

## Matthew Abraham

Called to the Bar 2012

+44 (0)20 7696 9900

matthewabraham@southsquare.com



Matthew's practice focuses on insolvency and restructuring matters as well as commercial and banking litigation. He has an interest in international work and in particular work from Asia, the Middle East and the Caribbean.

Matthew has been involved in a number of high-profile insolvencies and restructurings since joining chambers. These include *Lehman Brothers*, *Carillion*, *House of Fraser*, *Debenhams*, *Toys "R" Us*, *Cambridge Analytica*, *Steinhoff*, *Arcadia Group*, *British Steel*, *Thomas Cook* and *Flybe*. Matthew has also been involved in high profile personal insolvencies cases such as *Boris Becker* and *Vijay Mallya*.

During his early years in practice, Matthew spent 6 months working in Singapore at Clifford Chance Asia. Whilst there he worked closely with the Litigation and Dispute Resolution department focussing on cross-border insolvencies and commercial arbitrations arising out of Asia and the Middle East. On his return to Chambers Matthew has continued to develop his practice in these areas including work arising out of India.

---

## Insolvency and Restructuring

Examples of current work include:

- **Re NMC Plc** (ongoing) - Acting on behalf of and generally advising the administrators of the NMC Group (including obtaining the first administration orders in the Abu Dhabi Global Markets Court). Led by Felicity Toubé QC and Tom Smith QC on certain issues.
- **Re Flybe** (ongoing)- Acted on behalf of the directors of Flybe in an urgent out of hours application to place the company into administration (Led by Daniel Bayfield QC). Following entry into administration, acting on behalf of the administrators of Flybe regarding various issues stemming from the company's entry into administration (as sole counsel and certain issues led by Felicity Toubé QC)
- **Re London Capital & Finance** (ongoing) - Acting on behalf of the administrators of the London Capital & Finance Group in relation to various issues arising from the mis-selling of mini-bond.

Examples of recent cases and work include:

- **Re Galapagos** (2020) - Acted as sole counsel and as junior counsel (Led by Tom Smith QC and David Alexander QC) for the Senior Creditors in a contested administration application involving cross-border issues.
- **Re Debenhams** (2019) - Acted on behalf of the secured lenders to the group in the context of the challenge to Debenhams' CVA: see **Discovery (Northampton) Ltd v Debenhams Retail Ltd** [2019] EWHC 2441 (Ch) and **Re Debenhams Retail Ltd** [2019] EWHC 2303 (Ch)
- **Re British Steel** (2019) - Acted on behalf of the Special Managers in respect of issues arising

following their appointment

- **Re Carillion Group** (2018/2019) - Acted on behalf of the directors of numerous group companies. (i) As sole counsel - appearing on their behalf on expedited winding up petitions: see **Sovereign Hospitals Services Ltd** [2018] EWHC 815 (Ch); and assisting with applications to lift the statutory moratorium to enable litigation against various companies; and (ii) As junior counsel with Tom Smith QC in an advisory role following the collapse of the group.
- **Re House of Fraser Group** (2018) - Acted Company side in respect of the Group's restructuring (i) Acting as junior counsel at both the convening and sanction hearings for a scheme of arrangement: see **Re House of Fraser (Funding) Plc** [2018] EWHC 1906 (Ch) (Convening) **Re House of Fraser (Funding) Plc** [2018] (unreported)(Sanction) (Led by David Allison QC and Richard Fisher QC) (ii) Acting as junior counsel in respect of challenges to the CVAs (Led by Richard Fisher QC) (iii) Acting as junior counsel in respect of the urgent administration application (Led by Richard Fisher QC)
- **Re Bernard Matthews Companies** (2018) - Acting as sole counsel in applications by the joint administrators (Deloitte LLP) of various Bernard Matthew Companies seeking their removal and discharge from office.
- **Re Boris Becker** (2017) - Acted for the successful petitioner in both the application to set aside the statutory demand and the bankruptcy petition
- **Katz v Oldham** [2016] B.P.I.R. 83 - Acted on behalf of a liquidator in relation to an application for permission to bring a misfeasance claim against a former administrator
- **Coilcolor Ltd v Camtrex Ltd** [2015] EWHC 3202 - Acted for the successful applicant in relation to an injunction to restrain the presentation of a winding-up petition. Lead by David Alexander QC at the final hearing of the matter
- **Lehman Brothers: "Waterfall II"** (2015) - Acted as junior counsel assisting in research regarding the distribution of the surplus in the LBIE estate
- **Re Nortel Networks UK Ltd** [2014] EWHC 2614 (Ch) - Acted as junior counsel (with Tom Smith QC) in relation to an application for Court approval of the actions of joint administrators

Matthew generally advises and appears in relation to:

- contested administration applications, winding-up petitions and bankruptcy petitions
- contested applications to set aside statutory demands
- transaction avoidance claims and misfeasance claims

---

## Commercial Litigation and Arbitration

Examples of his recent work include:

- **Financial Reporting Council v KPMG and David Costley-Wood** (Ongoing) - Acting as junior counsel (with Mark Phillips QC and Anna Boase QC) on behalf of KPMG and Mr Costley-Wood in respect of disciplinary proceedings arising from their involvement in the restructuring of the Silentnight group
- **Pathway Finance Sarl v London Hanger Lane Centre Ltd** [2020] EWHC 1191 (Ch) - Acting on behalf of Pathway regarding their construction and rectification claims in respect of deeds filed at Companies House.
- **FSHC Group Holdings v Barclays Bank Plc** (2019) - Acting as junior on behalf of Four

Seasons Health Care Group (with David Wolfson QC and Rosalind Phelps QC) in a rectification claim at first instance and at the Court of Appeal. The Court of Appeal decision is the leading authority on the law of rectification: FSHC Group Holdings Ltd v GLAS Trust Corp Ltd [2019] EWCA Civ 1361

- **Re a SIAC Arbitration** (2019) - Acting as junior counsel (with Robin Dicker QC) in a SIAC arbitration involving the conversion of shares in an Indian company (based on initial investment of c. \$300m)
- **Bilta (UK) Ltd (In Liquidation) v Royal Bank of Scotland** [2017] EWHC 3535 (Ch) - Acted as junior counsel (with Orlando Gledhill QC) on behalf of the Claimant in an application for specific disclosure relying on the recent **ENRC** decision in relation to how the Court treats the issue of privilege in investigations conducted by big corporates
- **MyBarrister Ltd v Hewetson** [2017] EWHC 2624 (Ch) - Acting as junior counsel (with Tom Smith QC) on behalf of a third party in relation to his successful application for summary judgment and strike out on the basis that a claim for an oral guarantee was contrary to the Statute of Frauds
- **Emmott v Michael Wilson & Partners Ltd** [2017] EWCA Civ 367 - Acted on behalf of an intervener in relation to payment into and out of Court and the priority of judgment creditors
- Acted on behalf of individuals of a religious organisation for repayment of sums and payment for services provided as a result of undue influence (2017)
- **Re a SIAC Arbitration** (2016) - Acting as co-counsel (with Clifford Chance Asia) for an Asian satellite company in a successful SIAC arbitration with a European operator regarding non-payment of rental due under a transponder lease agreement
- **Re a potential SIAC Arbitration** (2016) - Advising (with Clifford Chance Asia) on behalf of a large global construction company on the merits of a SIAC arbitration regarding a dispute over the issue of logging rights in South East Asia
- Acted as junior counsel in relation to potential civil fraud claims that may be brought by investors against promoters of various investment schemes (2015)
- **Hilton v D IV LLP** [2015] EWHC 2 (Ch) - Acted as junior counsel (with Glen Davis QC) in relation to the construction of terms of various limited liability partnership agreements and *Norwich Pharmacal* relief
- **Cohen & Anr v. Collyer Bristow LLP & Ors (Rangers FC)** (2014) - Acted as junior counsel (with Mark Phillips QC) for the joint liquidators of *Rangers Football Club* regarding the recovery of sums paid into a solicitor's client account

---

## Banking and Finance

Examples of recent cases and work includes:

- **Re Olympia Securities Commercial Plc (In Administration)** [2017] EWHC 2807 (Ch) - Successfully acting as junior counsel (with Tom Smith QC) on behalf of a secured creditor regarding the interpretation of cl. 2(a)(iii) of the 1992 ISDA Master Agreement and the meaning of "*financial institution*" in relation to the assignment of a c.£50m facility
- Advised (with Clifford Chance Asia) a Japanese bank in relation to default interest provisions regarding a facility entered into with an Indian borrower
- Advised (with Clifford Chance Asia) a large international bank in relation to the operation of a total return swap structure

- Advised (with Clifford Chance Asia) the liquidators of O.W. Bunker Far East (Singapore) Pte. Ltd regarding the terms of a security document governed by English law
  - Advised in relation to whether sums received as compensation from a major bank, due to the mis-selling of a financial product, constitutes an asset under the banks' security
  - Acted as junior counsel (with Daniel Bayfield QC) regarding a claim for breach of the 1992 ISDA Master Agreement including drafting pleadings and dealing with expert evidence
- 

## Offshore

Examples of recent cases and work include:

- See arbitration work carried out in Singapore set out above
  - **Re NMC Group** (ongoing) - Acting on behalf of the administrators of the NMC Group in relation to a number of matters arising in the UAE including in the ADGM and the DIFC.
  - **Jinpeng Group Limited v Peak Hotels and Resorts Limited - BVIHCMAP2014/0025 and 2015/0003** - Acted and appeared as junior counsel (with Anthony Zaccaroli QC) before the BVI Court of Appeal in the successful appeal regarding the appointment of provisional liquidators
  - **British Virgin Islands Financial Services Commission v Lemma Europe Insurance Company Ltd** (2014) - Acted as junior counsel (with Glen Davis QC) for a respondent insurance company in proceedings brought by the BVI FSC
  - Acted as junior counsel (with Ben Valentin QC) regarding the appointment of receivers in relation to a BVI holding company as well as an application for the just and equitable winding up of a BVI company
- 

## Company

Examples of recent cases and work include:

- Acting on behalf of a member of an LLP and director of a Company in relation to a derivative action.
  - **Murphy v Union Model Management & Ors** (2014) - Acted as junior counsel (with Tom Smith QC and Mark Phillips QC) for the respondents to an unfair prejudice petition as well as an application for receivers
  - Acted on behalf of respondents to an unfair prejudice petition arising out of the removal of the petitioner as a director of the company
  - Advised in relation to breach of directors duties, unlawful payment of dividends and calls on shares
- 

## Pro Bono

Free Representation Unit in relation to employment law issues

## Awards and Recommendations

Chambers and Partners 2020/2021 - Insolvency and Restructuring 20

- *“He’s bright, thorough and very user-friendly. He rolls his sleeves up and gets stuck in, giving practical, solid and commercial advice”*
  - *“He’s a real rising star”*
- 

## Career

2016 Part II Registration with the DIFC  
2015 Called to the Bar of the British Virgin Islands  
2012 Called to the Bar of England and Wales  
2012-2013 Company law Tutor and Graduate Teaching Assistant at Oxford University  
2011-2012 Research Assistant to Sir Roy Goode QC and Professor Jennifer Payne, Oxford University  
2011-2012 Company law Tutor at St Catherine’s College, Oxford University and King’s College London

---

## Memberships

ILA Associates Chairman

Former R3 New Professionals Committee Member

Young Mumbai Centre of International Arbitration Steering Committee Former Member (Young MCIA)

International Insolvency Institute - Next Gen Leadership Program

INSOL International

COMBAR

Chancery Bar Association

---

## Publications

Co-Author of ***Corporate Administrations and Rescue Procedures***, 3rd Edition

Contributor to ***Gough on Company Charges***, 3rd Edition

Contributor to ***Rowlatt on Principle and Surety***, 7th Edition

Contributor to ***International Corporate Rescue*** - Various Case Comments

---

## Education and Qualifications

BPP, BPTC, (Outstanding)

St Catherine's College, Oxford University, BCL

UCL, LLB (Hons), (First Class)

---

## Prizes and Scholarships

Lord Mansfield Scholar (Lincoln's Inn)

Megarry Award (Lincoln's Inn)

Buchanan prize (Lincoln's Inn)

Graduate Teaching Assistantship in Company Law (Oxford University)

London Universities' Mooting Shield (Allen and Overy)

---

## Interests

Golf, Hockey and Martial Arts (Karate and Ju Jitsu)