
MATTHEW SHERIDAN

Call: 2000



Overview

"An absolute standout junior for injunction work" "Peers commend the strength of his advocacy."

Chambers & Partners (2017)

"A superb junior, who is increasingly involved in high-value High Court matters." Legal 500 (2017)

"Has a reputation for intellectual rigour, and an acknowledged ability to understand the most convoluted aspects of employment law." Chambers & Partners (2016)

"A go-to junior for High Court employment and team-move disputes." "He is great to work with; he picks up esoteric points very quickly and is a forceful advocate." Chambers & Partners (2016)

"Turning into a real star when it comes to High Court matters." Legal 500 (2015)

Matthew treats every instruction as an opportunity to impress and to build and strengthen relationships. He believes in rigorous legal analysis, meticulous preparation and well-judged advocacy, whilst also being responsive and user-friendly.

Called to the Bar in 2000, the focus of Matthew's High Court practice is **business competition: confidential information, restrictive covenants** and **springboard relief**, particularly in a **team-move** context. As a result, he is regularly instructed to make and resist injunction applications. Principal areas of Matthew's Tribunal practice include complex discrimination/victimisation claims, whistleblowing, and employee/worker status.

Matthew has experience across a variety of sectors: banking/finance, technology, publishing, the legal sector, the pharmaceutical industry, recruitment, security, religious institutions, telecommunications, the health sector and professional regulatory bodies.

High Court / Business Competition

Matthew has considerable experience of acting in breach of employment contract and business competition cases (particularly in relation to applications for injunctive relief). He has expertise in relation to abuse of confidential information/database rights, enforcing restrictive covenants, springboard relief, diversion of business opportunities and all of the other issues which arise in the context of team-moves. He also regularly acts in relation to bonus claims and other contractual claims arising from employment contracts.

Matthew has acted for clients across a variety of sectors including insurance, technology, recruitment and pharmaceuticals. Some recent cases include:

- ***ICAP Management Services Ltd v (1) Dean Berry (2) BGC Services (Holdings) LLP [2017] EWHC 1321 (QB)***: acted (leading Alexander Robson) for Dean Berry in defending ICAP's claim for a garden leave injunction. In addition to 'classic' garden leave injunction issues, the case concerned the application of TUPE to the sale (by share acquisition) by ICAP Plc of its inter-dealer broking business to Tullett Prebon Plc (now TP ICAP Plc). (2017)

- ***Hume Brophy Communications v Mary Clark & others***: acted (as sole counsel) for Hume Brophy in seeking injunctive relief against four defendants (each separately represented) in the context of an alleged unlawful team-move in the investor relations sector. (2017)
- ***Alvarez & Marsal v KPMG LLP & others***: acted for KPMG in (i) defending a claim for declaratory relief and (ii) bringing a claim in respect of an alleged unlawful team-move. Led by Gavin Mansfield QC. The case settled before trial. Opposing counsel included Paul Goulding QC and David Craig QC. (2016)
- ***Bluefin Insurance Services Limited v Global Risk Partners & others***: acted for the claimant in a substantial insurance sector team-move case (led by Gavin Mansfield QC). Conducted advocacy at the interim stage. The case settled at trial. Opposing counsel were Damian Brown QC and Adam Solomon. (2016)
- ***Hitachi Rail Europe Ltd & anor v Matrix Research Ltd & anor***: acted (as sole counsel) successfully for the respondent to an application for a ***Norwich Pharmacal*** order sought by the claimants in support of rights under the **Data Protection Act 1998**. (2016)
- acted (as sole counsel) for a FTSE 100 technology company defending claims for injunctive relief in support of post-termination restraints, springboard relief and *Wrotham Park* damages. The case settled shortly before the speedy trial. Opposing counsel was Jonathan Cohen QC. (2015)
- acted (as sole counsel) for four defendants in the travel bond market defending claims for injunctive relief in support of post-termination restraints, springboard relief and damages in circumstances where there was an alleged attempt to re-create/divert the claimant's entire business. The case settled. Opposing counsel were David Reade QC and Dale Martin. (2015)
- acted (as sole counsel) for a Lloyd's broker in seeking to enforce against a former employee/shareholder post-termination restraints in a shareholder's agreement. Favourable undertakings were extracted and the case was then settled. Opposing counsel was a leading QC. (2015)
- acted successfully on behalf of a well-known City-based foreign exchange brokerage house to prevent competition by a 'desk' (team) of employees which sought to move to a competitor. (2014)
- acted for a team of defendant employees who worked in the marine insurance broking industry in resisting an injunction application by which their former employer sought to prevent them from working for a competitor. (2014)
- acted for defendants who, in the context of a failed management buy-out, were alleged to have conspired to divert their employer's customers to a new company and to have poached staff (led by Selwyn Bloch QC). (2014)
- acted for a global telecommunications company in defending a breach of contract claim by a senior executive when the role which he was offered (and accepted) was subsequently withdrawn prior to his starting employment (the claimant having already resigned from his previous employment). (2014)
- applied successfully for injunctive relief in support of an action for breach of confidence (unlawful accessing of emails) involving issues of private international law (jurisdiction and applicable law). (2013)

Statutory Employment

Matthew has extensive experience of defending and bringing statutory employment claims at Tribunal, Employment Appeal Tribunal and Court of Appeal level. In particular, he has expertise in relation to the following types of claims:

- Discrimination, victimisation and harassment
- Whistleblowing/public interest disclosure
- Employment status
- Transfer of undertakings
- Breach of contract and unlawful deductions
- Unfair dismissal
- TUPE

Recent Cases

The following are some examples of Matthew's most recent cases:

- **ICAP Management Services Ltd v (1) Dean Berry (2) BGC Services (Holdings) LLP** [2017] EWHC 1321 (QB): acted (leading Alexander Robson) for Dean Berry in defending ICAP's claim for a garden leave injunction. In addition to 'classic' garden leave injunction issues, the case concerned the application of TUPE to the sale (by share acquisition) by ICAP Plc of its inter-dealer broking business to Tullett Prebon Plc (now TP ICAP Plc). (2017)
- **Hume Brophy Communications v Mary Clark & others**: acted (as sole counsel) for Hume Brophy in seeking injunctive relief against four defendants (each separately represented) in the context of an alleged unlawful team-move in the investor relations sector. (2017)
- **Alvarez & Marsal v KPMG LLP & others**: acted for KPMG in (i) defending a claim for declaratory relief and (ii) bringing a claim in respect of an alleged unlawful team-move. Led by Gavin Mansfield QC (but appeared at the interim hearing alone). The case settled before trial. Opposing counsel included Paul Goulding QC and David Craig QC. (2016)
- **Bluefin Insurance Services Limited v Global Risk Partners & others**: acted for the claimant in a substantial insurance sector team-move case (led by Gavin Mansfield QC). Conducted advocacy at the interim stage. The case settled at trial. Opposing counsel were Damian Brown QC and Adam Solomon. (2016)
- **Hitachi Rail Europe Ltd & anor v Matrix Research Ltd & anor**: acted successfully for the respondent to an application for a **Norwich Pharmacal** order sought by the claimants in support of rights under the **Data Protection Act 1998**. (2016)
- **Pemberton v The Bishop of Southwell & Nottingham**: acted successfully in the ET and EAT for the Bishop in defending a claim of sexual orientation discrimination brought by a priest who entered into a same sex marriage. The case relates to the lawfulness of the Church of England's prohibition on same sex marriage amongst clergy and the ambit of the exemptions for religious organisations contained in the **Equality Act 2010**. The claimant has permission to appeal to the Court of Appeal. Matthew is led by Thomas Linden QC. Opposing counsel is Sean Jones QC. (2016)

Links to press coverage:

<http://www.bbc.co.uk/news/uk-england-28638850>

<http://www.telegraph.co.uk/news/religion/11677144/Church-cant-judge-my-same-sex-wedding-says-priest-in-landmark-case.html>

<http://www.theguardian.com/uk-news/2015/jun/16/canon-jeremy-pemberton-first-priest-marry-same-sex-partner-sues-church-of-england>

- **Vairea & Amini v Reed Business Information Ltd** UKEAT/0177/15/BA (3 June 2016): acted successfully for the respondent in defending whistleblowing claims brought by two sales managers. The claimants alleged that the company was involved in systematic breaches of international trade sanctions (under UK and US law) by providing embargoed countries like Syria with the tools to move money around the world (thereby allegedly facilitating terrorism). The case attracted media interest. The claims failed in the ET and EAT. The EAT's judgment clarifies the law on the "last straw doctrine" in constructive dismissal claims. (2016)
- **Reverend Mark Sharpe v The Bishop of Worcester** [2015] IRLR 663 (CA): Matthew acted in the Court of Appeal successfully on behalf of the Bishop in a test case concerning the employment status of Church of England clergy. The case raised important issues as to the test for implication of contracts and the extended definition of 'worker' for whistleblowing claims in section 43K of the ERA 1996. Matthew was led by Thomas Linden QC. Opposing counsel was John Bowers QC. (2015)
- **X v International Law Firm**: acted for a major international law firm in defending claims of religious discrimination brought by the claimant when her applications for partnership failed. The claimant had been seconded to and then employed by a separate Dubai-based entity. The case therefore involved difficult questions about the territorial reach of the Equality Act 2010 (led by Thomas Linden QC).

- ***X v Investment Bank***: Matthew acted for a well-known investment bank in defending claims of race discrimination. The claims were settled on extremely favourable terms following several interim hearings at which Matthew appeared (and prior to the bank having to incur significant costs on disclosure or witness statements).

Reported Cases

- ***Reverend Mark Sharpe v The The Bishop of Worcester*** [2015] IRLR 663 (CA) Employment status of Church of England clergy; Test for implication of contracts; Extended definition of 'worker' for whistleblowing claims in section 43K ERA 1996.
- ***King v Royal Bank of Canada*** [2012] IRLR 280 (EAT) - Correct approach to compensation (Polkey) in unfair dismissal cases.
- ***Law Society of England & Wales v Secretary of State for Justice and another*** [2010] IRLR 407 (High Court, QBD) - Claim for declaratory relief as to the application of TUPE and the *Henke* exception for public administrative authorities.
- ***Lindley v Perry's Motor Sales Ltd*** [2008] All ER (D) 32 (EAT) - TUPE, transfer of rights and liabilities.
- ***Gravell v Bexley London Borough Council*** [2008] All ER (D) 291 (EAT) - Strike out of discrimination claims.
- ***Davis v Pyrz*** [2007] All ER (D) 160 (EAT) - Employer's counterclaims - measure of damages.
- ***Khan v Premier Private Hire Taxi*** [2007] All ER (D) 134 (EAT) - Strike out of claims on paper.
- ***Baron v Bliss Mediation Services*** [2006] All ER (D) 473 (EAT) - Remedy of procedural unfairness by internal appeal.
- ***Mayo-Deman v University of Greenwich*** [2005] IRLR 845 (EAT) - Validity of compromise agreements.
- ***Rabahallah v British Telecom Plc*** [2005] ICR 440, [2005] IRLR 184 (EAT) - Rules on composition of employment tribunals.
- ***Holland v BHS*** [2005] All ER (D) 5 (EAT) - Unfair dismissal - range of reasonable responses.
- ***Greaves v Banner Business Supplies Ltd*** [2005] All ER (D) 26 (EAT) - Indirect sex discrimination - test for justification.
- ***Maresca v Motor Insurance Repair Research Centre*** [2004] All ER 254, [2005] ICR 197 - Application of the Civil Procedure Rules in the Employment Tribunals.

Education, Memberships and Lectures

Education

- Called 2000 (Gray's Inn)
- Queens' College, University of Cambridge, Law (MA)

Memberships

- Member of the Employment Law Bar Association (ELBA)
- Commercial Bar Association (COMBAR).

Lectures

Matthew gives lectures and leads seminars on a broad range of topics both in-house for solicitors as well as on public courses including for the Employment Lawyers Association (ELA).

Recent Lecture topics include:

- TUPE in the context of share sales: *ICAP Management Services Ltd v (1) Dean Berry (2) BGC Services (Holdings) Ltd* (2017)
- Employment Litigation in the High Court (ELA) (2017)
- Springboard Relief in Team Move Cases (2016)
- A Practical Guide to Bringing and Resisting Injunction Applications (2016)

- Employment Litigation in the High Court (ELA) (2016)
- Concurrent claims in the High Court and the Employment Tribunal (2015)
- Employment status: Worker, Employee or Neither? (2015)