



clerks@erskinechambers.com

Tim Akkough

Call: 2004

Tim is a commercial litigator, with a strong reputation for civil fraud and asset recovery. He has acted in some of the largest actions to come before the courts, such as *JSC BTA Bank v Ablyazov*, *Pinchuk v Bogolyubov*, *Mezhprom v Pugachev*, *Republic of Djibouti v Boreh* and *PrivatBank v Kolomoisky*.

Tim also maintains a commercial chancery practice, with an emphasis on insolvency, company and trusts disputes.

Tim is particularly experienced in applications for pre-emptive and interlocutory relief, including freezing, search, receivership, committal and Norwich Pharmacal orders.

Tim regularly appears with and without leaders in the Chancery Division and the Commercial Court. He has appeared in the Court of Appeal on over ten occasions and twice in the Supreme Court. Ten of Tim's cases have been reported in the Weekly Law Reports.

In October 2015, Tim was named Chancery Junior of the Year by Chambers and Partners. He has recently been appointed to the Attorney General's A Panel of Counsel to the Crown. Tim was also a nominee for Legal 500's 2018 Commercial Junior of the Year award.

Civil Fraud & Asset Recovery

- Interim injunctions
- Search orders
- Norwich Pharmacal orders
- Claims involving dishonesty
- Freezing orders
- Committal applications
- Breach of fiduciary duty
- Proceeds of Crime

Tim has acted as the principal junior for the claimant in the **JSC BTA Bank v Ablyazov** litigation since 2009. To date, judgments exceeding US\$4.5 billion have been obtained against the bank's former chairman and others for the Kazakh equivalent of breach of fiduciary duty. The case is well known for its reported decisions on freezing, receivership and committal applications.

Tim also has experience of:

- Norwich Pharmacal and Bankers Trust disclosure applications (including against unusual respondents such as email service providers and solicitors)

Tim Akkouh

- search orders, orders restraining parties from leaving the jurisdiction, and applications to discharge injunctions (including for material non-disclosure)
- applications to preserve documentation and applications for Peruvian Guano and specific disclosure

Tim's cases frequently include allegations of breach of fiduciary duty, conspiracy, knowing receipt/dishonest assistance, and claims for proprietary remedies. Tim also acts, often for the National Crime Agency, in civil recovery claims under the Proceeds of Crime Act 2002.

Reported cases include:

- [2017] QB 853; [2016] 3 WLR 659 (whether contempt constitutes unlawful means for the conspiracy tort)
- [2016] EWHC 3175 (Comm) (Norwich Pharmacal and Bankers Trust orders in aid of foreign proceedings)
- [2016] EWHC 289 (Comm) (confidentiality clubs and the privilege against self-incrimination)
- [2015] UKSC 64; [2015] 1 W.L.R. 4754 (SC); [2014] 1 WLR 1414 (CA) (interpretation of standard form freezing order)
- [2015] 1 WLR 1287 (CA) (Chabra jurisdiction)
- [2015] W.T.L.R. 1759 (CA) (without notice freezing order against trust assets)
- [2015] 1 WLR 1547 (Norwich Pharmacal disclosure orders)
- [2014] 2 C.L.C. 263 (iniquity exception to legal professional privilege)
- [2013] 1 WLR 1845 (CA) (recusal of trial judge for bias)
- [2013] 1 WLR 1331 (CA) (unless orders following contempt findings)
- [2012] 1 WLR 1988 (CA) (practice on committal applications)
- [2011] Bus LR 119 (CA) (appointment of interim receivers)
- [2010] 1 WLR 976 (CA) (privilege against self-incrimination)
- [2010] 1 All ER (Comm) 1029 (CA) (freezing injunction asset disclosure)

Tim is recognised in all of the major legal directories for his civil fraud expertise. Legal 500 describes Tim as “The brightest light at the junior commercial Bar and a consummate team player.” Who's Who Legal says “Peers praise Tim Akkouh as being ‘tactically astute’ and ‘great on paper and on his feet’. He has vast experience for his years in civil fraud and asset recovery and regularly appears with and without leaders in the chancery division and the commercial court.”

Commercial Litigation

- Contractual disputes
- JV, shareholder and partnership disputes
- Conflict of laws
- Interim remedies

Tim's commercial litigation practice focuses on contractual, joint venture, partnership and shareholder disputes. His recent cases include **Pinchuk v Bogolyubov** (dispute between Ukrainian oligarchs regarding ownership of an iron ore mine), **Ardila v ENRC** (claim under share purchase agreement defended on the basis of corrupt conduct) and a confidential LCIA arbitration.

Tim Akkouh

Tim also has experience of:

- Conflicts of law issues arising in commercial litigation.
- LCIA arbitrations and appeals against arbitration decisions under the Arbitration Act 1996.
- Claims for enforcement of judgments.
- Applications for interim and final injunctions (including specific performance) in support of commercial claims.
- Procedural applications, including for interim payments, summary judgment/strike out, unless orders (see [2017] EWHC 1847 (Ch)), security for costs, stay of proceedings, anti-suit injunctions (see [2015] 2 B.C.L.C. 560), and applications for the preservation of material and for specific and enhanced (Puruvian Guano) disclosure (see [2015] EWHC 3761 (Comm)).

Tim is recognised in Chambers & Partners and Legal500 for his commercial litigation expertise. Chambers & Partners say that *"He is very clever, and very commercially and tactically astute."*

Company & Insolvency

Tim's recent insolvency experience includes s.236 interviews/applications, applications by office holders for directions, unfair prejudice petitions, misfeasance and wrongful trading claims, undervalue/preference/s. 423 claims, applications for the appointment of administrators, and disputed debt, directors' disqualification and public interest winding-up proceedings.

Reported cases include:

- *Mezhprom v Pugachev* [2017] EWHC 1761, 1767, 1847, 1853, 1936, 1972 (Ch) (transactions defrauding creditors)
- *JSC BTA Bank v Ablyazov* [2016] 3071 (Comm) (transaction defrauding creditors)
- *Ardila v ENRC* [2015] 2 B.C.L.C. 560 (security for costs against insolvent company)
- *Re: Commonwealth Institute* [2014] W.T.L.R. 1621 (application by administrators for directions)
- *JSC BTA Bank v Ablyazov* [2014] 1 BCLC 407 (appointment of litigation receivers)
- *Halabi v London Borough of Camden* (The Times, 25 March 2008) (annulment of bankruptcy orders)
- *Gotham v Doodes* [2007] 1 WLR 86 (CA) (limitation periods under the Insolvency Act 1986)

Legal 500 ranks Tim in its Company & Partnership category, saying the following: *"A first-rate barrister who couples serious intellect with a user-friendly manner."*

Contentious Trusts Litigation

- Breach of fiduciary duty
- Breach of trust
- Experience of acting for both trustees and beneficiaries
- Interim remedies

Tim Akkouh

Tim regularly appears for beneficiaries and trustees in contentious trusts litigation. He acted for one of the defendant trustees in the Jersey **Alhamrani** trusts disputes (which settled after 101 days in trial in 2009) and for the beneficiaries in the Bermudian **Wingate** litigation ([2008] WTLR 357; [2008] WTLR 543).

His more recent reported decisions include:

- *Charity Commission v Framjee* [2015] 1 WLR 16, a claim concerning the existence of a trust and sharing losses between innocent beneficiaries.
- *Mezhprom v Pugachev* [2015] W.T.L.R. 1759 (CA) (without notice freezing order against trust assets)
- *Mezhprom v Pugachev* [2017] EWHC 1761, 1767, 1847, 1853, 1936, 1972 (Ch) (sham/illusory trusts)

In October 2015, Tim was named Chancery Junior of the Year by Chambers and Partners. Tim is also the co-author of *Trusts Law* (Palgrave Macmillan, 5th ed, 2017).

Memberships and publications

Tim was appointed to the Attorney General's panel of counsel to the crown (A list) in July 2017.

Co-author of *Trusts Law* (Palgrave Macmillan, 5th ed, 2017).

Chancery Bar Association.

COMBAR.

The Fraud Lawyers Association.

Ranked in

Chambers & Partners –

Commercial Litigation, Commercial Chancery and Civil Fraud

Legal 500 –

Civil Fraud, Commercial Litigation, Company and Partnership

Who's Who Legal –

Civil Fraud

Chambers Global –

Commercial Chancery