



serle court

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## Adil Mohamedbhai

Year of Call: 2010

*“a true mega brain and a brilliant member of any legal team - a must have Junior.”*

The Legal 500

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## Practice Overview

Adil has a broad commercial chancery practice. He has particular expertise in high-value, multi-jurisdictional commercial, civil fraud, offshore and trust disputes. He is recognised by the main directories (Legal 500, Chambers UK Bar, Chambers Global, Who's Who Legal and Private Client Global Elite) as a leading junior in civil fraud, commercial, commercial chancery, offshore, trust and private client work. He has been described as *"very strategic, commercially minded and pragmatic."* *"Adil is phenomenally smart and extremely astute on very complex court matters. He is excellent at cutting to the heart of issues and superb on black-letter law"*. Adil has also been recognised as *"easy to work with and very responsive, he's commercially minded and very strategic and pragmatic in his approach. Great with clients, he uses commercial language with them rather than legal jargon. He's very good on his feet, very persuasive, and a barrister who fights really hard for his client."* Adil was selected by Legal 500 as one of the top ten commercial barristers under eight years' call in both 2016 and 2017 and has since been ranked by Who's Who Legal as one of the three most highly regarded juniors at the English Bar for civil fraud work.

Adil acts both as sole counsel and junior counsel as part of a team of barristers. In addition to regular appearances in both the Chancery Division and the Commercial Court, Adil has appeared in the Court of Appeal, the UK Supreme Court and the Privy Council. He also has substantial experience appearing in, or assisting with, arbitrations and cases in other jurisdictions, including Bermuda, the Cayman Islands, the British Virgin Islands, Jersey, Guernsey, the Bahamas, Singapore, the DIFC, Mauritius and Malta. He has developed a particular expertise in private international law issues. He is also one of the few juniors at the English Bar with experience in shareholder appraisal actions in the Cayman Islands and Bermuda.

In 2021, he was the lead junior for the defendant Trustees in *Wong v Grand View PTC & others*, believed to be one of the largest ever civil claims brought in a common law court. The trial lasted six months.

Prior to coming to the Bar, Adil qualified as a solicitor at Freshfields, where he was involved in a broad range of transactional and contentious work (including public and private M&A deals, IPOs, share buybacks, rights issues and corporate restructurings). He is therefore very familiar with "City" work.

During 2009 - 2010, Adil was appointed as one of the first judicial assistants to the Justices of the UK Supreme Court, where he worked for Lords Rodger and Brown.



Adil Mohamedbhai



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## Areas of Expertise

### Civil Fraud

Acting for the claimants (which included a wealthy Middle Eastern client) in the *Lutfi v Choudhury* litigation, a substantial breach of fiduciary duty and fraud claim against certain of their former advisers in connection with their management of various extremely valuable assets located in the UK.

Acting (led by Lance Ashworth KC) for the claimant beneficiary in a circa \$30 million claim for dishonest breaches of

trust. The claim had been listed for a 5-week trial in the High Court commencing in July 2022 and settled shortly before that.

Acting (led by Philip Marshall KC) in *Lin & Ors v Lin & Ors*, a substantial piece of commercial litigation in the courts of the BVI, concerning the ownership of BVI companies which ultimately own extremely valuable real assets in China.

Acting (led by Jonathan Adkin KC) for three of the defendants in *Equity Real Estate (Bracknell) v Patel & Ors*, a claim brought by five SPVs who claim to have been the victims of a property fraud. The claims (in the Chancery Division) are ongoing.

Acting (led by Mark Howard KC and Jonathan Adkin KC) in *Wong v Grand View PTC & others* for the five defendant Trustees in what is believed to be the largest claim ever brought before the Bermudian Courts and one of the largest private claims anywhere in the world. The litigation concerned the creation of five trusts worth in excess of US\$15 billion. The case raised a wide range of complex legal and factual issues including allegations of lack of authority, mistake, undue influence and forgery. Serious allegations of dishonesty were made against a number of the witnesses. The trial was heard in April 2021 to September 2021 and judgment was handed down in June 2022. A substantial appeal is scheduled to be heard in 2025. As part of the interlocutory and trial process, the Bermuda Supreme Court has handed down decisions on various issues, in relation to all of which Adil was involved (see 'International and Offshore' below for further details).

Acting (led by Jonathan Adkin KC) for the successful defendant in *Magdeev v Tsvetkov & Ors*, a high-profile piece of civil fraud and commercial litigation involving various Russian individuals who had invested in a jewellery business in the United Arab Emirates and Cyprus. The trial lasted three weeks, with significant media coverage. Cockerill J's judgment ([2020] EWHC 887 (Comm)) contains a detailed analysis of the law on foreign illegality and is also a leading authority on the drawing of adverse inferences.

Advising (unled) a potential defendant who is being threatened to be sued for professional negligence in the context of the 1MDB fraud, a very high-profile fraud which has generated substantial global press coverage. The threatened claim is in excess of US\$1 billion.

Acting (led by Paul Lowenstein KC) in *Foglia v Cerri*, an audacious fraud involving the theft of millions of euros from a bank account in the Cayman Islands where the monies were then routed via England. Adil appeared as a junior in a series of interim applications designed to unravel the fraud, including Norwich Pharmacal, freezing injunction and disclosure applications. The case gave rise to issues concerning the developing "persons unknown" jurisdiction of the English courts in the context of commercial and civil fraud claims.

Acting (led by Daniel Lightman KC) for respondents in three unfair prejudice petitions and derivative claim relating to a substantial hotel business. *Re G&G Properties Ltd* [2020] Bus LR 762; [2020] 1 BCLC 1; [2020] BCC 236 is an important judgment of the Court of Appeal in which the pleading requirements in section 994 petitions were examined. Sir Nicholas Warren's judgment in *Re Bankside Hotels Ltd (No 2)* [2019] 2 BCLC 174 is another important judgment in the law of unfair prejudice, in which the Court held that trustees are not automatically responsible for the unfairly prejudicial conduct of the settlor of a trust holding 50% of the shares in the company. There have been other judgments in this litigation in which Adil was involved and which have been reported: [2019] 1 BCLC 434; [2018] BCC 617; [2018] 3 Costs LR 605, [2019] 1 Costs LO 43 and [2019] 1 Costs LO 53.

Advising (led by Philip Marshall KC) a European bank in connection with its involvement in certain tax-driven transactions generating liabilities of some EUR 300 million being imposed on it. The advice covered jurisdictional and choice of law issues, together with advice on the potential availability of section 25 CJA relief.

Advising (unled) in a potential claim which, if it had proceeded, would have been brought by the French victims of an audacious fraud pursuant to which they were duped to invest in a fake "investment platform". This fraud has already been the subject of extensive French criminal proceedings which were brought due to the sheer scale of the fraud

and the number of victims affected. The case gave rise to interesting issues regarding the scope of, dishonest assistance, knowing receipt and unjust enrichment claims.

Advising (unled) a Saudi national on a potential claim against a Dubai International Financial Centre (DIFC) entity and a Saudi entity related to the IPO of a company on the Saudi stock exchange. The claim, if it had been brought, would likely have raised novel issues regarding the scope of the DIFC court's jurisdiction. It would also have raised complex issues of Sharia law. Very serious allegations of fraud had already been made against Adil's client by the potential defendants.

Acting (led by Hugh Norbury KC) for the claimant in *Mototrak Ltd v FCA Australia Pty Ltd*. This was a dispute involving a provider of online marketing solutions for the motor industry. The claimant brought a claim of over AUS\$30 million for unpaid fees and loss of profits against the Australian arm of a car manufacturer. In its defence, the manufacturer made serious allegations of bribery, contending that various contracts were obtained through corruption. A 3- week trial took place in the Commercial Court in early 2018: see [2018] EWHC 990 (Comm). This is now an important authority on the law of bribery at civil law.

Acting (led by Hugh Norbury KC) for a corporate guarantor in the latest instalment of the long-running saga of the attempts by Dubai Islamic Bank to recover over US\$400 million arising out of the settlement of a fraud against the bank. The case - *Dubai Islamic Bank v Oiax Ltd* - raises novel issues of the effect of foreign illegality on an English law contract. It was due for trial in the first half of 2019 in the Commercial Court.

Acting (led by Daniel Lightman KC) for the claimant in *Mahdavi v Sterling Avram and Healys LLP*, the victim of a fraudulent property sale in which the purchase monies were misappropriated by being paid out to third parties by a fraudster working as a consultant at the purported purchaser's law firm. Claims were brought against the purported vendor's and the purchaser's solicitors for breach of duty.

Advising (unled) the trustees of a substantial Bermuda trust which had invested large sums of money (several millions of pounds) in a fund which gave exposure to investments in a number of high-risk jurisdictions in Africa and Asia. There was a concern that the fund was in fact run as a Ponzi-type scheme.

Advising (led by Daniel Lightman KC) in relation to potential very substantial claims in fraud and misrepresentation relating to the subscription of shares in a group of companies which was significantly less valuable than it was claimed to be. The claim settled on favourable terms for Adil's client. Had the claim not settled, it would have been issued as a substantial fraud claim in the Chancery Division.

Acting (led by Philip Jones KC and Daniel Lightman KC) for the defendants in *National Crime Agency v Perry and others*, a complex multi-million pound civil recovery claim (believed to be the largest ever). The case raised questions of fraud, tracing, foreign law, insurance, limitation and contractual construction (amongst many others). It also raised complex procedural and disclosure issues (*National Crime Agency v Perry* [2014] EWHC 3759 (QB)). The case started as a very substantial civil recovery claim brought against Israel Perry (an Israeli citizen convicted of having stolen hundreds of millions of Deutschemarks from Israelis) and related entities. The proceedings were discontinued by the NCA and resulted in the NCA having to pay indemnity costs (*National Crime Agency v Perry* (November 2014, unreported)). The Perry entities then sued the NCA for the loss of investment opportunities, including an opportunity to purchase Camden Markets. The claim, which was eventually settled out of court, was in excess of £200 million.

Acting (led by Paul Girolami KC) for the defendants in LMAA arbitration proceedings concerning a complex dispute relating to the construction of superyachts. Various serious allegations of fraud were made in the course of the proceedings, including an allegation that evidence had been manufactured by the claimant for the purposes of misleading the tribunal in the defendants' successful security for costs application. Adil also assisted with the related defamation proceedings, in which his client was sued for more than £100 million by various Turkish entities. This generated two important decisions: *Ontulmus v Collett* [2014] EWHC 294 (security for costs); *Ontulmus v Collett* [2014] EWHC 4117 (costs). Adil is also advising (unled) in relation to related proceedings brought by a Maltese

national in the courts of Malta. The claim raises potential issues of fraud and ultimately arises out of what may have been a Ponzi-type scheme implemented by a Turkish national in relation to the construction of super-yachts.

Advising in relation to a potential multi-million pound claim about directors diverting business opportunities from a group of companies.

Acting (led by Dominic Dowley KC) for the main defendant in *Elektromotive Group Ltd v Pan*, High Court proceedings in which there were allegations that a company had been sold at an artificially inflated price. The case gave rise to complex questions about how to value a company's potential loss.

Acting (led by Justin Higgo) in *Spencer-Churchill v Faggionato*, a High Court dispute arising out of the sale of an artwork worth several millions of pounds. Justin and Adil were acting for the defendant, who was alleged to have received secret commissions as part of the sale of the artwork.

Acting (led by Hugh Norbury KC) for the principal defendant in *FM Capital Partners Ltd v Marino and others*, a high-value dispute relating to alleged breaches of duty relating to investments made by a Libyan sovereign wealth fund.

Advising (led by Nicholas Lavender KC) in relation to very substantial claims and cross-claims brought in Jersey by and against the former Chairman of a group of companies owning very valuable infrastructure assets across Europe. This resulted in a substantial judgment of the Royal Court (*Vilsmeier v Al Airports International Limited & Ors* [2014] JRC 257). Adil acted for the companies. The claims and cross-claims gave rise to complex questions relating to the scope of a director's fiduciary duties.

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## Commercial Litigation

Acting (led by Jonathan Adkin KC) for the dissenting petitioners in one of the largest appraisal actions in Bermuda following the amalgamation of two holding companies in the Jardine group of companies (a Fortune 500 group with revenue in excess of US\$100 billion in 2021).

Acting (led by Hugh Norbury KC) for the claimant in a confidential multibillion-dollar arbitration in the Singapore International Arbitration Centre. The case concerns a claim for breach of NDAs and breach of confidence.

Acting (led by Philip Marshall KC) in *Lin & Ors v Lin & Ors*, a substantial piece of commercial litigation in the courts of the BVI, concerning the ownership of BVI companies which ultimately own extremely valuable real assets in China.

Acting (led by Jonathan Adkin KC) for the dissenting petitioners in the context of this substantial appraisal action following the merger of Changyou.com. Adil has been instructed to appear in the appeal which is due to be heard before the Privy Council concerning the interpretation of Part XVI of the Cayman Islands Companies Act.

Acting for the claimants (which included a wealthy Middle Eastern client) in the *Lutfi v Choudhury* litigation, a substantial breach of fiduciary duty and fraud claim against certain of their former advisers in connection with their management of various extremely valuable assets located in the UK.

Acting (led by Philip Marshall KC) in *BRG NOAL GP S.a.r.l v Kowski* [2022] EWHC 867 (Ch) for the claimants, a private equity fund with investment commitments in excess of EUR 1 billion and its current general partner. They sought to enforce, by way of interim and final injunctions, certain undertakings given by the founders of the fund. The case gave rise to novel and complex issues concerning the application of Article 4 of the Rome I Regulation, *forum non conveniens*, the proper approach to anti-suit type relief in the context of covenants not to sue and the availability of section 25 CJA 1982 relief as an alternative to relief in support of extant English proceedings.

Acting (led by Mark Howard KC and Jonathan Adkin KC) in *Wong v Grand View PTC & others* for the five defendant

Trustees in what is believed to be the largest claim ever brought before the Bermudian Courts and one of the largest private claims anywhere in the world. The litigation concerned the creation of five trusts worth in excess of US\$15 billion (though holding shares in a Taiwanese conglomerate and certain other valuable assets). The case raised a wide range of complex legal and factual issues including allegations of lack of authority, mistake, undue influence and forgery. Serious allegations of dishonesty were made against a number of the witnesses. The trial was heard in April 2021 to September 2021 and judgment was handed down in June 2022. A substantial appeal is scheduled to be heard in 2025.

Acting (led by Jonathan Adkin KC) for the successful defendant in *Magdeev v Tsvetkov & Ors*, a high-profile piece of civil fraud and commercial litigation involving various Russian individuals who had invested in a jewellery business in the United Arab Emirates and Cyprus. The trial lasted three weeks, with significant media coverage. Cockerill J's judgment ([2020] EWHC 887 (Comm)) contains a detailed analysis of the law on foreign illegality and is also a leading authority on the drawing of adverse inferences.

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Acting (led by Professor Jonathan Harris KC) in *Municipality of Mariana v BHP Plc*. Adil was instructed to advise on certain jurisdictional issues arising out of this action brought by about 250,000 or so claimants in connection with the collapse of a dam in Brazil in 2018. The action was thought to be the largest ever brought in the English courts.

Acting (led by Daniel Lightman KC) for respondents in three unfair prejudice petitions and derivative claim relating to a substantial hotel business. *Re G&G Properties Ltd* [2020] Bus LR 762; [2020] 1 BCLC 1; [2020] BCC 236 is an important judgment of the Court of Appeal in which the pleading requirements in section 994 petitions were examined. Sir Nicholas Warren's judgment in *Re Bankside Hotels Ltd (No 2)* [2019] 2 BCLC 174 is another important judgment in the law of unfair prejudice, in which the Court held that trustees are not automatically responsible for the unfairly prejudicial conduct of the settlor of a trust holding 50% of the shares in the company. There have been other judgments in this litigation in which Adil was involved and which have been reported: [2019] 1 BCLC 434; [2018] BCC 617; [2018] 3 Costs LR 605, [2019] 1 Costs LO 43 and [2019] 1 Costs LO 53.

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Acting (led by Hugh Norbury KC) for the claimant in *Motortrak Ltd v FCA Australia Pty Ltd*. This was a dispute involving a provider of online marketing solutions for the motor industry. The claimant brought a claim of over AUS\$30 million for unpaid fees and loss of profits against the Australian arm of a car manufacturer. In its defence, the manufacturer made serious allegations of bribery, contending that various contracts were obtained through corruption. A 3- week trial took place in the Commercial Court in early 2018: see [2018] EWHC 990 (Comm). This is now an important authority on the law of bribery at civil law.

Acting (led by Hugh Norbury KC) for a corporate guarantor in the latest instalment of the long-running saga of the attempts by Dubai Islamic Bank to recover over US\$400 million arising out of the settlement of a fraud against the bank. The case - *Dubai Islamic Bank v Oiax Ltd* - raises novel issues of the effect of foreign illegality on an English law contract. It was due for trial in the first half of 2019 in the Commercial Court.

Acting (led by Daniel Lightman KC) for the claimant in *Mahdavi v Sterling Avram and Healys LLP*, the victim of a fraudulent property sale in which the purchase monies were misappropriated by being paid out to third parties by a fraudster working as a consultant at the purported purchaser's law firm. Claims were brought against the purported vendor's and the purchaser's solicitors for breach of duty.

Advising (led by Daniel Lightman KC) in relation to potential very substantial claims in fraud and misrepresentation relating to the subscription of shares in a group of companies which was significantly less valuable than it was claimed to be. The claim settled on favourable terms for Adil's client. Had the claim not settled, it would have been issued as a substantial fraud claim in the Chancery Division.

Acting (led by Hugh Norbury KC) in relation to a contractual dispute relating to the proper basis on which an individual with contacts in the gaming industry should be paid commission in respect of his referrals of online poker players to an electronic payments system provider. The liability trial took place in Michaelmas 2018 in the Commercial Court and was heard by Andrew Burrows KC (sitting as a deputy High Court Judge) (now Lord Burrows JSC): *Greenhouse v Paysafe Financial Services Ltd* [2018] EWHC 3296 (Comm).

Acting (led by John Machell KC) in *Campbell v Campbell* [2017] EWHC 182 (Ch), a case principally about the extent of a worldwide jewellery partnership. Adil also provided some assistance in relation to the Jersey proceedings in this dispute. Adil appeared before Murray Rosen KC (sitting as a deputy judge) for the claimant in a 9-day trial in the Chancery Division. The court heard complex arguments regarding principles of partnership law, contract, reflective loss, estoppel and limitation. The court also heard arguments on the extent of its winding up powers.

Acting (led by Philip Jones KC and Daniel Lightman KC) for the defendants in *National Crime Agency v Perry and others*, a complex multi-million pound civil recovery claim (believed to be the largest ever). The case raised questions of fraud, tracing, foreign law, insurance, limitation and contractual construction (amongst many others). It also raised complex procedural and disclosure issues (*National Crime Agency v Perry* [2014] EWHC 3759 (QB)). The case started as a very substantial civil recovery claim brought against Israel Perry (an Israeli citizen convicted of having stolen hundreds of millions of Deutschemarks from Israelis) and related entities. The proceedings were discontinued by the NCA and resulted in the NCA having to pay indemnity costs (*National Crime Agency v Perry* (November 2014, unreported)). The Perry entities then sued the NCA for the loss of investment opportunities, including an opportunity to purchase Camden Markets. The claim, which was eventually settled out of court, was in excess of £200 million.

Acting (led by Paul Girolami KC) for the defendants in LMAA arbitration proceedings concerning a complex dispute relating to the construction of superyachts. Various serious allegations of fraud were made in the course of the proceedings, including an allegation that evidence had been manufactured by the claimant for the purposes of misleading the tribunal in the defendants' successful security for costs application. Adil also assisted with the related defamation proceedings, in which his client was sued for more than £100 million by various Turkish entities. This generated two important decisions: *Ontulmus v Collett* [2014] EWHC 294 (security for costs); *Ontulmus v Collett* [2014] EWHC 4117 (costs). Adil is also advising (unled) in relation to related proceedings brought by a Maltese national in the courts of Malta. The claim raises potential issues of fraud and ultimately arises out of what may have

been a Ponzi-type scheme implemented by a Turkish national in relation to the construction of super-yachts.

Acting (with Daniel Lightman) for the claimant in *Perry v C Hoare & Co*, a claim against a private bank for breach of various duties, including duties under FSMA.

Advising in relation to a potential multi-million pound claim about directors diverting business opportunities from a group of companies.

Acting (led by Hugh Norbury KC) for the defendant in *Greenhouse v Skrill Ltd*, a contractual dispute about the terms governing a commercial relationship. The claim is in the Commercial Court.

Acting (led by Hugh Norbury KC) for the claimant in *Cornwall v Medichem*, a contractual dispute about non-payment of commission and breach of confidence brought in the Commercial Court.

Acting (led by Jonathan Adkin KC) for the defendant in *Certus Capital Ltd v Publity AG*, a substantial claim relating to the alleged introduction of an investor to an asset manager of German commercial real estate.

Acting (unled) for an Italian football club in *Pencill Hill Ltd v US di Citta di Palermo SpA* in relation to various issues arising out of the enforcement of a substantial arbitral award.

Acting (led by Hugh Norbury KC) for the principal defendant in *FM Capital Partners Ltd v Marino and others*, a high-value dispute relating to alleged breaches of duty relating to investments made by a Libyan sovereign wealth fund. The claim included allegations of breach of fiduciary duty, bribery, dishonest assistance and conspiracy. Adil's client was the subject of a worldwide freezing order. The quantum of the claim was well in excess of US\$50 million.

Acting (unled) for the defendants in related High Court and arbitral proceedings concerning a crude oil sale contract for the sale of crude oil in Nigeria.

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## Private Client Trusts and Probate

Acting in substantial multi-jurisdictional probate dispute relating to the estate of a wealthy American businessman and collector of art.

Acting (led by Lance Ashworth KC) for the claimant beneficiary in a circa \$30 million claim for dishonest breaches of trust. The claim had been listed for a 5-week trial in the High Court commencing in July 2022 and settled shortly before that.

Acting (led by Mark Howard KC and Jonathan Adkin KC) in *Wong v Grand View PTC & others* for the five defendant Trustees in what is believed to be the largest claim ever brought before the Bermudian Courts and one of the largest private claims anywhere in the world. The litigation concerned the creation of five trusts worth in excess of US\$15 billion. The case raised a wide range of complex legal and factual issues including allegations of lack of authority, mistake, undue influence and forgery. The case will be the first to consider the operation of the non-charitable purpose trust regime in Bermuda, including the requirements of the Trusts (Special Provisions) Act 1989 (as amended). The trial was heard in April 2021 to September 2021 and judgment was handed down in June 2022. A substantial appeal is scheduled to be heard in 2025.

Instructed (in 2020) to act as an expert in Swiss proceedings concerning an English trust holding very valuable assets. Adil opined on complex issues relating to the remuneration and reimbursement of former trustees.

Acting (led by Mark Howard KC and Jonathan Adkin KC) in *Wong & Anor v Grand View PTC*. The case raises the issue of whether the appointment of a new beneficiary and the distribution of assets to that new beneficiary amounted



to a breach of trust. The case also raises issues of remoteness of vesting. Adil appeared as a called barrister in the first instance decision ([2019] SC (Bda) 37 Com (5 June 2019)) (a rare event for any junior), which was overturned by the Court of Appeal in April 2020 (Civil Appeal No. 5A of 2019, 20 April 2020) (a decision of Clarke P (formerly a Lord Justice of the English Court of Appeal)). The Privy Council allowed the appeal ([2022] UKPC 47).

Acting (led by Jonathan Adkin KC) in *Hagen v Hagen*, a substantial and much-publicized divorce involving the family behind Viking River Cruises (settled confidentially). Adil acted for a company ultimately partly held by a Cayman Islands trust. Adil successfully opposed the proposed addition of the company to the divorce proceedings.

Acting (led by Alan Boyle KC and Jonathan Adkin KC) in relation to *Beddoe* proceedings brought by the trustees of very substantial non-charitable purpose trusts in Bermuda containing assets worth billions of pounds. Proprietary claims had been made against the trust funds. Adil assisted Leading Counsel in *Trustee 1 & Ors v Attorney General & Ors* [2015] SC (Bda) 41 Com (Bermuda), the first case to consider an application for *Beddoe* relief made by the trustees of a non-charitable purpose trust. Adil was also involved in all of the interlocutory applications made during the course of those lengthy *Beddoe* proceedings: (i) whether a particular document was disclosable and whether privilege could be maintained over it (*Trustee 1 et al v Respondent 1 et al* [2014] SC Bda 24 Com, overturned on appeal by the Court of Appeal for Bermuda [2014] CA (Bda) 3 Civ); (ii) discovery obligations of trustees in *Beddoe* proceedings (*Trustee 1 et al v The Attorney General et al* [2014] SC (Bda) 52 Com); (iii) whether a party to *Beddoe* proceedings should be able to use material disclosed in them to attack the trusts or trustees in the action to which those proceedings relate (*Trustee N & Ors v The Attorney General & Ors* [2015] SC (Bda) 50 Com); and (iv) the ruling as to the costs of the *Beddoe* proceedings (*Trustee L & Ors v The Attorney General & Ors* [2016] SC (Bda) 50 Com).

Advising a Norwegian bank in respect of potential claims against the estate of a Norwegian shipping tycoon who died resident in Guernsey. The issues Adil considered included detailed analysis of how the estate regime in Guernsey worked and the routes through which an estate could be sued in circumstances where it did not have an executor or administrator. The substantive dispute related to substantial unpaid sums under various loans to the deceased and companies related to the deceased.

Advising in relation to a complex application for a limited grant of probate in respect of the estate of an international businessman domiciled abroad.

Advising (unled) the trustees of a substantial Bermuda trust which had invested large sums of money (several millions of pounds) in a fund which gave exposure to investments in a number of high-risk jurisdictions in Africa and Asia. There was a concern that the fund was in fact run as a Ponzi-type scheme.

Advising (with Liz Jones KC) the existing beneficiaries of a discretionary Mauritian trust in relation to the decision of the trustee to add a further beneficiary.

Advising on whether a property transferred during the course of a long-term relationship was held on constructive or resulting trust.

Assisting with advising a trustee of a trust of which the sole beneficiary was a highly successful banker in relation to potential very substantial claims against the trustee of an employee benefit trust.

Advising on the rights and obligations of a protector of substantial Jersey trusts.

Advising on a dispute relating to the ownership of properties in Jersey raising issues of constructive trust, resulting trust, proprietary estoppel and unjust enrichment.

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## Company

Acting (led by Jonathan Adkin KC) for the dissenting petitioners in one of the largest appraisal actions in Bermuda following the amalgamation of two holding companies in the Jardine group of companies (a Fortune 500 group with revenue in excess of US\$100 billion in 2021).

Acting (led by Jonathan Adkin KC) for the dissenting petitioners in the context of this substantial appraisal action following the merger of Changyou.com. Adil has been instructed to appear in the appeal which is due to be heard before the Privy Council concerning the interpretation of Part XVI of the Cayman Islands Companies Act.

Acting (led by Daniel Lightman KC) for respondents in three unfair prejudice petitions and derivative claim relating to a substantial hotel business. *Re G&G Properties Ltd* [2020] Bus LR 762; [2020] 1 BCLC 1; [2020] BCC 236 is an important judgment of the Court of Appeal in which the pleading requirements in section 994 petitions were examined. Sir Nicholas Warren's judgment in *Re Bankside Hotels Ltd* (No 2) [2019] 2 BCLC 174 is another important judgment in the law of unfair prejudice, in which the Court held that trustees are not automatically responsible for the unfairly prejudicial conduct of the settlor of a trust holding 50% of the shares in the company. There have been other judgments in this litigation in which Adil was involved and which have been reported: [2019] 1 BCLC 434; [2018] BCC 617; [2018] 3 Costs LR 605, [2019] 1 Costs LO 43 and [2019] 1 Costs LO 53.

Acting (led by John Machell KC) in *Lockwood v Rhoades-Brown* for the defendants to a claim in which the claimants sought (amongst other things) the dissolution of certain companies through which a global business of advertising sales and publishing was run. Adil gave advice on complex points of company law, including the way in which a subscription of shares operates

Advising (led by Daniel Lightman KC) in relation to potential very substantial claims in fraud and misrepresentation relating to the subscription of shares in a group of companies which was significantly less valuable than it was claimed to be. The claim settled on favourable terms for Adil's client. Had the claim not settled, it would have been issued as a substantial fraud claim in the Chancery Division.

Advising (led by Nicholas Lavender KC) in relation to very substantial claims and cross-claims brought in Jersey by and against the former Chairman of a group of companies owning very valuable infrastructure assets across Europe. This resulted in a substantial judgment of the Royal Court (*Vilsmeier v Al Airports International Limited & Ors* [2014] JRC 257). Adil acted for the companies. The claims and cross-claims gave rise to complex questions relating to the scope of a director's fiduciary duties.

Acting (led by Hugh Norbury KC) for the principal defendant in *FM Capital Partners Ltd v Marino and others*, a high-value dispute relating to alleged breaches of duty relating to investments made by a Libyan sovereign wealth fund. The claim included allegations of breach of fiduciary duty, bribery, dishonest assistance and conspiracy. Adil's client was the subject of a worldwide freezing order. The quantum of the claim was well in excess of US\$50 million. Advising in relation to a potential multi-million pound claim about directors diverting business opportunities from a group of companies.

Acting (led by Dominic Dowley KC) for the main defendant in *Elektromotive Group Ltd v Pan*, High Court proceedings in which there were allegations that a company had been sold at an artificially inflated price. The case gave rise to complex questions about how to value a company's potential loss.

Assisting Daniel Lightman KC in relation to a claim against nominee directors concerning their handling of assets of the company.

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## Partnership and LLP

Acting (led by John Machell KC) for the intervener in the Supreme Court appeal concerning whistleblowing and worker status of LLP members in *Bates van Wilkenhof v Clyde & Co LLP* [2014] UKSC 32.

Acting (led by John Machell KC) in *Lockwood v Rhoades-Brown* for the defendants to a claim in which the claimants sought (amongst other things) the dissolution of what they alleged to be a partnership.

Acting (led by John Machell KC) in *Campbell v Campbell* [2017] EWHC 182 (Ch), a case principally about the extent of a worldwide jewellery partnership. Adil also provided some assistance in relation to the Jersey proceedings in this dispute. Adil appeared before Murray Rosen KC (sitting as a deputy judge) for the claimant in a 9-day trial in the Chancery Division. The court heard complex arguments regarding principles of partnership law, contract, reflective loss, estoppel and limitation. The court also heard arguments on the extent of its winding up powers.

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## International and Offshore

Acting (led by Jonathan Adkin KC) for the dissenting petitioners in one of the largest appraisal actions in Bermuda following the amalgamation of two holding companies in the Jardine group of companies (a Fortune 500 group with revenue in excess of US\$100 billion in 2021).

Acting (led by Philip Marshall KC) in *Lin & Ors v Lin & Ors*, a substantial piece of commercial litigation in the courts of the BVI, concerning the ownership of BVI companies which ultimately own extremely valuable real assets in China.

Acting (led by Jonathan Adkin KC) for the dissenting petitioners in the context of this substantial appraisal action following the merger of Changyou.com. Adil has been instructed to appear in the appeal which is due to be heard before the Privy Council concerning the interpretation of Part XVI of the Cayman Islands Companies Act.

Acting (led by Mark Howard KC and Jonathan Adkin KC) in *Wong v Grand View PTC & others* for the five defendant Trustees in what is believed to be the largest claim ever brought before the Bermudian Courts and one of the largest private claims anywhere in the world. The litigation concerned the creation of five trusts worth in excess of US\$15 billion. The case raised a wide range of complex legal and factual issues including allegations of lack of authority, mistake, undue influence and forgery. Serious allegations of dishonesty were made against a number of the witnesses. The trial was heard in April 2021 to September 2021 and judgment was handed down in June 2022 ([2022] SC (Bda) 44 Com). Adil's clients were largely successful in defending the claims made against them. Consequential issues were determined by a judgment in August 2022 ([2022] SC (Bda) 60 Com). Both judgments are now under appeal to the Bermuda Court of Appeal, with an appeal scheduled to be heard in 2025. As part of the interlocutory and trial process, the Bermuda Supreme Court has handed down decisions on various issues (in relation to all of which Adil was involved), including: (i) general discovery principles and the iniquity exception to legal professional privilege ([2020] SC (Bda) 33 Com, 5 August 2020); (ii) purging contempt for breach of the implied undertaking ([2020] SC (Bda) 52 Civ, 10 December 2020); (iii) specific discovery based on "practical control" and joint interest privilege ([2020] SC (Bda) 57 Com, 30 December 2020); (iv) the withdrawal of non-admissions ([2021] SC Bda Com, 11 March 2021); (v) the approach to obtaining evidence from a third party ([2021] SC (Bda) 22 Com, 22 March 2021); (vi) the application of the open justice principle in relation to a remote hearing ([2021] SC (Bda) 32 Com, 16 April 2021); and (vii) hearsay notices ([2021] SC (Bda) 46 Com, 9 June 2021).

Advising (unled) a Saudi national on a potential claim against a Dubai International Financial Centre (DIFC) entity and a Saudi entity related to the IPO of a company on the Saudi stock exchange. The claim, if it had been brought, would likely have raised novel issues regarding the scope of the DIFC court's jurisdiction. It would also have raised complex issues of Sharia law. Very serious allegations of fraud had already been made against Adil's client by the potential defendants.

Instructed (in 2020) to act as an expert in Swiss proceedings concerning an English trust holding very valuable assets. Adil opined on complex issues relating to the remuneration and reimbursement of former trustees.

Acting (led by Mark Howard KC and Jonathan Adkin KC) in *Wong & Anor v Grand View PTC*. The case raises the issue of whether the appointment of a new beneficiary and the distribution of assets to that new beneficiary amounted to a breach of trust. The case also raises issues of remoteness of vesting. Adil appeared as a called barrister in the first instance decision ([2019] SC (Bda) 37 Com (5 June 2019)) (a rare event for any junior), which was overturned by the Court of Appeal in April 2020 (Civil Appeal No. 5A of 2019, 20 April 2020) (a decision of Clarke P (formerly a Lord Justice of the English Court of Appeal)). The Privy Council allowed the appeal ([2022] UKPC 47).

Advising (unled) the trustees of a substantial Bermuda trust which had invested large sums of money (several millions of pounds) in a fund which gave exposure to investments in a number of high-risk jurisdictions in Africa and Asia. There was a concern that the fund was in fact run as a Ponzi-type scheme.

Acting (led by Alan Boyle KC and Jonathan Adkin KC) in relation to *Beddoe* proceedings brought by the trustees of very substantial non-charitable purpose trusts in Bermuda containing assets worth billions of pounds. Proprietary claims had been made against the trust funds. Adil assisted Leading Counsel in *Trustee 1 & Ors v Attorney General & Ors* [2015] SC (Bda) 41 Com (Bermuda), the first case to consider an application for *Beddoe* relief made by the trustees of a non-charitable purpose trust. Adil was also involved in all of the interlocutory applications made during the course of those lengthy *Beddoe* proceedings: (i) whether a particular document was disclosable and whether privilege could be maintained over it (*Trustee 1 et al v Respondent 1 et al* [2014] SC Bda 24 Com, overturned on appeal by the Court of Appeal for Bermuda [2014] CA (Bda) 3 Civ); (ii) discovery obligations of trustees in *Beddoe* proceedings (*Trustee 1 et al v The Attorney General et al* [2014] SC (Bda) 52 Com); (iii) whether a party to *Beddoe* proceedings should be able to use material disclosed in them to attack the trusts or trustees in the action to which those proceedings relate (*Trustee N & Ors v The Attorney General & Ors* [2015] SC (Bda) 50 Com); and (iv) the ruling as to the costs of the *Beddoe* proceedings (*Trustee L & Ors v The Attorney General & Ors* [2016] SC (Bda) 50 Com).

Advising a Norwegian bank in respect of potential claims against the estate of a Norwegian shipping tycoon who died resident in Guernsey. The issues Adil considered included detailed analysis of how the estate regime in Guernsey worked and the routes through which an estate could be sued in circumstances where it did not have an executor or administrator. The substantive dispute related to substantial unpaid sums under various loans to the deceased and companies related to the deceased.

Advising (with Liz Jones KC) the existing beneficiaries of a discretionary Mauritian trust in relation to the decision of the trustee to add a further beneficiary.

Advising (led by Nicholas Lavender KC) in relation to very substantial claims and cross-claims brought in Jersey by and against the former Chairman of a group of companies owning very valuable infrastructure assets across Europe. This resulted in a substantial judgment of the Royal Court (*Vilsmeier v Al Airports International Limited & Ors* [2014] JRC 257). Adil acted for the companies. The claims and cross-claims gave rise to complex questions relating to the scope of a director's fiduciary duties.

Advising (unled) in relation to proceedings brought by a Maltese national in the courts of Malta. The claim raises potential issues of fraud and ultimately arises out of what may have been a Ponzi-type scheme implemented by a Turkish national in relation to the construction of super-yachts.

Adil also has substantial experience in assisting with the preparation of expert reports (on English law and the laws of other common law jurisdictions) for use in foreign proceedings.

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## Insolvency

Advising on, and appearing in, a number of bankruptcy and insolvency proceedings in the High Court and in County Courts.

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## Chancery

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## Matrimonial Finance: Trusts and Company law

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## Recommendations

Private Client Global Elite Directory (2023)

Fraud: Civil (Chambers UK Bar, 2022, 2023, 2024)

Dispute Resolution: Commercial Chancery (Chambers Global, 2021, 2022, 2023)

Chancery: Commercial (Chambers UK Bar, 2021, 2022, 2023, 2024)

Commercial Litigation (The Legal 500, 2020, 2021, 2022, 2023, 2024)

Offshore (The Legal 500, 2019, 2020, 2021, 2022, 2023, 2024)

Civil Fraud (The Legal 500, 2021, 2022, 2023, 2024)

Private Client Trusts & Probate (The Legal 500, 2021, 2022, 2023, 2024)

Asset Recovery (Who's Who Legal: UK Bar 2019)

Fraud: Civil (Who's Who Legal: UK Bar 2018, 2019, 2020, 2021, 2022, 2023)

Legal 500 top ten commercial barrister under eight years of call (2016, 2017)

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## Quotes

*"Really bright and very user friendly, he works incredibly hard and turns stuff around overnight."* (Chambers & Partners, 2024)

*"Very responsive, hugely hardworking and someone who gets into the detail, he masters documents more quickly and better than the other side. He offers diligence and great understanding alongside responsiveness."* (Chambers & Partners, 2024)

*"Easy to work with and very responsive, he's commercially minded and very strategic and pragmatic in his approach. Great with clients, he uses commercial language with them rather than legal jargon. He's very good on his feet, very persuasive, and a barrister who fights really hard for his client."* (Chambers & Partners, 2024)

*"Adil is unbelievably knowledgeable, bright and hard-working. He is exceptionally good."* (Chambers UK Bar, 2024)

*"Adil is phenomenally smart and extremely astute on very complex court matters. He is excellent at cutting to the heart of issues and superb on black-letter law."* (Chambers UK Bar, 2024)

*"He is very strategic, commercially minded and pragmatic."* (Chambers UK Bar, 2024)

*"Really bright and very user friendly, he works incredibly hard and turns stuff around overnight."* (Chambers UK Bar, 2024)

*"Very responsive, hugely hardworking and someone who gets into the detail, he masters documents more quickly and better than the other side. He offers diligence and great understanding alongside responsiveness."* (Chambers UK Bar, 2024)

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*"Adil Mohamedbhai is regularly called upon to handle complex and high-value disputes involving allegations of bribery, conspiracy, dishonest assistance and breach of fiduciary duty. He offers expertise in securing freezing injunctions and disclosure applications."* (Chambers UK Bar, 2024)

*"Adil is a fantastic advocate. His legal knowledge is second to none and brilliant litigation instincts"* (Legal 500, 2024)

*"Adil is one of the best juniors at the Commercial and Chancery Bar, and plainly destined for great things. He is highly intelligent, has excellent legal knowledge and experience, and wonderful litigation instincts. He also works ferociously hard."* (Legal 500, 2024)

*"Adil has an extremely sharp mind and an encyclopaedic knowledge of civil fraud law. His attention to detail is phenomenal, and he is able to identify issues of fact and law that that may be imperceptible to others."* (Legal 500, 2024)

*"Adil is highly competent and industrious. He can provide good advice within tight deadlines on a wide range of issues. He is invariably pleasant to deal with."* (Legal 500, 2024)

*"Adil is an outstandingly able, cerebral lawyer and has first-rate powers of analysis. He is extremely diligent and well-organised and always meets his deadlines."* (Legal 500, 2023)

*"Adil is an excellent barrister who combines technical and strategic skills. He can pick holes in a case that no one else usually does. He is always on top of the facts, provides excellent commercial advice and his written advocacy is excellent."* (Legal 500, 2023)

*"Adil is brilliant. His attention to detail is superb and he is calm and strategic even under great pressure."* (Legal 500, 2023)

*"He is extremely thorough and hardworking, and keeps on top of all the detail of a large case. The whole team relies on him for his knowledge of the case and his ability to turn round work within tight deadlines."* (Legal 500, 2023)

*"Adil is very intelligent and picks up points that nobody else does."* (Chambers UK Bar, 2023)

*"He is very easy to work with and has a calm and reassuring manner."* (Chambers UK Bar, 2023)

*"Adil is an excellent advocate. He is calm under pressure and strong strategically."* (Chambers UK Bar, 2023)

*"Adil is technically brilliant with a keen commercial awareness and understanding of clients."* (Chambers UK Bar, 2023)

*"Adil is very dedicated and hard-working."* (Chambers UK Bar, 2023)

*"Adil Mohamedbhai is regularly called upon to handle complex and high-value disputes involving allegations of bribery, conspiracy, dishonest assistance and breach of fiduciary duty. He offers expertise in securing freezing injunctions and disclosure applications."* (Chambers UK Bar, 2023)

*"Super, super commercial and super, super direct, he is a brilliant barrister to put in front of clients as he's very succinct and very good at tailoring his advice to what the client needs."* (Chambers UK Bar, 2022)

*"He is great to work with, very straightforward and extremely commercial. He's very technically sound and very good at looking at the commercial strategies behind things."* (Chambers UK Bar, 2022)

*"He is conspicuously bright, a very effective and accomplished advocate both in writing and orally, and has a superb commercial brain."* (The Legal 500, 2022)

*"A responsive, very commercial and pragmatic barrister. He is a real asset to any team and I find that commercial clients especially appreciate his direct and no nonsense style."* (The Legal 500, 2022)

*"Adil works with some of the biggest hitters in the market and is brilliant at dealing with the particular issues that arise in offshore litigation."* (The Legal 500, 2022)

*"Meticulous, detailed, and with a formidable memory. He is extremely hardworking and stands out in a set that demonstrably has many excellent juniors."* (The Legal 500, 2022)

*"An excellent junior who is very good value for money. He goes above and beyond to make sure the drafting is in top shape, and he's very nice to deal with." "He grasps complicated concepts quickly and has a very practical approach to complex legal problems. He simplifies issues and gets to the results."* (Chambers UK Bar, 2021)

*"A true mega brain and a brilliant member of any legal team – a must have Junior."* (The Legal 500, 2021)

*"Has a brilliant strategic and legal mind, and gets wonderfully with the large and complicated teams formed to fight massive trust cases. He has a peerless understanding of trust law and will be a star of the future in this field."* (The Legal 500, 2021)

*"He brings to the table a razor-sharp intellect and a collegiate approach."* (The Legal 500, 2021)

*"Has a formidable intellect and work ethic to match, he is fantastic to work with and has excellent judgement."* (The Legal 500, 2021)

*"insightful and diligent with an excellent grasp of both the detail of cases and their wider objectives". Sources note he is "incredibly user-friendly, combining excellent technical and soft skills".* (Who's Who Legal, 2020)

*"A top junior counsel – smart, very responsive, and great to work with."* (The Legal 500, 2020)

*"Punchy, thoughtful and direct, he is always on his client's side."* (The Legal 500, 2020)

## **Publications**

Contribution to *The Law of Limited Liability Partnerships* (4<sup>th</sup> edition (2016) and 5<sup>th</sup> edition (2021))

Contribution to *Contentious Trade Mark Registry Proceedings* (CITMA)

## **Prizes**

Joint highest grade in the Competition Law paper in the University of Cambridge LLM in 2003 – 2004

Cambridge Commonwealth Trust Scholarship, 2003

Hauser Global Scholarship (to attend NYU; scholarship committee chaired by the President of the International Court of Justice), 2003

The Margaret Hastings Prize, Girton College, University of Cambridge, 2003

The Sir Henry Tomkinson Scholarship, Girton College, University of Cambridge, 2001 – 2004

The Thomas & Elizabeth Walton Award, Girton College, University of Cambridge, 2001 – 2004

The Squire Scholarship, University of Cambridge, 2001 – 2003

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## **Education & Qualifications**

MA in Law, Girton College, University of Cambridge (Double First, ranked among the top five students)

LLM, Girton College, University of Cambridge (First)

Legal Practice Course (Distinction)

## **Memberships**

Association of Partnership Practitioners

Chancery Bar Association

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