



Hugh Norbury QC

Year of Silk: 2012 Year of Call: 1995

"Has a fierce attention to detail, I would hate to be cross-examined by him."

Legal 500 (Fraud: Civil)

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Practice Overview

Hugh has a broad commercial and chancery practice, with a particular emphasis on cases involving fraud or breach of fiduciary duty. He is recommended by the leading directories in all his principal practice areas.

In 2018 he acted primarily on a £100m+ conspiracy claim brought by a credit hire company against a number of firms of solicitors and experts they instructed (*Accident Exchange v Autofocus* and others). This settled shortly before a scheduled 14-week trial from October 2018. Other cases this year include: an undue influence case involving the setting aside of a settlement agreement involving an Isle of Man company holding various properties in London derived from a significant Malawian enterprise; a contractual dispute between a private equity firm and its former corporate finance advisor and a claim arising out of the alleged attempt by a Russian oligarch to divest himself of assets prior to an adverse High Court judgment and bankruptcy; a bribery claim brought by Fiat Chrysler Australia against a former webpage designer; a contractual dispute involving the online gambling industry.

Recent cases have involved: A breach of confidence dispute between two private equity firms over control of a massive infrastructure investment; - issues relating to a Malaysian company's ownership of English company through which Malaysian infrastructure assets with a value of over €100 million were held; a dispute relating to the participation of Guernsey companies and trusts in investing in the London property market (*Newmarket v Confiance* and others); - the German law of promissory notes; - the terms and effect of the standard licences granted by racecourses to on-course bookmakers; - the ownership of the bulk of the remaining Welsh coal fields; - the operation of a commission agreement relating to on-line payment systems; - a company dispute relating to a well-known restaurant chain. From 2011 to 2013, Hugh was principally involved in the *BTA Bank v Ablyazov* litigation, culminating in leading his client's defence in a 14 week trial in the Commercial Court reported at [2013]

EWHC 510 (Comm)).

Hugh's offshore caseload spans insolvency and breach of director's duties (Isle of Man), trusts and banking (Jersey and Guernsey) in recent years.

Areas of Expertise

Civil Fraud

Accident Exchange Limited v Autofocus and others: A £127 million conspiracy claim brought by a firm of credit hire providers against experts and solicitors previously involved in litigation against the credit hire providers. Hugh acts with Dan McCourt Fritz for some of the solicitor defendants in ongoing litigation.

FM Capital Partners Ltd v Frederic Marino [2015]: Alleged breaches of duty and fraud relating to the investment of the Libyan sovereign wealth fund.

Newmarket Holdings (Guernsey) Limited v Confiance Limited and others [2015]: Acting for trustee and corporate defendants in a claim relating to the holding companies in a London property development business (including allegations of deceit).

Coca Cola Enterprises v Corry and others [2013-2014]: Led the successful recovery of all losses suffered by the Claimant drinks company as a result of bribes paid to a senior manager.

Otkritie v Urumov & others [2012]: Advised a potential defendant in a well-publicised banking fraud.

BTA Bank v Abyazov & others [2013] EWHC 510 (Comm): Multi billion pound commercial fraud claim concerning the management of a Kazakh bank. 12 week trial concluded in February 2013.

Cherney v Neuman & others [2009] EWHC 1743 (Ch): Acting unled for one of the world's richest men (as claimant) in a £10 million breach of fiduciary duty and professional negligence claim arising out of dealing from 2005 to 2008 in the London property market.

Antonio Gramsci v Recoletos and others [2010] EWHC 1134 (Comm): Latvian commercial fraud worth approximately US\$90 million. Secured a freezing order followed by an order for a payment into court of approximately US\$40 million.

Tarkett kft v Knowles [2010]: Ancillary freezing injunction for €5 million relating to a Hungarian fraud, acting unled for the Hungarian subsidiary of a huge European flooring and textiles company against an associate of the managing director of the subsidiary.

Al-Khudairi v Silva: Acted from start (successful freezing injunction) to finish (8 day trial involving lengthy cross-examination of Defendants and securing judgment for nearly £2million) against a series of Defendants involved in the financial services industry who defrauded an elderly couple originally from Iraq, and in related professional negligence case against legal advisors who had failed to prevent the original transactions. Instructed by Francesca Kaye at Russell-Cooke, unled.

Pfizer v Jalal: Commercial fraud worth approximately £10 million concerning bribery by large pharmaceutical wholesalers and extensive abuse of Pfizer's rebate scheme. Settlements worth over £5 million already obtained. Summary judgment obtained on bribery claim in December 2007.

London Strategic Health Authority v Girish Pandya and others [2006-7]: Successful claim brought by the NHS against pharmacists and others in relation to alleged fraudulent claims for reimbursement of prescription charges.

Citibank v Dearsley [2006]: Freezing order (for £800,000) and judgment obtained against employee who had defrauded the bank.

Central Parking System v Lawrenson & others [2005]: Obtaining a freezing order for £4 million. Fraud and breach of fiduciary duty claims and accessory liability. Case settled.

Secretary of State for Health & others v Girgis [2004]: Obtained freezing order against alleged health tourist.

Pershing Securities Limited v Winterflood Securities Limited & others [2004/5]: Defence of £15 million dishonest assistance claim (also allegations of breaches of financial services regulations and duty of care) in the context of market-making on AIM.

Close Brothers v Robbins [2006]: Defending allegations of accessory liability and obtaining consensual discharge of injunction.

Blake v Blake [2006]: Defending allegations of fraud where ex parte freezing order obtained. Settled at mediation.

Metropolitan Police v Jackson [2005 - 2006]: Defending proceedings for fraudulent misrepresentation (including freezing order). Case settled.

Bowthorpe Holdings v Hills [2004]: Defending fraud and breach of fiduciary duty claim involving offshore trusts. Case settled.

Pratt v Couch: £1 million undue influence case involving disputed share transfers.

Secretary of State for Health & others v Norton Healthcare Limited & others [from 2004]: Part of a team representing the NHS in claims in excess of £100 million for losses arising out of an alleged cartel in the market for generic drugs.

Commercial Litigation

Hugh also acted in a dispute between the Federation of Racecourse Bookmakers (which represents on-site bookies at racecourses throughout Britain) and Jockey Club Racecourses (which runs a number of racecourses) over the terms and effect of the standard form licence granted by the racecourses to the bookies.

Hugh acts for a leading web services provider in a claim against a large car manufacturer. He helped his client prevent Australian proceedings against it through issuing an anti-suit injunction application; there is now an English claim of over AUS \$ 30 million against the car manufacturer for non-payment and loss of future profits under a contract to provide web services.

Accident Exchange Limited v Autofocus and others: A £127 million conspiracy claim brought by a firm of credit hire providers against experts and solicitors previously involved in litigation against the credit hire providers. Hugh acts with Dan McCourt Fritz for some of the solicitor defendants in ongoing litigation.

Deutsche Forfait v Alaghband [2015]: Proceedings to enforce a promissory note involving difficult issues of German law.

Newmarket Holdings (Guernsey) Limited v Confiance Limited and others [2015]: Acting for trustee and corporate defendants in a claim relating to the holding companies in a London property development business.

Greenhouse v Skrill [2014-2015]: An international commission dispute in the context of an on-line payment system and its use by online poker playing.

Scotting v JCT600 [2014 - 2015]: Issues of contractual construction arising out of a Share Purchase Agreement after the sale of a car dealership.

AOS v Kelway [2014-2015]: Breach of confidence claim arising out of the purchase of an IT company.

Ash Regeneration Incorporated v Celtic Energy Limited [2013-2015]: A dispute relating to the terms of a restructuring of a series of coal mines in South Wales.

Macquarie v EPIC [2012 onwards]: Multi-million pound contractual dispute.

BTA Bank v Ablyazov & others [2013] EWHC 510 (Comm): Multi billion pound commercial fraud claim concerning the management of a Kazakh bank. 12 week trial concluded in February 2013.

Antonio Gramsci v Recoletos and others [2010] EWHC 1134 (Comm): Latvian commercial fraud worth approximately US\$90 million. Secured a freezing order followed by an order for a payment into court of approximately US\$40 million.

Tarkett kft v Knowles [2010]: Ancillary freezing injunction for €5 million relating to a Hungarian fraud, acting unled for the Hungarian subsidiary of a huge European flooring and textiles company against an associate of the managing director of the subsidiary.

Pfizer v Jala!: Commercial fraud worth approximately £10 million concerning bribery by large pharmaceutical wholesalers and extensive abuse of Pfizer's rebate scheme. Settlements worth over £5 million already obtained. Summary judgment obtained on bribery claim in December 2007.

Pershing Securities Limited v Winterflood Securities Limited & others [2004/5]: Defence of £15 million dishonest assistance claim (also allegations of breaches of financial services regulations and duty of care) in the context of market-making on AIM.

DRC v ULVA [2006-2007]: Commercial trial concerning contractual construction in the context of exclusive supply contract for insulation material and exploring legal issue of loss suffered by a non-contracting group member under a contract.

Bowthorpe Holdings v Hills [2004]: Defending fraud and breach of fiduciary duty claim involving offshore trusts. Case settled.

Secretary of State for Health & others v Norton Healthcare Limited & others [from 2004]: Part of a team representing the NHS in claims in excess of £100 million for losses arising out of an alleged cartel in the market for generic drugs.

Timmins v Wolverhampton CC [2005 – 2006]: Commercial dispute relating to waste disposal. Obtained judgment and partial indemnity costs for approximately £1 million.

Misys International Banking Systems Limited v Morgan Laboratories Inc [2004-2006]: Breach of contract claim for approximately £1 million in the context of a chain of indemnities relating to business software licensing and development.

Vedatech v Crystal Decisions [2000 – 2004]: (Westlaw 2004 WL 1959749) Originally a contractual / restitutionary claim relating to software licensing in Japan. Later obtained an anti-suit injunction.

Conoco Phillips v Snamprogetti [2002 - 2003]: Year-long construction trial concerning an offshore gas compression project.

Phillips Petroleum United Kingdom Limited and others v British Gas Trading Limited [1999]: £70 million contractual dispute concerning the operation of a gas plant in Norfolk.

British and Commonwealth Holdings plc v Atlantic Computers [1998]: Large professional negligence and misrepresentation action.

Professional Negligence

Confidential litigation and mediation [2011-2012]: involving the fall-out from the collapse of a leading law firm.

Cherney v Neuman & others [2008 onwards]: Acting unled for one of the world's richest men (as claimant) in a £10 million breach of fiduciary duty and professional negligence claim arising out of dealings from 2005 to 2008 in the London property market. Trial in March 2011 (unled).

British and Commonwealth Holdings plc v Atlantic Computers [1998]: Large professional negligence and misrepresentation action.

Partnership and LLP

Confidential litigation and mediation [2011-2012]: involving the fall-out from the collapse of a leading law firm.

Private Client Trusts and Probate

Perczynski v Perczynski & others: Protracted Jersey trusts litigation.

Pratt v Couch: Undue influence case involving disputed share transfers.

Carr v Sen-Isard: Trial in Chancery Division in Oct-06 concerning severance of joint ownership by mutual wills in a valuable property in Kent.

Company

Blomqvist v Zavarco and Open Fibre [2016] EWHC 1143 (Ch): Hugh acted for the successful defendant, Open Fibre, a Malaysia company to which a large shareholding in an English company had been transferred. The claimant failed in its application to rectify the register so as to remove the shareholding.

Cherney v Neuman & others [2008-2011]: Acted unled for one of the world's richest men (as claimant) in a £10 million breach of fiduciary duty and professional negligence claim arising out of dealings from 2005 to 2008 in the London property market. Trial in March 2011 (unled).

Antonio Gramsci v Recoletos and others [2008-2010]: Latvian commercial fraud worth approximately US\$90 million. Secured a freezing order followed by an order for a payment into court of approximately US\$40 million.

Perczynski v Perczynski & others [ongoing from 2001]: Protracted Jersey trusts litigation.

Munro/Prosperity 4 v Wiles [2007]: complex chancery case involving issues of corporate management, control and authority.

Bowthorpe Holdings v Hills [2004]: Defending fraud and breach of fiduciary duty claim involving offshore trusts. Case settled.

McApline v McAlpine [2005-2006]: Dispute in relation to interests held in a substantial former home raising complex chancery issues.

Insolvency

In re Gizmondo [2014 - 2015]: section 238 proceedings arising out of the liquidation of the makers of handheld computer gaming consoles.

In re Foundations Program plc [2013-2015]: Various proceedings arising out of the collapse of an investment scheme in the Isle of Man.

Banking and Financial Services

Deutsche Forfait v Alaghband [2015]: Proceedings to enforce a promissory note involving difficult issues of German law.

Macquarie v EPIC [2012 onwards]: Multi-million pound contractual dispute.

INBS v Halabi [2009 onwards]: Acted in successful claim to recover Jersey bank debt.

Arbitration

Chancery

International and Offshore

Recommendations

Civil Fraud (*Who's Who Legal, 2020*)

Asset Recovery, Civil Fraud (*Who's Who Legal, 2019*)

Chancery: Commercial, Commercial Dispute Resolution, Fraud: Civil (*Chambers & Partners 2021*)

Dispute Resolution: Commercial Chancery (*Chambers Global 2018*)

Commercial Litigation, Fraud: Civil, Professional Negligence (*Legal 500 2021*)

Civil Fraud (*Who's Who Legal: UK Bar 2016*)

Quotes

"An incredible barrister who is very engaging, deals with clients incredibly well and has a great command of the law." "He is highly competent and clever." [Chambers & Partners, 2021 (Fraud: Civil)]

"User-friendly and excellent in terms of his strategy and tactics." "Hugh Norbury QC is incredible: he is very engaging, has a great command of the law and is incredibly hard-working." [Chambers & Partners, 2021 (Commercial Dispute Resolution)]

"He is incredible - very engaging and excellent at dealing with clients. He also has a great command of the law and is incredibly hard-working." "He is really brilliant, approachable and good to work with. He is happy to get stuck into the case." [Chambers & Partners, 2021 (Chancery: Commercial)]

"He has an exemplary eye for detail, quickly cuts to the heart of the issues and is a formidable cross-examiner." [The Legal 500, 2021 (Professional Negligence)]

"Leaves no stone unturned and is not afraid of rolling his sleeves up and getting stuck in, he is a great team player, ensuring members of the legal team at all levels are involved and their contribution recognised." [The Legal 500,

2021 (Commercial Litigation)]

"An outstandingly capable silk - immensely engaging and always a pleasure to work with." [The Legal 500, 2021 (Fraud: Civil)]

"He can roll up his sleeves and get involved in a messy case with murky facts. He never took a bad point." [Chambers & Partners, 2020 (Chancery: Commercial)]

"He has excellent insights, is very good with clients and cuts through issues very quickly." "He's thoughtful and analytical but gives a firm view when needed." [Chambers & Partners, 2020 (Fraud: Civil)]

"Very financially literate, very responsive, great to work with and highly user-friendly." "Hugh is very astute, and has a great capacity for quickly getting to grips with complex cases." [Chambers & Partners, 2020 (Commercial Dispute Resolution)]

"Great to work with, quick response rate at all hours, very bright and persuasive in court." [The Legal 500, 2020 (Commercial Litigation)]

"A very user-friendly silk who commands the confidence of the court." [The Legal 500, 2020 (Fraud: Civil)]

"Very able and excellent to deal with." [Legal 500, 2020 (Professional Negligence)]

"tactical and detailed in his strategy and execution." [Who's Who Legal, 2019 (Civil Fraud)]

"Has a calm exterior in court and comes across as a terribly engaging and pleasant individual. He doesn't cling to bad points and never wastes the court's time." [Chambers & Partners, 2019 (Chancery: Commercial)]

"Very hard-working and a delight to work with. A fantastic team player." "Very sensible." [Chambers & Partners, 2019 (Fraud: Civil)]

"Very astute and has a great capacity for quickly getting to grips with complex cases." "Personable, efficient and user-friendly, he has a very clear thought process." (Chambers & Partners, 2019 (Commercial Dispute Resolution)]

"An excellent communicator and a charming, as well as very able, advocate." [The Legal 500, 2019 (Commercial Litigation)]

"Has a fierce attention to detail, I would hate to be cross-examined by him." [The Legal 500, 2019 (Fraud: Civil)]

"Outstandingly able; a brilliant young silk and a total pleasure to work with." [The Legal 500, 2019 (Professional Negligence)]

"Hugely impressive technically and has a supreme ability to engage with clients. Hugh cuts straight through issues and provides very practical and focused advice." "He's got a very calm, unflappable style in court." [Chambers & Partners 2018 (Chancery: Commercial)]

"An approachable and affable advocate, who provides comprehensive advice in a clear, well-packaged way." "Has a measured and incredibly persuasive style of oral advocacy." [Chambers & Partners 2018 (Commercial Dispute Resolution)]

"He has court presence. The inexorable power of what he will say weighs heavily. He is a brilliant support." [Chamber & Partners 2018 (Faud: Civil)]

"Hugely impressive technically and has a supreme ability to engage with clients. Hugh cuts straight through issues and provides very practical and focused advice." "He's got a very calm, unflappable style in court." [Chambers Global 2018 (Dispute Resolution: Commercial Chancery)]

"Rolls up his sleeves and gets stuck in, a delight to work with" [Legal 500 2017 (Leading silks : Commercial

Litigation)]

"Extremely clever, commanding and tenacious in court; he knows how to win fraud cases" [Legal 500 2017 (Leading silks: Civil)]

"Very astute" [The Legal 500 2017 (Leading silks : Professional negligence)]

"Extremely good with clients, he always manages to make even the incredibly complex seem simple." "What was impressive was his ability to mix the hard analysis with the difficult practical issues facing the client." [Chambers & Partners 2017 (Commercial Dispute Resolution)]

"He's incredibly dedicated to detail." "He has an understated way of presenting his case which really has you listening to him. He holds the attention of the judge." [Chambers & Partners 2017 (Fraud:Civil)]

"A "very charming" silk with a wealth of experience. He has the skills to handle a variety of matters at the Chancery Bar, but is especially well known for complex civil fraud cases." "Tactically he is right on the money." "He is really quite exceptional and a pleasure to deal with. His arguments are excellent and well judged." [Chambers & Partners 2017 (Chancery: Commercial)]

"A calm but powerful presence; you wouldn't want to be cross-examined by him." [The Legal 500 2016 (Commercial Litigation)]

"A class act and the first choice in a crisis; he is cool and measured with a core of steel." [The Legal 500 2016 (Fraud: Civil)]

"His calm and very powerful presence combined with clear analysis gives him real imposing authority" [The Legal 500 2016 (Professional Negligence)]

"He is just a great pleasure to work with and incredibly experienced. He is hands-on and proves very good in court." [Chambers & Partners 2016 (Chancery: Commercial)]

"A wonderfully creative and hard-working young silk who is a pleasure to work with." "Incredibly bright and particularly good with clients." [Chambers & Partners 2016 (Commercial Dispute Resolution)]

"What was impressive was his ability to mix the hard analysis with the difficult practical issues facing the client." [Chambers & Partners 2016 (Fraud: Civil)]

"His advice is always realistic and he doesn't raise the temperature unnecessarily." [The Legal 500 2015 (Commercial Litigation)]

"Really good at keeping the team focused on the big picture in a massively complex situation." [The Legal 500 2015 (Fraud: Civil)]

"Energetic, enthusiastic and excellent to work with." [The Legal 500 2015 (Professional Negligence)]

"He is extraordinarily pleasant to deal with and a wonderful team player." [Chambers & Partners 2015 (Commercial Chancery)]

"He's very good with clients and is able to adjust the way he delivers advice according to circumstances." [Chambers & Partners 2015

(Fraud: Civil)]

"Enormous talent for a young silk; amazingly capable and a complete pleasure to work with." [The Legal 500 2014 (Fraud: Civil)]

"Highly regarded for his handling of complex large-scale commercial disputes". "He is extraordinarily pleasant to deal with and a wonderful team player." [Chambers & Partners 2014 (Chancery Commercial)]

"A popular recent silk who has particular expertise in civil fraud cases. Sources particularly appreciate him for his user-friendliness" [Chambers & Partners 2014 (Chancery: Dispute Resolution)]

"He is a fantastic barrister, who is intelligent and legally strong. He has the ability to formulate very good strategy with the end result in mind." [Chambers & Partners 2013 (Commercial Dispute Resolution)]

"Handles very difficult situations in a measured fashion, and doesn't take ridiculous positions." [Chambers & Partners 2013 (Chancery Commercial)]

"Exceptionally calm under pressure, he's very sensible and very commercial." [Chambers & Partners 2013 (Fraud: Civil)]

Hugh is described as "good on his feet", "outstandingly clear with clients" and "able to understand commercial realities." [Chancery commercial, Chambers and Partners 2012]

Lauded by interviewees for his "strategic foresight and sensible, cool head when under fire." [Fraud, Chambers and Partners 2012]

Has a "deceptively good" cross examination style [Fraud, The Legal 500 2012]

"a terrific advocate who flourishes in highly technical cases involving a cross-pollination of disciplines" [Fraud, Chambers and Partners 2010]

"A brilliant lawyer and great fun to work with" [Fraud, The Legal 500 2010]

"A great solicitor favourite.....praised for his "superior grasp of commercial issues and ability to devise strategies within cost-effective frameworks." [Fraud, Chambers and Partners 2009]

"tremendously creative, very focused and direct" and is praised for his "wonderfully clear advice" [Fraud, Chambers and Partners 2009]

Hugh has also been recognised for his "strategic awareness" and "strong people skills" [Fraud, Chambers and Partners 2008]

Publications

'Kaye takes up post as new Chancery Master' (May 2019) - CDR

Education & Qualifications

BA, Worcester College, Oxford

Dip. Law (Distinction), City University, London

LLM, Corporate & Commercial Law (Distinction), Kings College, London

Memberships

Commercial Bar Association

Chancery Bar Association
