

MARC DELEHANTY

Call: 2011



Marc was called to the Bar in 2011 following First Class degrees in Mathematics and in Law. His practice covers a wide range of **Commercial** and **Civil Fraud** disputes (including director/employee related **business protection** disputes) and **Sports law** matters. He regularly acts in litigation in the Court of Appeal, the High Court, the County Court and a variety of tribunals, both led and as sole counsel. He has particular experience of obtaining and resisting injunctions and of cases with an international or cross-border element, including jurisdiction disputes.

The Legal 500 directory recommends Marc as one of the country's leading junior barristers for Civil Fraud law, describing him as "**very good for fraud work**" (2017 edition) and "**a very clever lawyer with massive knowledge of the law**" (2016 edition). He is also recommended in the 2017 edition of Legal 500 for Sports law, having been described as "**known for contractual issues and sensitive disputes**" (2016 edition) and "**a rising star who is capable of very great things**" (2015 edition).

Full details of his experience may be found in the tabs below. The following is a flavour of his recent work:

- **PrivatBank v Kolomoisky, Bogolyubov and others** [2018] EWHC 482 (Ch) – as junior counsel in the High Court – representing corporate defendants in a US\$2billion claim for alleged misappropriation of monies from one of Ukraine's largest banks prior to its nationalisation.
- **JSC BTA Bank v Ablyazov and Khrapunov** [2018] UKSC 19 – as junior counsel in the Supreme Court – represented the Second Defendant, challenging jurisdiction for a claim for unlawful means conspiracy based on alleged breaches of freezing orders.
- **Allergy Therapeutics v Inflamax** – as junior counsel in the High Court – acting for a medical services provider in a US\$10m contractual dispute concerning the conduct of a trial of a new allergy treatment drug.
- **Ritz Hotel Casino v Al Geabury** [2015] EWHC 2294 (QB) – as junior counsel in the High Court – acted for the Ritz at a six day trial, in a claim for £2 million of unpaid roulette losses against a casino patron who alleged a gambling addiction and raised an illegality defence.
- **Le Puy Ltd v Potter** [2015] IRLR 554 – as sole counsel in the High Court – secured an injunction against a departing director to enforce post-termination restrictive covenants and restrain misuse of confidential information.
- **K v Royal Bank of Scotland plc** [2017] EWCA Civ 43 – as sole counsel in the Court of Appeal – represented a senior financial sector employee claiming unfair dismissal for 'whistleblowing'.
- **McMillan v UK Anti-Doping** (NADP/594/2016) – as sole counsel before the National Anti-Doping Panel – represented a Scottish professional footballer in an appeal against the length of his doping ban.

As a Mathematics graduate, Marc is highly numerate and confident in tackling very technical and complex evidence.

Commercial Litigation

Marc's practice sees him regularly appear in court, including on a wide variety of interim applications and procedural hearings. Examples of some of the commercial law disputes in which Marc has acted include:

- **Allergy Therapeutics (UK) Ltd v Inflamm Research Inc** (London Circuit Commercial Court, 2017-18; led by Charles Samek QC). Acting for a Canadian medical trial services provider defending a US\$10m damages claim for breach of contract and misrepresentation concerning its conduct of a trial of a new allergy treatment drug and counterclaiming for unpaid fees of over US\$4m. This case involves complex factual and scientific evidence, relating to drug trial processes and statistical analyses of medical data.
- **Mr H v Mr D** (London Circuit Commercial Court, 2017-18; sole counsel). Representing the claimant in a dispute between businessmen about the funding of a game resort and farm in South Africa, which involves issues of contract formation and misrepresentation.
- **Sidev Ltd v Bluemantle Ltd and Monde Developments Ltd** (Mercantile Court, 2016-17; sole counsel). Represented the defendants in a dispute about a company's entitlement to a bonus pursuant to an alleged oral agreement for work done on property development projects. Case settled after the claimant acceded to an order for security for costs and Marc succeeded in obtaining an order for expert evidence (which the claimant had contested) at a CMC.
- **Ritz Hotel Casino v Al Geabury** [2015] EWHC 2294 (QB) (Queen's Bench Division, 2015; led by Clive Freedman QC). Successfully represented the casino at a six day High Court trial in a claim for unpaid gambling debts which raised detailed evidential issues about alleged gambling addiction and legal issues concerning the regulation of casinos and their obligations towards their patrons. In finding for the Ritz, Mrs Justice Simler relied upon documentary evidence which had been "painstakingly analysed by Mr Delehanty" (see judgment at para. 16). The defendant's compliance with his disclosure obligations was scrutinised across a number of hotly contested pre-trial High Court hearings at which Marc appeared unled and secured orders for specific disclosure and inspection. **Read more about the case here.** The case was extensively reported in: **The Mirror, The Guardian, The Express, The Mail and The Evening Standard.**
- High Court claim centring on breach of directors' fiduciary duties (Chancery Division, 2013-15; led by Adam Solomon). The case involved a multi-million pound shareholding and multiple parties across several jurisdictions.
- High Court jurisdiction dispute concerning enforcement of a foreign judgment (from an offshore jurisdiction) of over US\$100m (Commercial Court, 2014; led by Stuart Ritchie QC).
- **Vigeland v Ennismore and Vistra** [2012] All ER (D) 115 (Nov) (Chancery Division, 2012; led by Adam Solomon). Acted in a seven day High Court trial concerning claims of breach of contract and misrepresentation in respect of a fund manager's entitlement to a contractual bonus and allegations of breach of trust in the administration of a Jersey based trust.

Civil Fraud and Asset Recovery

Examples of some of the civil / commercial fraud law disputes in which Marc has acted include:

- **PrivatBank v Kolomoisky, Bogolyubov and others** (Chancery Division, 2018; led by Sonia Tolaney QC and Thomas Plewman QC). Representing six corporate defendants (English and British Virgin Islands

companies) which a major Ukrainian bank claims participated in an alleged misappropriation of US\$1.9 billion of its money by two Ukrainian oligarchs prior to the bank's nationalisation. The defendants contest jurisdiction and a WFO which has been made against them; a 7 day substantive hearing of their applications is set for July 2018. There has already been a judgment in this case: concerning the level of detail which must be provided when a respondent to a freezing order discloses an asset (at [2018] EWHC 482 (Ch)).

- **JSC BTA Bank v Abyazov and Khrapunov** (UK Supreme Court, Court of Appeal and Commercial Court; 2015-18; led by Charles Samek QC). Junior counsel for the Second Defendant, the son-in-law of Mukhtar Abyazov, in a claim for over US\$500m, alleging that he had conspired with Mr Abyazov to breach asset freezing orders of the English Court (previously made against Mr Abyazov). These proceedings have raised novel points of law regarding English jurisdiction over conspiracy claims and the availability of causes of action for damages for breach of a freezing order. There have been a wide variety of hotly contested applications and appeals, on a number of which Marc has appeared for Mr Khrapunov as sole counsel. Reported decisions include: (i) the Supreme Court's judgment regarding Mr Khrapunov's CPR Part 11 application challenging the English Court's jurisdiction (at [2018] UKSC 19) – [read more about this judgment here](#); (ii) the Court of Appeal's judgment on whether Mr Khrapunov should be required to come to England for cross-examination on asset disclosure notwithstanding a consequent risk of extradition from the UK to Ukraine or Kazakhstan (at [2018] EWCA Civ 819); and, (iii) the Commercial Court's judgment on WFO asset disclosure, the privilege against self-incrimination and the use of 'confidentiality clubs' (at [2016] EWHC 289 (Comm)) – [read more about this judgment here](#).
- **Mrs Feinberg v Mr Pike** (Chancery Division, 2016; led by Charles Samek QC). Successfully obtained a freezing injunction (including proprietary relief in respect of certain assets) and an order for information provision against the defendant, as part of claim for recovery of monies transferred away from the claimant in a series of clandestine transactions.
- **Bin Mahfouz and others v El-Rashid** (Commercial Court, 2016; led by Charles Samek QC). Represented the defendant in a claim for recovery of €35 million which the claimants sought to invest into an oil venture; the claim involved allegations of deceit / fraudulent misrepresentation and for a constructive trust over the money.
- **Ritz Hotel Casino v Al Geabury** (Court of Appeal and Queen's Bench Division, 2016; sole counsel). After the successful trial (described in the general Commercial Litigation section above) and over the course of 2016, Marc has appeared unled in four (4) hearings relating to enforcement of the judgment debt and securing of the defendant's assets, including before the Court of Appeal (re: conditions to be attached to any permission to appeal) and before Mrs Justice May (re: successful application to access secured storage units to seek to recover valuable art of the defendant).
- Advised and drafted statements of case in a variety of fraud related matters, such as: for a claimant seeking return of his share of the proceeds of the sale of an asset retained by a former business partner (High Court) and for a defendant company allegedly used by co-defendants as a vehicle to receive misappropriated monies (High Court).

Business Protection and Confidential Information Disputes

Marc regularly acts, as both junior and sole counsel, in High Court business protection disputes involving team moves, staff poaching, restrictive covenants, garden leave, fiduciary duties and breach of confidence / misuse of confidential information. He is comfortable working as part of a team and to tight deadlines for injunction applications.

Cases in which he has acted include:

- **Granite Search v Kaminski** (Queen's Bench Division, 2016; sole counsel). Represented the defendant at a hearing of an **application for an injunction** against him for alleged breach of post-termination restrictive covenants and misuse of confidential information. Succeeded in: (i) limiting the competitive restrictions on the defendant pending speedy trial; (ii) substantially narrowing the scope and terms of an order that the defendant provide information about any use he made of confidential information; and, (iii) resisting an order for costs.
- **Le Puy Ltd v Potter and Abstract** [2015] EWHC 193 (QB), [2015] IRLR 554. Sole counsel for the claimant on an urgent injunction application. Successful in obtaining orders to enforce restrictive covenants restraining an ex-director from dealing with the clients of his former company and to prevent misuse of that company's confidential information.
- Junior counsel in a team move / partnership case involving the departure of a senior member of an LLP and other staff from a professional services firm to a newly founded rival firm (Queen's Bench Division 2015; led by Selwyn Bloch QC; case set-tled before trial).
- Junior counsel in a large team move case in the engineering sector concerning orchestrated poaching of employees by former managers (Queen's Bench Division 2014; led by Selwyn Bloch QC; case settled before trial).
- Sole counsel for two ex-employee respondents to an application for urgent injunctive relief concerning misuse of confidential information (Chancery Division 2014).
- Junior counsel in a team move case in the construction sector representing multiple former employees and their new company (Commercial Court 2013; led by Adam Solomon).

Sports Law

Marc is featured in the Legal 500 directory in the Sport law category, where he is described as "**highly regarded in this area**" (2014 edition), as "**a rising star who is capable of very great things**" (2015 edition) and as "**known for contractual issues and sensitive disputes**" (2016 edition).

Some of the cases in which he has been involved include:

- **McMillan v UK Anti-Doping (UKAD)** (July 2016) – successfully represented Scottish footballer Jordan McMillan before the National Anti-Doping Panel in his appeal against the length of his doping ban (on the basis that he satisfied the 'Substantial Assistance' provisions in the WADA Code and UKAD rules).
- Acting for a Premier League football club in two separate claims against it by spectators in relation to crowd/stadium disturbances, including appearing (as sole counsel) at interim hearings.
- Advising in relation to an agent's entitlement to commission upon the international transfer of a football player.
- Defending a football club against allegations of discriminatory conduct, including appearing (as sole counsel) at interim hearings.

Marc also writes on topical sporting issues for the popular LawInSport website. His articles include: **Why did Coventry City FC's State Aid claim fail?**, **The Queensberry Rules of Sky and BT's Sporting Match-Up**, and **A Guide to England's Independent Football Ombudsman**.

Professional Background

Education:

- BA (Mod.) in Mathematics at Trinity College, Dublin (2005) – First Class
- MA in Legal Studies at University of Bristol (2008) – Distinction
- Master of Law (LLM) in European Law at Peterhouse, University of Cambridge (2009) – First Class
- Bar Professional Training Course at Kaplan Law School, London (2011) – Advocacy Scholar

Academic Awards:

- Phoenicia Scholarship from the Bar European Group.
- Hardwicke Entrance Award and Eastham Scholarship from Lincoln's Inn.
- The de Montmorency prize in law from Peterhouse, University of Cambridge.
- Cambridge European Trust Bursary – awarded for an 'outstanding academic record'.

Debating and mooting:

Prior to commencing practice, Marc honed his advocacy skills through mooting and debating. He enjoyed significant success, including:

- Winning a Europe-wide regional final of the European Law Mooting Competition in 2011;
- Winning the Cambridge University Team Mooting Competition in 2009;
- Reaching the quarter-finals of the European Universities Debating Championships in 2009;
- Regularly representing the Bristol University and Cambridge University debating teams.

Professional Memberships:

Marc is a member of the Commercial Bar Association, the Chancery Bar Association, the LCIA Young International Arbitration Group, the British Association for Sport and Law (BASL) and the London Irish Lawyers Association (LILA).