

MING-YEE SHIU

Call: 2000



Ming-Yee Shiu is a highly sought after barrister specialising in commercial and employment litigation. Her practice covers a wide range of complementary areas, including commercial, company, partnership/LLPs, employment, civil fraud and international disputes. She has extensive experience of applications for search orders, freezing injunctions and other forms of interim relief.

She is described in Chambers & Partners 2019 as **“very practical and very astute. She understands the outside world and how business operates”** and as **“a very good advocate who knows the area inside out”**.

The Legal 500 also recommends her as **“a strong advocate”**, **“technically excellent”** and **“very quick and helpful”**, of whom **“nothing seems to phase her”**.

Commercial awareness and client care Ming-Yee has a highly professional, teamwork-based approach to litigation. She is known for providing an exceptional service to her clients, offering a calm but focused approach to highly demanding, stressful situations. She is attuned to the demands of complex litigation, whether acting as sole counsel or with a leader, being **“very client-focused and very reliable”** and **“a tenacious advocate, who will roll up her sleeves and work through the night if necessary”**. She has also been described as **“commercial and pragmatic”** and **“extremely approachable and client-friendly”**.

Advocacy Ming-Yee regards her abilities as an advocate as essential to the qualities necessary for the work in which she is instructed, as reflected in comments on her advocacy. She has been described in recent comments as **“very persuasive in court”**, **“a highly effective advocate who fights your corner admirably”**, **“an assured and knowledgeable performer with a quiet, confident delivery”** and **“ferocious when she needs to be in court and very good at getting her views across”**. She is **“praised for her efficacy as an advocate”** and **“impresses with her persuasive advocacy”**.

Technical expertise The breadth of her expertise and the depth of her technical ability are recognised in other recent comments in the directories: **“recommended for her work on restrictive covenants and injunctions”**, **“an impressive junior barrister who has expertise in handling cases that straddle both employment and commercial law”**, **“praised for her knowledge of the law”**, and **“impresses with her careful analysis”**.

International work Ming-Yee is highly regarded as an expert on English company and commercial law matters in foreign proceedings and arbitrations. Her work frequently has an international element particularly in asset tracing cases and she has also been called to the New York Bar.

Seminars Ming-Yee provides seminars on a wide range of issues, including cutting-edge areas of the law.

Recent seminar topics include freezing injunctions, asset tracing, and legal developments in relation to new technology. She has particular expertise in relation to the use of predictive coding in electronic disclosure, tracing digital assets such as cryptocurrencies, and the evolving use of blockchain technology.

Commercial Dispute Resolution and Injunctions

Ming-Yee is instructed in a wide range of commercial litigation. She advises and acts in disputes relating to domestic and international **commercial contracts, joint ventures, companies, shareholders, directors and business sales**. She is regularly instructed in cases in the High Court in relation to commercial injunction applications for **urgent injunctive relief**, including **freezing injunctions** and **search orders**. She is accustomed to appearing in the QBD, Chancery Division and Commercial Court in high value litigation, including **breach of confidence, trademarks, design rights, copyright and database rights**. She also has substantial expertise in banking and financial services, including tracing assets within or outside the jurisdiction. She is highly regarded as an expert on English commercial law in foreign proceedings and arbitrations. She has also been called to the New York Bar.

Significant cases:

- ***Paylor & Others v Bowers & Others*** (2018), High Court, Chancery Division (acting for supervising solicitor in relation to execution of a search order)
- ***Mir v Malik*** (2017), High Court, Chancery Division (acting for property investor in relation to worldwide and domestic freezing injunction application and disclosure order against guarantor of finance agreement)
- ***Interactive Technology Corporation Limited v Ferster*** (2017), High Court, Chancery Division (acting for international online casino to obtain a disclosure order and mandatory injunction overnight against managing director/shareholder following judgment in long-running shareholder dispute)
- ***Maroudas v (1) Eversholt Investment Group SARL (2) Eversholt Investment Group SCS*** (2016), High Court, Chancery Division (led by Stuart Ritchie QC in relation to disputed compulsory transfer of shares in a Luxembourg company)
- ***Lynch v Lapidem, Mascini & Ors*** (2016), New York Southern Bankruptcy Court (acting as expert in English company and commercial law in shareholder dispute and complex international proceedings arising from \$300 million sale of Yukos Oil)
- ***Canning & Coyle Construction Limited v Kelly Communications Ltd*** (2016), High Court, QBD (acting for leading telecommunications contractor in dispute over rebates against sub-contractor)
- ***Pyrrho Investment Limited v MWB Property Limited and four others*** (2014 - 2016), High Court, Chancery Division (led by Clive Freedman QC in high value claim of breach of fiduciary duties against former directors of a property company, involving forensic accountancy expertise. First case in English courts to approve predictive coding in electronic disclosure)
- ***Financial Conduct Authority v Capital Alternatives Ltd & 15 others*** (2016), High Court, Chancery Division (acting for former director of a company in relation to investment schemes alleged to have been mis-sold under s. 397 of the FSMA 2000. Appeared in relation to application to vary freezing injunction and in main proceedings)
- ***SCN Limited v Faisal Islamic Bank*** (2015), advising on foreign telecommunications contract and tracing of payment to a Ugandan bank
- ***Louis Dreyfus Commodities MEA Trading DMCC v Concorde pour L'Industrie et L'Exploitation SPRL*** [2015] EWHC (Comm) 1711 (led by Charles Samek QC in relation to worldwide freezing order and anti-suit injunction obtained to restrain proceedings in Democratic Republic of Congo; unsatisfactory

disclosure of assets by Defendants)

- **Locum Staffing v Primary Care People** (2015) High Court, Chancery Division (acting for market-leading medical recruitment agency against defendants for misappropriation of a database of confidential information. Obtained search order and order for forensic imaging of electronic devices)
- **(1) KLH UK (2) KLH Massivholz v Weiss and others** (2014), High Court, Commercial Court (acting for the claimants in a claim of breach of fiduciary duties, breach of contract and conspiracy to injure by unlawful means against the former managing director and other senior managers of an international manufacturer in the timber industry.)
- **Fundicion Nodular SA v Orchard Development Holdings plc** (2012), High Court, Chancery Division (appeal against registration of foreign judgment for €4 million against parent company in United Kingdom arising out of property development in Spain.)
- **Kar Oil v Frion Ltd & Others** (2011), High Court, Chancery Division (defending \$10 million claim for breach of contract and conspiracy)
- **Industrial Speciality Lubricants Ltd v Rosenzweig** (2011), High Court, Chancery Division (claim of conspiracy and breach of contract against sales agent; applications for search order and to use documents in Texas proceedings)
- **Exception Var Ltd v Goff and others** (2010), High Court, Chancery Division (led by Paul Downes QC in relation to management team move to competitor. Acting without leader, successfully opposed application by Defendant to set aside search order on day of search)
- **Re New York Hedge Fund** (2010) (advising on the availability of a freezing injunction as ancillary relief in support of proceedings in New York)
- **H v M & C** (2010), High Court (defending application to commit for contempt of court relating to alleged breach of freezing injunction)
- **Halcyon International Group Ltd t/a PPLS International v Hughes** (2009), High Court, Chancery Division (successful application for search order and interim injunction; proceedings for breach of confidence, infringement of database rights, breach of contract and breach of copyright)

Business Protection and Restrictive Covenants

Ming-Yee is highly regarded for her knowledge and expertise in **business protection** matters, having appeared throughout her career in disputes involving **restrictive covenants**, **team moves**, **directors**, **senior executives** and consultant departures, **confidential information** and **company property**, **fiduciary duties** and **database**, **copyright** and **design right** issues. Ming-Yee is regularly instructed in disputes in the High Court in relation to applications for **urgent injunctive relief**. She is accustomed to appearing in both the Chancery Division and the Queen's Bench Division and in the District High Court Registries.

Ming-Yee is preferred counsel for numerous large and medium sized organisations and firms operating in **insurance**, **technology** and **recruitment** and other fields in which the need to protect confidential information and deal with team moves frequently arises. She is equally accustomed to handling instructions on behalf of **employees**, **directors** and **consultants** in business protection disputes.

Significant cases:

- **SIH Limited v D** (2017-2018) High Court, Manchester (acting for senior employee of leading manufacturer in claim of breach of contract, breach of restrictive covenants and breach of confidence. Led in part by Gavin Mansfield QC)

- **Swandean Limited v Murray** (2018), High Court, QBD (acting for employer in application for confidential information injunction against former employer who joined a competitor)
- **Network Sales and Marketing Limited v Walsh** (2017-2018) High Court, QBD (acting for recruitment agency in claim for breach of confidence and breach of restrictive covenants)
- **Interactive Technology Corporation Limited v Ferster** (2017), High Court, Chancery Division (acting for international online casino to obtain a disclosure order and mandatory injunction overnight against managing director/shareholder following judgment in long-running shareholder dispute. Co-counsel with Nigel Dougherty, Erskine Chambers)
- **Lorica Insurance Brokers Limited v Banks** (2017), High Court, QBD (acting for insurance broker to obtain electronic search order and preservation order against former employee and competitor)
- **R Limited v B** (2017) High Court (acting for senior employee of insurance broker in relation to potential breach of restrictive covenants claim)
- **Arthur J Gallagher Services (UK) Ltd v (1) Skriptchenkov (2) Portsoken Ltd** (2015), High Court, QBD (acting for senior executive of insurance broker in injunction application)
- **Locum Staffing Ltd v Primary Care People** (2015) High Court, Chancery Division (acting for market-leading medical recruitment agency against defendants for misappropriation of a database of confidential information. Obtained search order and order for forensic imaging of electronic devices)
- **Firecracker Talent Ltd v A J Rolls** (2014-2015) High Court, Queen's Bench Division (acting for major recruitment agency against former managing director. Obtained doorstep disclosure order, imaging of devices and interim injunction)
- **Lu v Nottingham University Hospitals NHS Trust** (2014), High Court, Queen's Bench Division (led by Damian Brown QC in sensitive and high profile dispute between consultant cardiac surgeon and his employer)
- **BFCA v Butt & Ors** (2013), High Court and Court of Appeal (acted on behalf of claimant accountancy firm in application for urgent injunctive relief against departing employees)
- **A S Ltd v (1) A and (2) E Ltd** (2012), High Court, Chancery Division (advising software company and preparing application for delivery up and disclosure orders and interim injunctions against former employee and new employer in relation to misappropriation and misuse of customer database)

Company and Partnership/LLP disputes

Ming-Yee is frequently sought after in company and partnership/LLP disputes in the High Court, including **minority shareholder** disputes (including **unfair prejudice** petitions and **derivative actions**), **directors' duties**, **directors' service contracts**, **shareholder agreements**, **business/share acquisition agreements** and **schemes of arrangement**, **interpretation of LLP exit arrangements** and **restrictive covenants**. She has substantial experience of **compulsory transfer provisions** invoked against minority shareholders, as well as advising regularly on **meetings**, **resolutions** and other issues of **corporate governance**. She is accustomed to acting as an expert on English company law in foreign proceedings and arbitrations.

Significant cases:

- **Interactive Technology Corporation Limited v Ferster** (2017), High Court, Chancery Division (acting for international online casino to obtain a disclosure order and mandatory injunction overnight against managing director/shareholder following judgment in long-running shareholder dispute)
- **Re A Firm** (2017), advising a law firm on the restrictive covenants in an LLP
- **Lynch v Lapidem, Mascini & Ors** (2016), New York Southern Bankruptcy Court (acting as expert in

English company and commercial law in shareholder dispute and proceedings arising from sale of Yukos Oil)

- **Maroudas v (1) Eversholt Investment Group SARL (2) Eversholt Investment Group SCS** (2015-2016), High Court, Chancery Division (led by Stuart Ritchie QC in relation to disputed compulsory transfer of shares in a Luxembourg company)
- **Pyrrho Investment Limited v MWB Property Limited and four others** (2014 - 2016), High Court, Chancery Division (led by Clive Freedman QC in high value claim of breach of fiduciary duties against former directors of a property company, involving forensic accountancy expertise)
- **G v Cluttons LLP** (2015) High Court, QBD (acting for former partner of property consultancy firm in parallel claim under UK partnership deed and employment contract for work in Dubai)
- **H v L Limited** (2014) (acting on behalf of the founder and minority shareholder of a multi-million pound insurance claims company being threatened with the compulsory transfer of his shares)
- **Cant v Brady** (2012-2014) (acting for director and shareholder in long-running dispute involving a quasi-partnership, injunctive relief, unfair prejudice proceedings and contempt proceedings. Led in part by Ed Pepperall QC)
- **Midlands Regen Ltd v Collyer and others** (2012), High Court, Chancery Division (acting for two Part 20 defendant directors in a claim arising out of an £8 million development in Birmingham.)
- **Rayment v Remnant Agencies Ltd (In Liquidation)** (2011), High Court, Companies Court (handling of claims against insurer of financial adviser in liquidation)
- **Re P & O plc** [2007] Bus LR 554, High Court, Chancery Division (part of 2tg team opposing £4bn scheme of arrangement under Companies Act 1985)
- **Raffles Town Club v Lim** (2006) (led by Michael Black QC in relation to appeal in Singapore regarding piercing the corporate veil, ratification and breach of directors' duties)

Civil Fraud

Ming-Yee has particular experience of commercial fraud disputes, including **constructive trust, breach of fiduciary duty, knowing receipt** and **dishonest assistance**. Ming-Yee is frequently instructed in cases involving the commercial aspects of the employment relationship, including fraud claims against **dishonest directors** and **employees**, and **breaches of directors' duties**. She has considerable experience of the **tracing of assets** within and outside the jurisdiction.

Notable cases include:

- **V v M Limited** (2018), High Court, Chancery Division (acting for cryptocurrency exchange in relating to freezing injunction over Bitcoin and Ether deposits)
- **P v B & others** (2018), High Court, Chancery Division (acting for Supervising Solicitor in relation to search order)
- **Mir v Malik** (2017), High Court, Chancery Division (acting for lender to obtain freezing injunction and disclosure order against guarantor and property investor)
- **Financial Conduct Authority v Capital Alternatives Ltd & 15 others** (2016), High Court, Chancery Division (acting for former director of a company in relation to investment schemes alleged to have been mis-sold under s. 397 of the FSMA 2000. Appeared in relation to application to vary freezing injunction and acting in main proceedings)
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anti-suit injunction obtained to restrain proceedings in Democratic Republic of Congo; unsatisfactory disclosure of assets by Defendants)

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- **Industrial Speciality Lubricants Ltd v Rosenzweig** (2011), High Court, Chancery Division (claim of conspiracy and breach of contract against sales agent; applications for search order and to use documents in Texas proceedings)
- **Exception Var Ltd v Goff and others** (2010), High Court, Chancery Division (led by Paul Downes QC in relation to management team move to competitor. Acting without leader, successfully opposed application by Defendant to set aside search order on day of search)
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- **H v M & C** (2010), High Court (defending application to commit for contempt of court relating to alleged breach of freezing injunction)
- **Halcyon International Group Ltd t/a PPLS International v Hughes** (2009), High Court, Chancery Division (successful application for search order and interim injunction; proceedings for breach of confidence, infringement of database rights, breach of contract and breach of copyright)
- **Titan Europe plc v Passini and others** (2008), High Court, QBD, Commercial Court (led by Paul Downes QC in multi-million pound claim for breach of restrictive covenants in a director's service agreement and share sale agreement in an Italian company)

Employment – Statutory and High Court Claims

Ming-Yee is accustomed to acting in **high value employment claims** involving **senior executives**. She appears in the Employment Tribunal, the Employment Appeal Tribunal and the High Court on behalf of **companies, partnerships and individuals**. She also has substantial experience of issues relating to **bonus and commission disputes, race, sex, disability and age discrimination, unfair dismissal, wrongful dismissal, redundancy, TUPE**, unlawful deductions from wages, employment status, including claims by agency workers, and matters relating to jurisdiction.

- **B v A Bank** (2018), High Court, Chancery Division (led by Jonathan Cohen QC in a dispute relating to deferred compensation of a senior executive at an investment bank)
- **Shaikh v BMC Software** (2017-2018), Employment Tribunal, Employment Appeal Tribunal and Court of Appeal (acting for employer in relation to high value claim for sex discrimination and equal pay against an international technology company)
- **Signature Prime Property Limited v Wallis** (2016), Employment Appeal Tribunal (acting for former

employee and shareholder in relation to termination affecting multi-million pound compulsory transfer of shares)

- **G v Cluttons LLP** (2015) High Court, QBD (acting for former partner of property consultancy firm in parallel claim under UK partnership deed and employment contract for work in Dubai)
- **John Lu v Nottingham University Hospitals NHS Trust** (2014), High Court, QBD (acting for defendant employer in high profile dispute with cardiac surgeon)
- **Mitra v Montpelier Professional Limited** (2013), Employment Appeal Tribunal (acted for respondent employer in appeal relating to the test for age discrimination)
- **Caterer v Amey LaFarge and Others** (2013), Employment Tribunal (acted for co-respondent in wide-ranging TUPE case involving sub-contracting of services)

Seminars

- Trends in Technology and the Law: Predictive Coding and Disclosure; Cryptocurrencies and Civil Fraud (2018)
- Elements of a Freezing Injunction (2018)
- It's a Privilege: Asserting and Challenging Legal Professional Privilege (2017)
- Forensic Dissection of a High Court Employment Claim (2015)
- International Elements in Employment Law (2015, with Gavin Mansfield QC)

Memberships

- Commercial Bar Association (COMBAR)
- Chancery Bar Association (ChBA)
- London Common Law & Commercial Bar Association (LCLCBA)
- Employment Law Bar Association (ELBA)
- Employment Lawyers' Association (ELA)
- Professional Negligence Bar Association (PNBA)

Education and Qualifications

- St John's College, Cambridge (1996-1999), BA Hons Law (1st Class)
- University of Pennsylvania Law School (2000-2001), LLM
- Called to the New York Bar (2005)