



Ben Griffiths

Call: 2004

Ben is a commercial and financial law specialist. His expertise spans both advisory work and litigation in the fields of company law, corporate restructuring and insolvency, banking, financial services, LLP law and civil fraud. He has wide-ranging experience of commercial and financial litigation and arbitration, including complex, multi-jurisdictional claims.

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Ben is regularly instructed to act both as sole counsel and with a leader. He has appeared in all courts from the High Court (Chancery Division, Commercial Court and Companies Court) through to the Supreme Court and the Privy Council.

Litigation and Arbitration

- Directors' duties
- Shareholder and LLP disputes
- Takeover disputes
- Joint venture disputes
- Civil fraud and asset recovery
- Contractual claims
- Interim remedies
- Jurisdiction and conflicts of law
- Professional negligence
- Warranty claims

Significant cases include:

Carlyle Capital Corporation v Conway (2011-2016) [2013] 2 Lloyd's Rep 179

Instructed on behalf of the liquidators of a collapsed investment fund in substantial claims in the Guernsey Royal Court against the former directors and managing agents of the fund for breach of duty, misfeasance, negligence and wrongful trading. The case came on for a six month trial in 2016.

Mezhprombank v Pugachev (2014-2016) [2014] EWHC 3547 (Ch), [2014] EWHC 4336 (Ch), [2015] EWCA Civ 139 (Court of Appeal)

Instructed as lead junior on civil fraud and insolvency claims for in excess of US\$2 billion against Sergei Pugachev arising out of the collapse of Mezhprombank in Russia. Appeared on numerous hearings during 2014 and 2015 concerning a \$2 billion worldwide freezing order made against Mr Pugachev by the English High Court.

Alfa Telecom Turkey Ltd v Cukurova (2014)

Appeared on a number of hearings before the Privy Council concerning the terms on which the appellant should be granted relief from forfeiture following the appropriation of the appellant's shares on its default under a \$1.6 billion loan (with Stephen Smith QC).

BAT Industries v Appleton Papers Inc (2012-2014) [2013] EWHC 3612 (Comm)

Acted on a claim by BAT Industries in the Commercial Court pursuant to an indemnity in connection with the

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remediation costs of contaminated river sites in the US. Appeared (with Gavin Kealey QC) to oppose the defendant's challenge to the jurisdiction of the English court.

BAT Industries v Windward Prospects Ltd (2013) [2013] EWHC 3612 (Comm)

Instructed on an application by BAT Industries to appoint a receiver over claims in connection with alleged unlawful dividends totalling \$800 million (with Michael Todd QC and Andrew Thompson QC).

Borelli v Ting (2010) [2010] UKPC 21 (Privy Council)

Appeared on behalf of the liquidators on an appeal to the Privy Council on a claim to set aside a compromise agreement to enable the liquidators to pursue substantial claims for civil fraud against the former chairman and managing director of Akai Holdings Ltd (with Leslie Kosmin QC).

Restructuring and Insolvency

- Corporate restructuring
- Restructuring and insolvency of financial institutions
- Bondholder litigation
- Cross-border insolvency
- Special administration regime
- Creditor schemes
- Private examinations
- Winding up
- Administration
- Receivership
- CVAs

Significant cases include:

Carlyle Capital Corporation v Conway (2011-2016) [2013] 2 Lloyd's Rep 179

Instructed on behalf of the liquidators of a collapsed investment fund in substantial claims in the Guernsey Royal Court against the former directors and managing agents of the fund for breach of duty, misfeasance, negligence and wrongful trading. The case came on for a six month trial in 2016.

Caldero Trading Ltd v Beppler & Jacobson Ltd (2013-2014) [2014] EWHC 1142 (Ch)

Instructed on behalf of the provisional liquidators of a company on various contentious matters, including to oppose an application to remove the provisional liquidators from office on the grounds of bias and to oppose an application for the return of share capital paid by shareholders.

Re Thomson Directories Limited (2013)

Appeared on behalf of the company's administrators on an expedited application seeking permission for the administrators to sell the business and assets of the company, including assets subject to fixed charge security, under a 'pre-pack' arrangement.

Re MF Global UK Limited (2013) [2013] EWHC 2556 (Ch)

Appeared on behalf of a representative party on an application by the administrators of MF Global UK Limited for directions concerning the quantification of the provable debts of clients of the company (with Peter Arden QC).

Re Laiki Bank (2013)

Instructed to advise in relation to the restructuring of Laiki Bank (with Michael Todd QC).

Atlas Bulk Shipping A/S v Navios International Inc (2011)

Instructed on an appeal to the Court of Appeal concerning rights of set-off under Article 21 of the UNCITRAL Model Law and Cross-Border Insolvency Regulations 2006 and the ability of the English Court to grant additional relief upon recognition of a foreign insolvency proceeding (with Richard Snowden QC).

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Rawlinson and Hunter Trustees SA v Kaupthing Bank hf (2011)

Instructed for Kaupthing Bank on its appeal to the Court of Appeal against a decision concerning the effect and operation of the UK Credit Institutions (Re-organisation and Winding-up) Regulations 2004 and the EC Reorganisation and Winding-up Directive 2001 (with Richard Snowden QC).

Corporate

- M&A and takeovers
- Schemes of arrangement
- Reductions of capital
- Cross-border mergers
- Corporate governance and directors' duties
- Shareholders' rights
- Shareholder disputes
- Joint venture disputes
- Capital reorganisations
- Meetings and resolutions
- Directors' disqualification

Significant cases include:

Ticketus v Whyte (2012-2017) [2013] EWHC 4069 (Ch)

Acted for Ticketus on its claims against Craig Whyte, the former chairman of Rangers Football Club, in connection with claims arising out of ticketing arrangements for the club (with Matthew Collings QC).

Assenagon Asset Management SA v IBRC Ltd [2012] EWHC 2090 (Ch)

Instructed on behalf of a noteholder seeking to challenge the validity of a substantial debt restructuring carried out by Anglo-Irish Bank (with Richard Snowden QC).

Re Shell Plc (2012)

Instructed on behalf of Shell Plc on application to amend records at Companies House in relation to the removal of incorrect filings made at Companies House.

Farstad Supply S/A v Enviroco Ltd (2011) [2011] 1 WLR 921 (Supreme Court)

Instructed on behalf of the Respondents on an appeal to the Supreme Court concerned the meaning of the terms "parent company" and "subsidiary company" under the CA 2006 (with Ceri Bryant QC).

Rolfe v Rolfe (2010) [2010] 2 BCLC 525

Appeared in a High Court trial on behalf of a shareholder in relation to a dispute over the composition of the board of directors of a company.

Re Sophos Plc (2010)

Instructed on behalf of the majority shareholders to advise in relation to the sale of Sophos Plc to a private equity firm (with Leslie Kosmin QC). The deal was one of the largest private equity transactions in the UK in 2010.

Financial Services

Ben has particular experience of noteholder litigation and litigation concerning banking and finance documents and financial instruments. His recent experience includes:

BONY v Truvo NV, Deutsche Bank AG & Millar Investments Sarl (2013) [2013] EWHC 136 (Comm)

Instructed on behalf of a creditor to oppose a challenge to a restructuring of Truvo NV. The proceedings concerned the interaction and interpretation of a senior facilities agreement and intercreditor agreement (with Richard Snowden QC).

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Enid Investors Corporation v IBRC Ltd (2012)

Instructed on behalf of a noteholder seeking to challenge the validity of a substantial debt restructuring carried out by Allied Irish Bank.

Assenagon Asset Management SA v IBRC Ltd [2012] EWHC 2090 (Ch)

Instructed on behalf of a noteholder seeking to challenge the validity of a substantial debt restructuring carried out by Anglo-Irish Bank (with Richard Snowden QC).

International and Offshore

Ben has substantial experience of advising on international transactions and cases which raise cross-border issues. He has been instructed on high-profile matters involving the British Virgin Islands, the Channel Islands and Hong Kong, as well as on appeals to the Privy Council. His recent experience includes:

Carlyle Capital Corporation v Conway (2011-2016) [2013] 2 Lloyd's Rep 179

Instructed on behalf of the liquidators of a collapsed investment fund in substantial claims in the Guernsey Royal Court against the former directors and managing agents of the fund for breach of duty, misfeasance, negligence and wrongful trading. The case came on for a six month trial in 2016.

Alfa Telecom Turkey Ltd v Cukurova (2014)

Appeared on a number of hearings in the Privy Council on appeal from courts of the British Virgin Islands (with Stephen Smith QC). The case concerned relief from forfeiture following the appropriation of the appellant's shares on its default under a \$1.6 billion loan.

Akai Holdings Limited v Ernst & Young (2010)

Instructed on behalf of the liquidators of Akai Holdings Limited against its former auditors on claims in excess of US\$1 billion for professional negligence in the Hong Kong Court of First Instance (with Leslie Kosmin QC).

Memberships and publications

Chancery Bar Association

COMBAR

Member of Law Society Company Law Committee

Member of Bar Council Law Reform Committee

Contributor to Buckley on the Companies Acts, PLC Insolvency and FromCounsel

Contributor to a range of practitioner journals, including:

- "Creditor Schemes of Arrangement and Company Voluntary Arrangements in recent debt restructurings", Corporate Rescue and Insolvency, 2013 (with Raquel Agnello QC)
- "Declaratory relief and forcing a breach of trust", Journal of International Banking and Financial Law, 2015 (with Peter Arden QC)

Ranked in

Chambers & Partners UK –

Company, Restructuring and Insolvency

Legal 500 –

Insolvency, Company & Partnership