

## Robert Amey

Called to the Bar 2012

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Robert specialises in business and finance law, with a particular emphasis on insolvency/restructuring, banking law, company law and general commercial litigation.

The core of Robert's practice is insolvency/restructuring work, particularly in relation to banks and other large corporates. Robert enjoys both the highly technical nature of this work, and the challenging factual disputes which often arise, involving allegations of fraud or breach of duty against company directors and professional service providers. He also accepts instructions in relation to high-value bankruptcies.

Robert has also appeared in a number of high-value commercial trials and arbitrations outside of the insolvency context. He finds that the technical skills he has gained from his bank insolvency practice, and the forensic experience from his insolvency fraud practice, are particularly valuable when advising and acting in general commercial disputes.

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## Insolvency and Restructuring

Insolvency and restructuring (both contentious and non-contentious) form the core of Robert's practice. Having strong technical expertise in this field, he has written for some of the leading textbooks and journals (see the 'Publications' section below for more details). Many of the matters on which Robert has advised are confidential, but recent, public matters include:

### ***Banking and financial sector insolvency***

- ***Lehman Brothers Europe***, investment bank administration.
- ***South Tyneside Credit Union***, administration proceedings under the Co-operative and Community Benefit Societies and Credit Unions Order 2014.
- ***Hudspiths***, forex trading firm allegedly used as a vehicle for fraud.
- ***Lehman Brothers International : "Waterfall II"*** [2017] BCC 759 (CA), distribution of the £8 billion surplus in the LBIE estate. Robert also appeared in a number of other hearings on the Waterfall II application, including those reported at [2018] EWHC 924 (Ch) (costs of an officeholder's application for directions), [2017] 2 All ER (Comm) 275 ('cost of funding' under the ISDA Master Agreement), [2017] BCC 1 (currency conversion claims) and [2016] BCC 239 (statutory interest).
- ***Landsbanki***, Icelandic bank insolvency.
- ***Cyprus Popular Bank***, Cypriot bank in special administration, effect of the Credit Institutions Directive.
- ***Rafidain Bank***, winding up proceedings in respect of an Iraqi bank commenced by the Bank of England pursuant to its regulatory function.
- ***Banco Santos***, Brazilian bank insolvency involving allegations of money-laundering.

- **Bankas Snoras**, Lithuanian bank insolvency following widespread fraud.
- **Primeo Fund**, Madoff feeder fund insolvency.
- **Kingate Fund**, Madoff feeder fund insolvency.
- **Saad Investments**, insolvency of a complex offshore investment vehicle.

### ***Cross-border insolvency***

- **XiO Fund**, common law recognition of a Hong Kong receivership.
- **New World Resources**, international mining conglomerate.
- **Videology** [2019] BCC 195, relief granted under art.21(1)(g) of the UNCITRAL Model Law in support of US Chapter 11 restructuring, despite the company's COMI being in the United Kingdom and there being no UK insolvency proceedings afoot.
- **STX Offshore & Shipbuilding** [2017] BPIR 203, effect of Korean rehabilitation proceedings on pending English Commercial Court litigation
- **MacRae v KPMG** [2017] Bus LR 726, successful application under Art.21(1)(d) of the UNCITRAL Model Law and s.236 Insolvency Act 1986 to obtain documents for the purpose of ongoing litigation.
- **Finanzamt Braunschweig v Riemann**, challenge to English bankruptcy proceedings on grounds of illusory COMI-shift/forum-shopping.

### ***High-value restructuring***

- **Republic of Ukraine**, restructuring \$18 billion of sovereign debt following the annexation of Crimea.
- Advising the parties to a £700 million property purchase on the waterfall provisions in a suite of transaction documents.
- Advising the parties to a \$70 million securitisation transaction.

### ***Other matters***

- **Re Fortuna Fix** [2020] EWHC 2369 (Ch), dispute between the investors and administrators of an investment vehicle
- **Re Telnic** [2020] EWHC 2075 (Ch) and [2020] EWHC 1615 (Ch), interplay between arbitration and winding up proceedings
- **Re Gertner** [2020] EWHC 1241 (Ch), acting for a creditor owed £800 million at the three-day trial of a bankruptcy petition, and on two subsequent appeals.
- **Notts County Football Club**, restructuring the world's oldest professional football club.
- **GP Cars (Herts) Ltd** [2019] BPIR 789, acted for the successful appellant in a case concerning the costs of s.236 proceedings.
- **Force India Formula One Team** [2018] EWHC 3852 (Ch), high-profile administration application in respect of a Formula 1 racing team.
- **Palmer & Harvey**, administration of the UK's largest grocery wholesaler.
- **BHS**, insolvency of the well-known department store chain.
- **Eversmart Energy**, insolvency of a retail electricity supplier.
- **Bell Pottinger**, high-profile collapse of a well-known PR firm.
- Broad experience of other insolvency and restructuring proceedings, including schemes of arrangement, winding up and bankruptcy petitions, injunctions to restrain presentation/advertisement, and administration applications.

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## Banking and Finance

Robert's expertise in banking insolvency has given him extensive knowledge of technical banking and financial issues, which he also applies outside the insolvency context. He is familiar with a wide range of lending structures, securitisation programmes, dematerialised securities, derivatives and collective investment schemes. He is also a contributor to a major banking law textbook, *Rowlatt on Principal and Surety*. Many of the matters on which Robert has advised are confidential, but recent, public matters include:

- **Primeo v HSBC**, \$2 billion claim for breach of duty against a fund administrator and custodian.
- **CFL Finance Ltd v Bass** [2020] EWHC 1241 (Ch), application of the Consumer Credit Act to an alleged £11-million debt.
- **Bankas Snoras v Antonov** [2018] EWHC 887 (Comm), acting as sole counsel for the claimant bank on a €492 million claim, which alleged that a complex series of financial transactions had been used as a cloak for a fraud.
- **LBI v Rabobank**, €70 million claim regarding close-out under the ISDA Master Agreement.
- **BNY Mellon Corporate Trustee v Taberna Europe CDO**, alleged events of default under a €2 billion securitisation structure.
- **Lomas v Burlington Loan Management** [2017] Bus LR 1475, meaning of 'cost of funding' in the 1992 and 2002 ISDA Master Agreements.
- **VR Global v Exotix** [2017] EWHC 2620 (Comm), acted for the successful claimant in a dispute concerning the unwind provisions in a \$10 million LMA Trade.
- Advising a retail banking customer on the alleged mis-selling of an interest rate swap.

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## Commercial Litigation and Arbitration

In addition to his experience in specialist banking and fraud litigation, Robert's general commercial litigation and arbitration practice includes the following:

- **Ghai v Chahal** [2020] EWHC 2319 (Ch), acted for the successful claimants at the 3-day trial of a claim for specific performance of a shareholder's agreement.
  - **Bankas Snoras v Antonov** [2018] EWHC 887 (Comm), acting as sole counsel on a €492 million claim under Lithuanian law.
  - **Primeo v Bank of Bermuda**, appeared as junior counsel at the four-month trial of a \$2 billion breach of contract claim.
  - **Gerald Metals SA v Ardila Investments NV**, \$220 million dispute between two international mining groups.
  - **Bankas Snoras v Yampolskaya** [2015] EWHC 2136 (QB), sole counsel on a £10 million fraud claim.
  - **An Arms Manufacturer v A Sovereign State**, ICC arbitration.
  - **An Internet Hosting Company v A Software Supplier**, LCIA arbitration.
  - **A v B**, anti-arbitration injunction.
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## Company

Robert's corporate insolvency practice routinely involves dealing with difficult questions of company law and directors' duties, and he is a contributor to two leading textbooks on the subject, *Gore-Browne on Companies* and *Mortimore on Company Directors*. His experience includes the following:

- **Re Bolbec Hall Limited** [2020] EWHC 2319 (Ch), acted for the successful claimants at the 3-day trial of a shareholder dispute.
- **Bankas Snoras v Antonov** [2018] EWHC 887 (Comm), acting as sole counsel on a €492 million claim by a bank against its former directors for breach of duty.
- **Primeo v Herald**, redemption of shares and rectification of the register in respect of an investment fund.
- **Primeo v Fielding**, US\$500 million claim by an investment fund against a former director for breach of duty.
- **A v B**, unfair prejudice petition.
- Acting for a company director accused of receiving bribes from suppliers over a 15-year period.
- Successfully resisting an injunction on very short notice against former directors accused of competing against their old company.
- Advising directors and shareholders on a wide range of corporate matters.

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## Civil Fraud and Asset Recovery

Robert's insolvency practice regularly involves allegations of fraud and serious wrongdoing, and he has extensive experience of the use of freezing orders, Norwich Pharmacal Orders and Bankers Trust Orders to secure and recover assets. Recent cases include:

- **Ghai v Chahal** [2020] EWHC 2319 (Ch), acted for the successful claimants at the 3-day trial of a fraud claim.
- **Bankas Snoras v Antonov** [2018] EWHC 887 (Comm), acting as sole counsel on a €492 million fraud claim.
- **Palmer v Tsai**, £42 million fraud carried out by a dishonest director.
- **Kinaz v Adler**, acting as sole counsel for the defendants in relation to a freezing injunction over assets worth several million pounds, following an alleged fraud.
- Acting for victims of the Madoff Ponzi scheme.
- Acting for a company director accused of receiving bribes from suppliers over a 15-year period.
- Advising the defendant to a claim for dishonest assistance.
- Advising an elderly, high net worth individual who had been coerced into transferring property to a relative.
- Advising a City law firm on its obligations under the Money Laundering Regulations.

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## Offshore

Robert has been admitted to the Bar of the Cayman Islands and the DIFC for particular cases, and a substantial part of his practice involves advising clients and appearing in court overseas. He has worked on disputes under the laws of the Bahamas, Bermuda, BVI, Cayman, Cyprus, Dubai, Germany, Gibraltar, Guernsey, Hong Kong, Ireland, Jersey, Lithuania, Samoa, Switzerland, Ukraine and the USA. Recent cases include:

- Appearing (as sole counsel at interlocutory hearings and junior counsel at trial and the subsequent appeal) for a Cayman investment fund in a four-month commercial trial before the Cayman Grand Court, and the subsequent two-week appeal before the Cayman Islands Court of Appeal.
- Appearing on an urgent application before the courts of the Dubai International Financial Centre
- Advising the liquidators of a BVI investment fund on issues of BVI law.
- Advising a company on issues of Bahamian law.
- Advising the trustees of a family settlement in relation to major litigation proceeding simultaneously in London, the BVI and Guernsey.
- Advising a prominent African politician facing corruption allegations in the Jersey Royal Court.
- Advising various trustees on applications for *Beddoe* relief to the Jersey Royal Court.
- Producing expert evidence on English law for use in foreign courts.

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## Insurance

- Advising an insurer on the status of funds held by an intermediary under CASS 5.
- Advising an insurer on its obligations under the Third Parties (Rights against Insurers) Act 2010.

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## Sport

- Advising a European champion athlete following her deselection from the national squad prior to the Rio Olympics.
- ***Bacheta v Greaves Motorsport***, dispute between a professional racing driver and his team.
- ***Quantum v Heatherwold Stud***, racehorse ownership dispute.
- Advising various professional football clubs on a range of matters, including the Home Grown Player Rule, sporting sanctions and FA Rule K arbitrations.

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## Pro Bono

Robert appeared as sole counsel in the Court of Appeal in ***Agbenowossi-Koffi v Donvand Ltd*** [2014] EWCA Civ 855; and in the EAT for the successful appellant in ***Simpson v Hackney LBC*** [2013] All ER (D) 168 (Feb), an equal pay claim against a local authority. Other pro bono clients include victims of unlawful discrimination and human trafficking.

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## Career

2020	Granted rights of audience before the Courts of the DIFC	2016	Limited admission to the Bar of the Cayman Islands	2013	Judicial assistant to Advocate General Sharpston, European Court of Justice	2012	Called to the Bar of England and Wales	2011-2012	Bar Professional Training Course	2010-2011	Associate, Deloitte LLP
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## Publications

- Chapter 62 in *Gore-Browne on Companies* (loose-leaf, LexisNexis)
- Chapter 19 in *Jackson's Matrimonial Finance* (10<sup>th</sup> edition, LexisNexis)
- Chapters 9, 10 and 19 in *Rowlatt on Principal and Surety* (7<sup>th</sup> edition, Sweet & Maxwell)
- Chapters 31 and 32 in *Mortimore, Company Directors* (3<sup>rd</sup> edition, OUP)
- Contributor to *Moss Fletcher and Isaacs, The EC Regulation on Insolvency Proceedings* (3<sup>rd</sup> edition, OUP)
- Contributor to *Moss and Wessels, EU Banking and Insurance Insolvency* (2<sup>nd</sup> edition, OUP)
- Contributor to *International Corporate Rescue*
- Contributor to *Insolvency Intelligence*
- Contributor to *LexisPSL*

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## Lectures and Seminars

*Cross-border assistance after Singularis* (Association of Restructuring and Insolvency Experts seminar)

*Recent developments in the law of privilege* (law firm training seminar)

*Litigating under the LMA Standard Terms and Conditions* (law firm training seminar)

*Shareholders' rights in common law jurisdictions* (colloquium at Trinity College, Dublin)

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## Education and Qualifications

Christ Church, Oxford, MA Jurisprudence (English law and French law)  
Université Paris II, Certificat supérieur de droit français et européen

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## Prizes and Scholarships

Winner, Sir Louis Gluckstein Advocacy Prize 2012

Winner, *The Times* Advocacy Competition 2010

Lord Denning Scholarship (Lincoln's Inn)

Sir Jean-Pierre Warner Scholarship (Lincoln's Inn)

Sunley Scholarship (Lincoln's Inn)

Hardwicke Award (Lincoln's Inn)

Essay prizes awarded by the Bar Council and the Financial Services Lawyers' Association

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## Languages

French (fluent)