

## SAM NEAMAN

Call: 1988



An **"exceptional advocate"** – Chambers UK

**"A real fighter... combines technical ability with a huge work ethic"** – Legal 500

**"One of the 50 outstanding individuals at the Bar... deserving of elite status"** – The Lawyer

The broad commercial practice of **"renowned senior junior"** Sam Neaman sees him highly ranked in the directories as a leading individual in Employment, Banking and Finance litigation, and Sports Law. Legal 500 notes that **"judges move to the beat of his drum"** and he is said **"to argue cases as a great conductor would lead an orchestra"**.

Sam's recognition as a consummate oral advocate is supported by directory references to his **"lightning-fast ability at understanding key issues"** and to **"think outside the box"**, matched by his ability to **"draft lucid written arguments based on complex facts in very little time"**.

Sam's reputation is built on his expertise in complex, high value international commercial arbitration and High Court litigation (including claims over £1 billion), and for his extensive experience in appellate cases, both in the Court of Appeal and House of Lords/Supreme Court. Chambers UK commend Sam for his **"strong commercial leaning"**, **"very analytical mind"**, and how he is **"able to get stuck into the detail of a case very quickly"**. As co-author of the text book "Security for Costs & other Court Ordered Security" (Jordans), and regularly instructed to put his knowledge into practice in court hearings, Sam is able to bring this particular expertise to the complex and important areas of security, funding, and non-party costs issues.

**"Particularly recommended for High Court injunctions"** Sam has a thriving practice in employment confidential information and restrictive covenant injunctions, and in related commercial law fields where he has an enviable knowledge of preservation of evidence, freezing, and search and seizure applications. Sam, led by Naomi Ellenbogen QC, represented the Appellant in the Court of Appeal case of **P v D** [2016] ICR 688, which establishes the correct approach to the grant of injunctive relief in restrictive covenant cases. Sam's particular specialism in litigation with an international element makes him sought after in cases involving cross-border, jurisdictional, and anti-suit disputes where he has appeared in some of the leading cases such as **Fourie v Le Roux** (House of Lords) and **Petter v EMC Corporation** (Court of Appeal).

In employment law, outside of High Court litigation, Sam's recognised expertise in discrimination claims is complemented by particular experience in whistleblowing cases. This has led him to appear in some of the most high profile recent employment tribunal cases, including successfully defending the discrimination/whistleblowing claim brought by the Governor of the Tower of London, and the whistleblowing case brought against Andrew

Lloyd Webber's "Really Useful" Theatre Company in respect of alleged safety breaches on the set of "Warhorse".

Sam prides himself on his reputation as a team player, the directories highlighting his "**client skills which are second to none**", describing him as "**wonderful at making clients feel at ease**" as well as "**sharp, user friendly... and readily identifies problems and gives clear, concise advice**". The directories also record client feedback on Sam as "**concise and approachable**", "**straightforward and insightful**" and overall "**a pleasure to work with**".

## Commercial Litigation and Arbitration

Sam has a prominent and wide ranging commercial litigation and arbitration practice, with an emphasis on injunctions and cross-border and international work, including the leading injunction cases of *Fourie v Le Roux* in the House of Lords, and *Petter v EMC Corporation* in the Court of Appeal. He has experience of high value/document-heavy claims, instructed by liquidators, banks, and asset finance companies, as well as PLCs. Notable recent cases include:

- **Government of the Kyrgyz Republic v Nadel & Ors** (2016): Multi-million dollar Commercial Court banking fraud claim in which Sam acted for the Claimant government against various individuals, obtaining judgment against the former Chairman of one of the largest banks in Kyrgyzstan.
- **Petter v ECM Corporation & Anr** (2015): Leading Court of Appeal case on clashes of jurisdiction and anti-suit injunctions involving parallel proceedings in the UK and Massachusetts.
- **Orb a.r.l. & Ors v Ruhan** (2014): £250 million Commercial Court claim for breach of contract, breach of fiduciary duty, civil fraud and constructive trust arising from the sale of the Thistle Hotel Group.
- **G v X** (2014): A highly complex \$25 million international arbitration involving contracts for the importation of heavy machinery from China to Brazil under contracts governed by Brazilian law.
- **G v X (no.2)**: (2015) A second arbitration, this time worth over \$50 million, between the same parties.
- **B v U** (2015): Multi-million dollar international commercial arbitration involving alleged breach of distribution agreement in respect of importation and sale of sports goods to the Middle East.
- **Samara v MBI & Partners Ltd** (2014): High Court claim for breach of contract against a company owned by Sheikh Mohammed, one of the richest men in the world, and a counter-allegation in fraud.
- **RGB Advisory Services Ltd v Connolly Global Macro Advisors Ltd** (2014): Successful defence of a Chancery Division claim against Sam's client, a company run by former senior economist to the Brussels Commission centering on the client's entitlement to put itself into liquidation in the UK and start up the same business in the USA.
- **S v W** (2014): complex and high value conspiracy claim against Defendant centering around unlawful re-valuation of gold mines in Kyrgyzstan from c.\$1 Billion to around \$10 million.
- **Re Sherlock Holmes Museum** (2014): Five linked and **highly publicised** High Court claims concerning the ownership of the famous Sherlock Holmes museum in Baker Street.
- **Aquila Advisory Ltd v Faichney, Perrin & Ors** (2014): Highly complex multi-million pound High Court fraud and tracing claim.
- **Aspinal of London v Kiki James (London) Ltd** (2012): Successful High Court claim by Sam's client involving the alleged unlawful copying of its product range.
- **DeVere Group Ltd GmbH v AES International** (2012): Multi-million pound cross-border High Court claim by Sam's client, a global financial group, against a competitor.

## Banking and Finance

Recognised by the Legal 500 as a **leader in the field in Banking**, since the early 1990s Sam has represented both clients and all the major High Street banks in cutting-edge litigation. Sam has been instructed on cases including:

- Court of Appeal claims relating to banking terms and conditions and the effect of European Law on timeshare contracts regulated by the Consumer Credit Acts;
- giving high level strategic advice to several High Street Banks in respect of proceedings brought by the OFT over s.75 of the Consumer Credit Act 1974;
- advising other High Street Banks in respect of the Bank Charges litigation.

Standing counsel for many years to Lloyds TSB, Sam has achieved many notable victories in the High Court, and is currently in demand as counsel in the latest high-profile matter to hit the Banks, namely interest rate hedge mis-selling.

Examples of notable cases include:

- **Government of the Kyrgyz Republic v Nadel & Ors** (2016): Multi-million dollar Commercial Court banking fraud claim in which Sam acted for the Claimant government against various individuals, obtaining judgment against the former Chairman of one of the largest banks in Kyrgyzstan.
- **Petter v EMC Corporation** (2016): Court of Appeal case relating to the enforceability of jurisdiction clauses in stock option agreements. The case was due for hearing in the Supreme Court in November 2016 but settled shortly before the hearing.
- **Armstrong Richardson Ltd v Barclays Bank Plc** (2014): Complex multi-million pound commercial court hedge mis-selling claim.
- **S v B** (2014): Sensitive case involving the alleged liability of a Bank for allowing a fraudster to manipulate a wealthy elderly couple's bank account.
- **S v W** (2014): conspiracy claim around the unlawful re-valuation of gold mines in Kyrgyzstan from c.\$1 Billion to around \$10 million.
- **Adib-Shahraki v Royal Bank of Scotland Plc** (2014): Important, **high profile** injunction claim where Sam acted for the Bank.
- **Lunn v Cenkos Plc** (2013): Multi-million pound High Court claim involving complex expert accountancy evidence and allegations of re-structuring of annual accounts.
- **Howe v Lloyds TSB Bank Plc** (2009): A multi-million pound High Court claim in which Sam acted for the Bank.

## Employment

Highly ranked in the legal directories, and currently one of only eight "Band 1" juniors in Legal 500, Sam is recognized as one of the handful of "go-to" employment juniors for high value or complex High Court contractual/fiduciary duty claims, often launched by way of **injunction**.

With numerous leading cases to his name, including *Johnson v Unisys Ltd* in the House of Lords, Sam has particular expertise in discrimination and whistleblowing cases, where he is regularly instructed by household name clients in high profile claims. Notable cases include:

- **P v D** [2016] ICR 688: Recent landmark Court of Appeal case establishing the correct approach to the grant of injunctive relief in restrictive covenant cases.
- **Petter v EMC Corporation** (2015): multi million pound Court of Appeal case centering on the

interrelationship between the Claimant stock option contract with a Massachusetts corporation and his employment contract with its UK subsidiary and the cross-border issues raised by the clash of exclusive jurisdictions. Due for appeal in the Supreme Court in November 2016, the case settled shortly before the Supreme Court hearing.

- **Avionicare Ltd v JRB Aviation Ltd & Ors** (2015): Multi-defendant High Court claim for breach of contract and economic torts brought by Sam's client following the setting up of a rival business at the same airport.
- **Burger v Verifone Corp** (2014): Whistleblowing claim against Sam's client by one of its executives resulting from disclosures about alleged breaches of the US trade embargo against Iran.
- **Cima v Historic Royal Palaces Ltd** (2011): widely **publicised** whistleblowing claim brought by the Governor of the Tower of London in which Sam successfully defended the Respondent, following a previous case in which Sam also defended the Tower of London in relation to a claim of sexual harassment against the only female Beefeater at the Tower.
- **Threfall v ECD Insight Ltd** (Costs) (2013): successful landmark Court of Appeal case for Sam's TV presenter client, holding that a company's sole director could not rely on the corporate veil to avoid paying costs.
- **20:20 London Ltd v Riley** (2012): a multi million pound Chancery Division business sale claim for repayment of the purchase price based on a clause in the sale contract which the Defendant vendor alleged was in unlawful restraint of trade.
- **De Vere Group GmbH & Anr v Pearce** (2011): a cross-border breach of contract/breach of confidence claim by a Financial Services Group against an agent involving complex issues of conflicts of laws and illegality. Court awarded Sam's client damages of £3 million and indemnity costs.
- **Lauffer v Barking Havering & Redbridge NHS Trust** (2009): a landmark injunction obtained by Sam's client consultant surgeon to nullify his dismissal.
- **Daley v ERT Plc & Anr** (2009): highly publicised Court of Appeal cross-border CIS claim involving complex issues of company law, conflict of laws, and director's fiduciary duties.
- **Everett v University of East London** (2009): an injunction application brought by a University vice-chancellor to prevent a disciplinary hearing going ahead. Sam's client, the University, successfully defeated the application in the Court of Appeal.
- **Springall & Ors v Semsysco Ltd & Ors** (2012): a successful strike out application in a complex multi-million pound claim relating to statutory redundancy and other breach of contract claims by 20 Claimants.
- **Andrew Lloyd Webber's Really Useful Theatre Group** (2012): whistleblowing tribunal relating to the West End production of Warhorse.
- **Wey Education Plc v Atkins** (2013): Sam advised and represented Education provider Wey Education Plc in a dispute with their Chief Executive, the former Chairman of OFSTED.
- **Obolenskaya v Cluff Natural Resources Plc** (2014): Complex and high profile discrimination claim brought by Russian female Finance Director against Sam's Plc client.

## Sports Law

Sam's high-level personal sporting experience has given him invaluable understanding of Sport law from the client's perspective. Listed by Legal 500 as a **leader in the field of Sports Law**, Sam was for many years **Legal Adviser to the Amateur Boxing Association of England**. Sam has a special expertise in Formula 1 and Boxing matters. Currently counsel of choice to one leading Formula 1 racing team, and having represented other

F1 teams both as claimants and defendants, Sam's enviable experience over many years in dealing with Formula 1 disputes include engineering and design confidential information, and the contractual implications of movement of individuals between teams. Sam's boxing clients have included former England boxing Olympic Gold medalist and now world champion James de Gale, and boxing promoter Chris Sanegar in his dispute with European Champion Dean Francis.

Elsewhere within Sport, Sam is regularly instructed by top-level players, coaches, agents, promoters, managers, clubs and sporting bodies on issues ranging from misconduct hearings to sponsorship disputes, transfer negotiations to the entitlement of a jockey to ride in the Agra Diamond Stakes at Royal Ascot. Sam has advised Premiership and Championship football clubs, and in *Rinaldi v Rugby Football League*, Sam was instructed in a European discrimination law test case on the legality of the RFL's overseas players quota system. Most of Sam's work in this area is highly confidential but recent example cases of note include:

- ***Axon & Ors v Caterham Sports Limited*** (in administration) (2014): A **high profile** and complex class action by 38 former employees of Formula 1 team Caterham following their summary dismissals.
- ***Turn One SA v Lotus F1 Team Ltd*** (2015): **High profile** dispute with the Lotus Formula 1 team in a complex and wide-ranging case involving IP rights to the Lotus website, defamation and breaches of contract.
- ***Legion Concierge (UK) Ltd v Con Questa BV*** (2014): A complex dispute surrounding alleged illegal ticketing practices for the 2013 Paris Open Tennis at Roland Garosse and the 2012 European Football Championships in Ukraine.

## Medical, NHS, Disciplinary & Regulatory

Sam's experience in medical law coupled with his expertise in employment, disciplinary and regulatory matters has resulted in a thriving court and disciplinary/regulatory practice, representing both trusts and individual doctors. Ranging from high profile disputes attracting nationwide media interest to confidential investigations Sam is regularly instructed in:

- Internal disciplinary, capability and other MHPS investigations and hearings;
- Injunctions to prevent dismissal or enforce contractual procedures, where Sam has unrivalled experience of numerous injunction cases over many years for both consultants and trusts, including handling emergency "without notice" applications;
- High Court and appellate contractual disputes, usually regarding interpretation of terms and conditions of doctors' employment contracts;
- Employment tribunal claims, usually with a whistleblowing or discrimination element;
- GMC and other regulatory hearings.

Sam is also regularly instructed to give high level strategic advice on matters of national importance in the medical profession, including

- payment of doctors while suspended by the GMC;
- the rights of junior doctors to free hospital accommodation;
- the construction of the Consultant Contract in the area of overtime (Additional PAs).

## Injunctions

Sam is noted in the directories as "**particularly recommended for High Court injunctions**". He has a thriving injunction practice in employment contract restrictive covenants, and in related confidential information and commercial law fields where he has broad knowledge of preservation of evidence, freezing, search and seizure, and anti-suit applications. Sam has represented numerous clients in "team move" injunction, especially in the insurance broking and recruitment consultancy sectors. Example cases of note include:

- **P v D** [2016] ICR 688: Recent landmark Court of Appeal case establishing the correct approach to the grant of injunctive relief in restrictive covenant cases.
- **Fourie v Le Roux** [2007] UKHL 1; [2007] 1 W.L.R. 320: Landmark House of Lords freezing injunction claim in a £1 Billion cross border corporate insolvency fraud dispute.
- **Petter v ECM Corporation & Anr** [2015] EWHC 1498: Leading Court of Appeal anti-suit injunction and jurisdiction challenge involving parallel proceedings in the UK and Massachusetts. Due for appeal in the Supreme Court in November 2016, the case settled shortly before the Supreme Court hearing.
- **Aquila Advisory Ltd v Faichney, Perrin & Ors** [2013] EWHC 3953 (and continuing): successful injunction application in the context of a larger High Court fraud and tracing claim by Sam's client claiming priority in the ownership of property and chattels the subject of a criminal confiscation order.
- **Adib-Shahraki v Royal Bank of Scotland Plc** (2013): Important, **high profile** injunction claim brought by a claimant to prevent the closure of banking facilities, alleging that the reason for the Bank's decision was his Iranian nationality. Sam, acting for the Bank, successfully defeated the application.
- **DeVere Group Ltd GmbH v Pearce** [2011] EWHC 1240: multi million pound cross border dispute in which Sam achieved an interlocutory and then final confidential information/restrictive covenant injunction for his financial services client.
- **Lauffer v Barking Havering & Redbridge NHS Trust** [2010] Med L.R. 68: a landmark injunction obtained by Sam's consultant surgeon client to nullify a dismissal which had already occurred.
- **Everett v University of East London** [2009] EWCA Civ 402: an injunction claim brought by a University vice-chancellor to prevent a disciplinary hearing going ahead. Sam's university client successfully defeated the application in the High Court and in the Court of Appeal.
- **Jesudason v Alder Hey Childrens' NHS Foundation Trust**: a high profile case representing a paediatric surgeon who obtained an injunction to prevent his dismissal.

## Arbitration

Recognised as a "go-to" alternative to magic circle arbitration counsel, Sam's practice is primarily focussed on international commercial arbitrations, arguing cases governed by foreign laws for major overseas clients under ICC, LCIA and UNCITRAL rules. Sam also has particular knowledge of anti-suit injunctions in the arbitration arena. Recent examples of international arbitration include:

- **G v X** (2014): A highly complex \$25 million UNCITRAL international commercial arbitration involving contracts for the importation of heavy machinery from China to Brazil under contracts governed by Brazilian law.
- **G v X (no.2)**: (2015) A second UNCITRAL arbitration, this time worth over \$50 million, between the same parties.
- **B v U** (2015): Multi-million dollar LCIA international commercial arbitration involving alleged breach of distribution agreement in respect of importation and sale of sports goods to the Middle East.