

## JAMIE RILEY

Call: 1995



### ***“He’s a class act”***

(Chambers 2017)

Jamie is a busy and highly respected commercial litigator whose experience covers all types of commercial disputes. His practice encompasses contractual disputes, insolvency and corporate restructuring, fraud and asset tracing, company disputes involving claims against directors and between shareholders, banking and financial services. Jamie is regularly involved in cases which have international elements giving rise to jurisdictional issues.

### ***“Jamie is a smooth operator, collected and thorough. He’s even tempered on his feet but also quite devastating”***

(Chambers 2017)

Jamie has appeared at every level of the senior courts in England. His practice is mainly based in the Chancery Division and the Commercial Court in London and he has also appeared before the Court of Appeal and the Supreme Court. He appeared as lead advocate for the Respondent before the Supreme Court in *Bailey v Angove’s Pty Ltd* an important case clarifying the law of both agency and constructive trusts. Further afield, Jamie has been involved in various proceedings in foreign jurisdictions, in particular, the Caribbean, the Channel Islands and the Isle of Man.

### ***“A team player who is really good on his feet and great with clients”***

(Chambers Global)

Jamie has regularly been recommended as a leading practitioner by the legal directories for Commercial Litigation and Insolvency gaining praise for his excellent legal skills, strong advocacy and client friendly manner.

### ***“He’s got a good insolvency background and is excellent with clients. If you’ve got a case that involves difficult clients, he’s your man as he’s unflappable”***

(Chambers 2017)

### ***“Responsive, technically excellent and great with clients”***

(Legal 500 2016)

## Commercial Litigation

**“A heavyweight barrister who is very thorough and reasoned in his approach”**

(Legal 500)

Jamie has a well-established reputation as an excellent commercial litigator and has been recognised by both Chambers UK, Chambers Global and Legal 500 for many years. Solicitors comment that **“He understands what the client wants to achieve”** as well as being **“encyclopaedic in his command of the law and very easy to deal with”**. His experience covers a wide range of commercial disputes including banking and financial cases, commodities, shares and securities, partnerships and joint ventures, IT and industrial product disputes. Many of the cases in which he is involved concern jurisdictional challenges and disputes over applicable law. Jamie is regularly instructed to make or oppose urgent applications for injunctions, in particular, freezing orders.

**“He delivers tenacious, convincing advocacy”**

(Legal 500)

Recent and ongoing cases:

- **Re D&D Wines International Ltd: Bailey and anr v Angove's Pty Ltd** [2016] UKSC 47; [2016] 1 WLR 3179: appeared as lead advocate for the Respondents. In this case the Supreme Court clarified two “important and controversial questions of commercial law”: (1) in what circumstances will the law treat the authority of an agent as irrevocable; and (2) whether the receipt of funds when the recipient knows that imminent insolvency will prevent performance of a corresponding obligation will give rise to a constructive trust.
- **ZCCM Investments Holdings plc v Konkola Copper Mines plc** (2016 - ): in this Commercial Court case, Jamie has been advising and acting for the Claimant, an investment company backed by the Zambian government, in respect of claims against a mining company under copper and cobalt price participation agreements. Jamie appeared at an early interlocutory hearing at which he successfully obtained a judgment for an initial sum of circa US\$103 million. The case for the balance of the claim is ongoing.
- **Updata Infrastructure Uk Ltd v Logicalis UK Ltd** (2016): Jamie has been acting for the Defendant in a multi-party action in respect of broadband connectivity services to public sector institutions. The case involves technical factual issues, contractual interpretation and estoppel.
- **GE Power Conversion Uk Ltd v Anixter Ltd** (2016 - ): a multi-party dispute regarding the supply of components in generators for use in oil and gas projects.
- In 2016 Jamie acted and advised a Swiss bank which funded the supply and shipment of coal from Russia and the Ukraine pursuant to a commodities finance agreement. The case involved multi-million US Dollar claims for breaches of collateral management agreements, fraud and negligence concerning the disappearance of 30,000 tonnes of coal from a compound in Turkey.
- **Re Paramount Powders UK Ltd** (2016): Jamie has acted for one side in a multi-million pound dispute between company shareholders and partners of the wider partnership in respect of a group of businesses operating in the UK and India. Jamie has advised. Drafted pleading and appeared at a series of interlocutory injunction hearings in the Chancery Division.
- **Yossifoff v Donnerstein** [2015] EWHC 3357 (Ch): Jamie successfully acted for the Defendant in opposing an application under the Civil Jurisdiction and Judgments Act 1982 s.25 for a freezing and proprietary injunction in aid of substantive proceedings in Israel. The claim involved the sale of assets located in the UK but owned by a company registered in the Cayman Islands, in turn owned by a BVI

company of which the shareholders were based in Israel.

## Company

Within the field of company law Jamie's experience covers shareholder disputes, directors duties, minority shareholder actions and derivative actions.

Representative experience:

- **Avrahami & Others v Biran & Others** [2013] EWHC 1776 (Ch): advised claimant in this £3m commercial fraud claim which came to trial for 15 days in February and March 2013 before Newey J. The claims involved concern allegations of breaches of fiduciary duty, the fiduciary's liability to account, allegations of deceit and forfeiture of agent's commission/fees.
- **Hemsley v Graham, Capital For Enterprise Fund LP v Malik, Hemsley v Arnold** [2013] EWHC 2232 (Ch): acted for the liquidators in a fraud case where two investors who had acquired shares of £4.6 million in a bogus company.
- Currently acting for liquidators in a professional negligence claim against auditors (ongoing).
- Re **Porritt sub nom (1) Barnett (2) Henley Estates Ltd v (1) Rose (2) Jackaman (3) Bales** (2011): trial as to whether the pre-emption provisions in a company's Articles of Association (A of A) had been validly complied with so as to make a share transfer binding. Important issues of interpretation of the A of A including whether the shareholders could by conduct agree to the appointment of an individual as the company's auditor for non-audit purposes such as valuing shares.
- Re **Oddbins Ltd** (2011): advised the Administrators regarding the terms of equity and asset sale documentation executed as part of the acquisition of the business by another well-known wine merchant. Drafted and advised on the proceedings for declaratory relief (settled 2011).
- **Gapbuster Ltd** (2010): this continuing dispute concerned a disagreement between shareholders and investors regarding the deferral of payments under loan notes issued instead of shares.
- **Rubicon Estates Ltd** (2010): he advised the liquidator of a company as to whether it had operated as a collective investment scheme contrary to the Financial Services and Markets Act 2000 and the potential liabilities owed to and by the company as a result.

## Insolvency

**"Responsive, technically excellent and great with clients"**

(Legal 500)

Jamie has for many years been recognised as an expert in the field of insolvency law and has consistently been ranked as a leading junior by the legal directories. Praised for delivering "**tenacious, convincing advocacy**" and for being "**even tempered on his feet but also quite devastating**", Jamie is regularly instructed in difficult and complex corporate restructurings, liquidations, administrations and high value bankruptcies. Jamie has developed a strong reputation in cases involving fraud and asset tracing, claims against directors and their associates and antecedent transactions. His practice has an international dimension and he has been involved in insolvency cases relating to the EU, the BVI, Cayman Islands, Channel Islands, Isle of Man, Switzerland, Hong Kong and Russia. In particular,

**"He understands what the client wants to achieve"**

(Legal 500)

Recent and current cases:

- **Re D&D Wines International Ltd: Bailey and anr v Angove's Pty Ltd** [2016] UKSC 47; [2016] 1 WLR 3179: appeared as lead advocate for the Liquidators in the Supreme Court and the Court of Appeal below. The case clarifies two important areas of the law: (1) the rights of agents whose authority has been terminated on an insolvency event; and (2) whether funds are held on constructive trust when they received at a time when the recipient knows insolvency is imminent.
- **Farrington v Anthea Turner** (2017): Jamie acted for the Trustee in Bankruptcy in a trial against a television celebrity in various claims arising out of the distribution of sale proceeds of assets worth £10 million.
- **Frogmore Real Estate Partners GP1 Ltd v Nationwide Building Society** (2016): Jamie successfully acted for the Administrators of Jersey registered SPVs which had defaulted in repaying loan facilities of over £100 million. The Administrators' appointment had been challenged on grounds of COMI and improper motive. He also successfully applied for letters of request for recognition of the appointment and powers of the Administrators in Jersey.
- **Pikeville Investments LLP** (2016 onwards): Jamie has been acting for the court appointed receivers and administrators of an English registered LLP in seeking to recover assets located in Italy and subject to Swiss trusts as part of a complex fraud perpetrated on Russian banks involving loans of circa US\$500 million.
- Currently acting for the claimant in proceedings against the former directors of a plc group company involving allegations of asset-stripping and unlawful dividends worth £2.5 million.
- **Re Portsmouth City Football Club Ltd** (2016 onwards): Jamie has been acting for the former directors of the once Premier League football club in claims brought by the liquidator for alleged misappropriation of funds.

## What Others Say

Jamie has been recommended as a leading junior by Chambers UK for commercial chancery and insolvency, as well as by Legal 500 for commercial litigation, insolvency and media, entertainment & sport.

They highlight:

***"He regularly acts in and advises on insolvency and banking disputes, and receives particular praise for his work on cases concerning breaches of fiduciary duty."***

Expertise: ***"He is proportionate, sensible, reassuring and calm."***

Recent work: ***"Appeared in the High Court acting for the claimant in obtaining an emergency freezing order relating to a fraud and breach of trust claim."***

(Chancery commercial - Chambers UK and Chambers Global 2015)

***"Has an established reputation as an adviser in commercial and company law, and regularly handles insolvency and fraud cases. He advises on both domestic and cross-border issues."***

Expertise: ***"He is poised and thorough. He's very together, very reassuring and very calm."*** Recent work: ***Instructed by the liquidators of D&D Wines International on various claims arising from the liquidation."***

(Restructuring /Insolvency - Chambers UK 2015)

***"He has real strength in insolvency-related cases, and is excellent in court."***

(Commercial litigation - Legal 500 2014)

***“A heavyweight barrister who is very thorough and reasoned in his approach.”***

(Insolvency - Legal 500 2014)

***“Has a broad commercial practice with insolvency as a core focus. He frequently acts for liquidators.”***

Expertise: ***“He’s very good in all he does, sensible and great with the clients.”***

Recent work: ***“acted for the joint liquidators of D&D Wines International in a case that secured the removal of the administrators and the appointment of the liquidators.”***

(Restructuring/Insolvency - Chambers UK 2014)

## Education

- 1989 - 1993: MA (Hons) Downing College, Cambridge University
- 1995: BVC (Inns of Court) – Very Competent

## Professional Memberships

- Bar Sports Law Group
- Chancery Bar Association
- COMBAR
- CFLA
- LCIA