02.22 (https://youtu.be/6xu8poB3Y_8) - discusses the impact of Decree No. (34) of 2021 abolishing the DIFC-LCIA
- *Betamax v State Trading Corp*, Lexology, 18.08.21 - digest of the decision of the JCPC concerning the circumstances in which an international arbitration award may be set aside on the grounds of public policy, where questions of illegality of the relevant contract are in issue)
- *Marring the Deal*, T.E.L.&T.J. 2021 (Jan/Feb) - discusses *Marr v Collie* [2018] AC 631, in which Aidan Casey KC appeared for the successful appellant in the JCPC
- *Reflective Loss and the Applicable Law Conundrum*, B.J.I.B.&F.L. 2020, 35(10) - examines the question of the applicable law in cross-border cases involving reflective loss arguments, and whether the law of the cause of action or the law of the place of incorporation applies

Education

1988 - 1991	LLB (First Class), King's College London
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Experience

Call:	1992
Silk:	2016
Oct '93 - June 2022	In private practice at 3 Hare Court