

# Jon Turnbull

Year of Call: 2023 (Solicitor 2016)

<u>JTurnbull@serlecourt.co.uk</u> <u>clerks@serlecourt.co.uk</u>



### **Practice Overview**

Jon has a broad Commercial Chancery practice across Chambers' core practice areas with particular interests in Civil Fraud, Company, Insolvency and Banking & Finance related litigation.

Jon is currently appearing as part of a large counsel team (led by Hugh Norbury KC, Stuart Ritchie KC (Fountain Court) and Anna Dilnot KC (Essex Court)) for the claimant in *PIFSS v Al Rajaan*. The claim involves the Kuwaiti state pension seeking to recover over USD\$1bn from multiple defendants arising out of the alleged bribery of the former Director General of the fund. The trial is ongoing and expected to be one of the longest ever trials in the Commercial Court.

Jon joined chambers following successful completion of pupillage in which he assisted <u>Dan McCourt Fritz KC</u>, <u>Matthew Morrison KC</u>, <u>Thomas Elias</u>, <u>Harry Martin</u> and <u>Sparsh Garg</u>. This included working on three substantial High Court trials (in the Commercial Court and Chancery Division), and an appeal to the Court of Appeal.

Before joining Serle Court Jon was the Judicial Assistant to Lord Briggs of Westbourne in the Supreme Court of the United Kingdom and Judicial Committee of the Privy Council. During that time he worked on a number of high profile and important appeals, dealing with novel and complex issues of law. Notably this included *Byers v Saudi National Bank* [2023] UKSC 51, a landmark case on knowing receipt.

Jon was also previously a Judicial Assistant in the High Court. There he assisted a range of judges in the Queen's Bench Division and Commercial Court.

Prior to coming to the Bar, Jon was a Senior Associate in the Litigation & Investigations team at Allen & Overy LLP. During his career as a solicitor Jon represented large corporates and financial institutions in a range of high-value complex commercial disputes and regulatory investigations. He is therefore very used to handling heavy and complex multi-jurisdictional litigation.

Jon has also spent time on secondment to the Litigation and Regulatory Proceedings team at Goldman Sachs. He is therefore well versed in complex financial products and issues arising in large financial institutions.

## **Areas of Expertise**

## **Banking and Financial Services**

The Public Institution for Social Security v Al Rajaan & Ors

 Acting as part of a large counsel team (co-led by Hugh Norbury KC) for the Kuwaiti state pension fund in, a \$900+ million claim against multiple defendants arising out of the alleged bribery of the former Director General of the fund. The claim is listed for a trial to commence in March 2025 and not forecast to finish until March 2026.

Byers v Saudi National Bank [2023] UKSC 51; [2024] 2 W.L.R. 237

Assisted Lord Briggs JSC (as a judicial assistant) in relation to the recent landmark Supreme Court case
regarding whether a claim for knowing receipt in respect of shares transferred in breach of trust could be
maintained in circumstances where the claimant's equitable interest in the shares had been extinguished by
the time of receipt. Now the leading authority on knowing receipt.

Skatteforvaltningen (Danish Customs and Tax Administration) v Solo Capital Partners LLP (In Special Administration) [2023] UKSC 40; [2023] 3 W.L.R. 886

 Assisted Lord Briggs JSC (as a judicial assistant) in relation to a Supreme Court appeal regarding the "revenue rule" in relation to claims by the Danish tax authority to recover sums paid out allegedly as a consequence of dividend tax fraud.

Bilta (UK) Ltd (In Liquidation) v Tradition Financial Services Ltd [2023] 1 W.L.R. 2582

Assisted (as a judicial assistant) in relation to a Permission to Appeal application from [2023] EWCA Civ 112;
 [2023] Ch. 343 regarding the scope of section 213 of the Insolvency Act 1986 (fraudulent trading) and limitation issues arising from claims of dishonest assistance in relation to VAT carousel fraud.

Stanford Asset Holdings Ltd v AfrAsia Bank Ltd [2023] UKPC 35 (Mauritius)

 Assisted Lord Briggs JSC (as a judicial assistant) in relation to appeal to the Judicial Committee of the Privy Council regarding the availability of *Norwich Pharmacal* relief in Mauritius.

Jaffé v Greybull Capital LLP [2024] EWHC 2534 (Comm)

Assisted Thomas Elias (led by John Wardell KC) who appeared for the successful defendants in a three-week
Commercial Court fraud trial against an investment firm arising from the collapse of Monarch Airlines. The
judgment involves interesting consideration of the *Gestmin* approach to deciding between competing
recollections and the weight to be attached to contemporaneous records.

Norwich Pharmacal, Freezing and Proprietary Inunctions for UK bank (2023, Chancery Division)

 Assisted Dan McCourt Fritz KC and John Eldridge (as a pupil) obtaining Norwich Pharmacal relief and subsequent freezing and proprietary injunctions for a major UK bank seeking to recover money mistakenly paid away as a result of fraud.

Adare Finance DAC v Yellowstone Capital Management SA [2021] EWHC 2406 (Comm); [2021] EWHC 1680 (Comm); [2020] EWHC 2760 (Comm)

• Acted (as a solicitor) for an investment fund in relation to a debt claim and subsequent enforcement and asset tracing steps against an ultra-high net worth individual arising from the purchase of a luxury hotel.

BNP Paribas SA v Trattamento Rifiuti Metropolitani SPA [2020] EWHC 2436 (Comm)

Acted (as a solicitor) for BNP Paribas in successfully obtaining declaratory relief in respect of allegations of

mis-selling of interest rate swaps relating to a project financing in Italy.

Agate Assets SA v Banque Privee Edmond de Rothschild Europe SA (2020-2021, Commercial Court)

Acted (as a solicitor) for a German international bank in defence of a €30 million claim relating to alleged fraud
arising from sale of structured notes, including claims for unlawful means conspiracy, deceit, dishonest
assistance and negligence.

National Crime Agency v Odewale [2020] EWHC 1609 (Admin)

 Assisted McGowan J (as a judicial assistant) in relation to contested civil recovery proceedings under the Proceeds of Crime Act 2002 relating to identity theft fraud.

Re MF Global [2018] EWCA Civ 1327; [2019] Bus. L.R. 40 & [2018] EWHC 1372 (Ch); [2018] Bus LR 1

• Acted (as a solicitor) for a group of creditors challenging MF Global's Company Voluntary Agreement; ultimately successful before the Court of Appeal.

AC Scout Trading LLC v Ebullio Capital Management LLP (2016, Commercial Court)

 Acted (as a solicitor) for Société Generale successfully defending claims in unlawful means conspiracy relating to trading of tin derivatives on the London Metal Exchange.

Goldman Sachs International (2021-2022)

 Advised on wide variety of litigation and regulatory matters while on secondment to Goldman Sachs' in-house EMEA Litigation & Regulatory Proceedings team.

#### **Civil Fraud**

The Public Institution for Social Security v Al Rajaan & Ors

 Acting as part of a large counsel team (co-led by Hugh Norbury KC) for the Kuwaiti state pension fund in, a \$900+ million claim against multiple defendants arising out of the alleged bribery of the former Director General of the fund. The claim is listed for a trial to commence in March 2025 and not forecast to finish until March 2026. Assisted Lord Briggs JSC (as a judicial assistant) in relation to the recent landmark Supreme Court case
regarding whether a claim for knowing receipt in respect of shares transferred in breach of trust could be
maintained in circumstances where the claimant's equitable interest in the shares had been extinguished by
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 Assisted Lord Briggs JSC (as a judicial assistant) in relation to appeal to the Judicial Committee of the Privy Council regarding the availability of *Norwich Pharmacal* relief in Mauritius.

Carey Street Investments Limited (in liquidation) v Brown [2024] EWCA Civ 571

• Assisted Dan McCourt Fritz KC (as a pupil) in successfully defending an appeal against the dismissal of claims against a director and corporate services provider for alleged breaches of fiduciary duty.

Jaffé v Greybull Capital LLP [2024] EWHC 2534 (Comm)

Assisted Thomas Elias (led by John Wardell KC) who appeared for the successful defendants in a three-week
Commercial Court fraud trial against an investment firm arising from the collapse of Monarch Airlines. The
judgment involves interesting consideration of the *Gestmin* approach to deciding between competing
recollections and the weight to be attached to contemporaneous records.

DGL Group Limited v R & A Sales Limited (2024, Business List, Chancery Division)

• Assisted Matthew Morrison (as a pupil) in relation to claims in deceit and breach of fiduciary duty arising from commercial distribution arrangement for electronic goods.

Hyde v Park (2024, Supreme Court of Gibraltar)

• Assisted Dan McCourt Fritz KC (as a pupil) in defending claims brought under the Fraudulent Conveyances Act 1571 in relation to transactions allegedly intended to defraud creditors.

Isbilen v Turk [2024] EWHC 505 (Ch)

Assisting Dan McCourt Fritz KC and Andrew Gurr (as a pupil) in relation to claims in fraud and undue influence
arising from the misappropriation of c. £40m from a high net worth individual. In particular, assisting in relation
to the trial of a successful application to commit the defendant for failure to disclose traceable proceeds
pursuant to a freezing and proprietary injunction.

Taylor v Khodabaksh (2023, Business List, Chancery Division)

• Assisted Dan McCourt Fritz KC and Ramyaa Veerabathran (as a pupil) in relation to defending a claim to set aside a previous judgment on the basis it was procured by fraud.

Norwich Pharmacal, freezing and proprietary inunctions for UK bank (2023, Business List, Chancery Division)

 Assisted Dan McCourt Fritz KC and John Eldridge (as a pupil) obtaining Norwich Pharmacal relief and subsequent freezing and proprietary injunctions for a major UK bank seeking to recover money mistakenly paid away as a result of fraud.

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Acted (as a solicitor) for Commerzbank AG in defence of a €30 million claim relating to alleged fraud arising
from sale of structured notes, including claims for unlawful means conspiracy, deceit, dishonest assistance
and negligence.

National Crime Agency v Odewale [2020] EWHC 1609 (Admin)

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 Acted (as a solicitor) for Société Generale SA in successfully defending claims in unlawful means conspiracy relating to trading of tin derivatives on the London Metal Exchange.

Assisting Freedman J (as a judicial assistant) in relation to trial of a claim to set aside transactions as defrauding creditors (pursuant to section 423 Insolvency Act 1986).

Assisted Cockerill J (as a judicial assistant) in producing guidance for High Court judges on committal proceedings.

## **Commercial Litigation**

The Public Institution for Social Security v Al Rajaan & Ors

 Acting as part of a large counsel team (co-led by Hugh Norbury KC) for the Kuwaiti state pension fund in, a \$900+ million claim against multiple defendants arising out of the alleged bribery of the former Director General of the fund. The claim is listed for a trial to commence in March 2025 and not forecast to finish until March 2026.

Barton v Gwyn-Jones [2023] UKSC 3; [2023] A.C. 684

• Assisted Lord Briggs JSC (as a judicial assistant) in relation to a Supreme Court appeal regarding contractual interpretation, implied terms and unjust enrichment.

Sara & Hossein Asset Holdings Ltd v Blacks Outdoor Retail Ltd [2023] UKSC 2; [2023] 1 W.L.R. 575

Assisted Lord Briggs JSC (as a judicial assistant) in relation to Supreme Court appeal regarding the
interpretation of service charge provisions in a commercial lease, and the extent to which a "conclusive"
certificate could be challenged.

Attorney General of Trinidad and Tobago v Trinsalvage Enterprises Ltd [2023] UKPC 26 (Trinidad and Tobago); [2023] 1 W.L.R. 4045

Assisted Lord Briggs JSC (as a judicial assistant) in relation to a Privy Council appeal arising from a claim for a
quantum meruit.

Jaffé v Greybull Capital LLP [2024] EWHC 2534 (Comm)

Assisted Thomas Elias (led by John Wardell KC) who appeared for the successful defendants in a three-week
Commercial Court fraud trial against an investment firm arising from the collapse of Monarch Airlines. The
judgment involves interesting consideration of the *Gestmin* approach to deciding between competing
recollections and the weight to be attached to contemporaneous records.

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• Assisted Matthew Morrison (as a pupil) in relation to claims in deceit and breach of fiduciary duty arising from commercial distribution arrangement for electronic goods.

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Adare Finance DAC v Yellowstone Capital Management SA [2021] EWHC 2406 (Comm); [2021] EWHC 1680 (Comm); [2020] EWHC 2760 (Comm)

- Acted (as a solicitor) for an investment fund in relation to a debt claim and subsequent cross-border asset tracing and enforcement steps against an ultra-high net worth individual arising from the purchase of a luxury hotel.
- c. \$1bn offshore construction arbitration (2018-2019, ICC London Seat)
  - Acted (as a solicitor) for employer in a construction arbitration, involving claims and counterclaims totalling >\$1bn for breach of contract and misrepresentation arising out cancellation of an international under-sea gas pipeline.

Phones 4U Ltd (in administration) v EE Ltd [2018] EWHC 49 (Comm); [2018] Bus. L.R. 574

Acted (as a solicitor) for the administrators of Phones 4U in relation to contractual claims and counterclaims
worth several hundred million pounds against the mobile network EE arising from the insolvency of Phones 4U.
Including obtaining summary judgment on an important issue regarding repudiatory breach of contract
following insolvency.

#### Company

Re Chantacre Limited (2024, Insolvency and Companies Lists, Chancery Division)

• Assisted Matthew Morrison (as a pupil) in relation to unfair prejudice proceedings brought by minority shareholders in a construction business. Included successfully resisting summary judgment application.

Re Breton Park Residential Homes Limited (in Administration) (2023, Insolvency and Companies Lists, Chancery

#### Division)

 Assisted Dan McCourt Fritz KC and Ramyaa Veerabathran (as a pupil) in relation to contested administration proceedings and an unfair prejudice petition, arising from a dispute over control of a c.£50m family caravanpark business.

Kwok v Juan [2022] UKPC 52 (British Virgin Islands):

 Assisted Lord Briggs JSC (as a judicial assistant) in relation to appeal to the Judicial Committee of the Privy Council regarding an unfair prejudice petition and just and equitable winding up petition regarding a British Virgin Islands.

## Insolvency

Brake v Chedington Court Estate Ltd [2023] UKSC 29; [2023] 1 W.L.R. 3035

Assisted Lord Briggs JSC (as a judicial assistant) in relation to a Supreme Court appeal regarding the standing
of a bankrupt to challenge decisions of their trustee in bankruptcy pursuant to section 303 of the Insolvency
Act 1986.

Bilta (UK) Ltd (In Liquidation) v Tradition Financial Services Ltd [2023] 1 W.L.R. 2582

Assisted (as a judicial assistant) in relation to a Permission to Appeal application from [2023] EWCA Civ 112;
 [2023] Ch. 343 regarding the scope of section 213 of the Insolvency Act 1986 (fraudulent trading) and limitation issues arising from claims of dishonest assistance arising from VAT carousel fraud.

Re Breton Park Residential Homes Limited (in Administration) (2023, Insolvency and Companies Lists, Chancery Division)

 Assisted Dan McCourt Fritz KC and Ramyaa Veerabathran (as a pupil) in relation to contested applications for directions to administrators and injunctive relief in an unfair prejudice petition, arising from a battle for control of a £50m family caravan-park business.

Hyde v Park (2024, Supreme Court of Gibraltar)

• Assisted Dan McCourt Fritz KC (as a pupil) in defending claims brought under the Fraudulent Conveyances Act 1571 in relation to transactions allegedly intending to defraud creditors.

Re MF Global [2018] EWCA Civ 1327; [2019] Bus. L.R. 40 & [2018] EWHC 1372 (Ch); [2018] Bus LR 1

 Acting (as a solicitor) for a group of creditors successfully challenging MF Global's Company Voluntary Agreement; ultimately successful before the Court of Appeal.

Re Phones 4U Ltd (in administration) (2016-2021, Insolvency and Companies Court)

Acted (as a solicitor) for the administrators of Phones 4U in relation to various applications and disputes arising
in the administration.

TXU Europe Group (2016-2020)

 Acted (as a solicitor) for the administrators, liquidators and CVA supervisors of a number of TXU group companies in relation to the long-running insolvency of the energy company.

#### International and Offshore

Hyde v Park (2024, Supreme Court of Gibraltar)

• Assisted Dan McCourt Fritz KC (as a pupil) in defending claims brought under the Fraudulent Conveyances Act 1571 in relation to transactions allegedly intended to defraud creditors.

Contested Probate Claim (2024, British Virgin Islands High Court, Commercial Division)

• Assisted Sparsh Garg and Richard Wilson KC in relation to a contested application for grant of letters of administration in relation to the BVI estate of a member of a Middle Eastern royal family.

During his time at the Supreme Court, Jon assisted Lord Briggs JSC (as a judicial assistant) in relation to a number of appeals and petitions for special leave to appeal to the Judicial Committee of the Privy Council from the Cayman Islands, British Virgin Islands, Gibraltar, Jersey, Bahamas, Grenada, Trinidad & Tobago, Jamaica and Mauritius. In particular this included:

Attorney General v Jamaican Bar Association [2023] UKPC 6 (Jamaica)

 Assisted Lord Briggs JSC (as a judicial assistant) in relation to an appeal to the Judicial Committee of the Privy Council arising from a judicial review by the Jamaican Bar Association of the validity of the Jamaican antimoney laundering regime applicable to Attorneys-at-Law.

Stanford Asset Holdings Ltd v AfrAsia Bank Ltd [2023] UKPC 35 (Mauritius)

 Assisted Lord Briggs JSC (as a judicial assistant) in relation to appeal to the Judicial Committee of the Privy Council regarding the availability of *Norwich Pharmacal* relief in Mauritius.

Kwok v Juan [2022] UKPC 52 (British Virgin Islands)

 Assisted Lord Briggs JSC (as a judicial assistant) in relation to appeal to the Judicial Committee of the Privy Council regarding an unfair prejudice petition and just and equitable winding up petition regarding a British Virgin Islands company.

Deonarine v Ramcharan [2022] UKPC 57 (Trinidad and Tobago)

 Assisted Lords Briggs JSC (as a judicial assistant) in relation to an appeal to the Judicial Committee of the Privy Council regarding the validity of a compromise agreement between potential heirs on the basis it had allegedly been procured by fraud.

Maharaj v Trinidad and Tobago [2023] UKPC 17 (Trinidad and Tobago); [2023] 1 W.L.R. 2870

 Assisted Lord Briggs JSC (as a judicial assistant) in relation to an appeal to the Judicial Committee of the Privy Council arising from a judicial review of the validity of the purported extension of terms of office of local Councillors and Aldermen in Trinidad and Tobago.

Attorney General of Trinidad and Tobago v Trinsalvage Enterprises Ltd [2023] UKPC 26 (Trinidad and Tobago); [2023] 1 W.L.R. 4045

 Assisted Lord Briggs JSC (as a judicial assistant) in relation to an appeal to the Judicial Committee of the Privy Council arising from a claim for a quantum meruit for work done by a construction company pursuant to a contract which was rendered void for failure to fulfil public procurement rules.

Perry v Lopag Trust Reg [2023] UKPC 16 (Cayman Islands); [2023] 1 W.L.R. 3494

Assisted Lords Briggs JSC (as a judicial assistant) in relation to an appeal to the Judicial Committee of the
Privy Council arising from a claim to set aside a transfer of a share in a Cayman Islands holding company into a
Liechtenstein discretionary trust on the basis of equitable mistake.

Porter v Stokes [2023] UKPC 11(Trinidad and Tobago)

 Assisted Lords Briggs JSC (as a judicial assistant) in relation to an appeal to the Judicial Committee of the Privy Council arising from a claim to rectify a deed of conveyance including claims of fraud.

## Partnership and LLP

LLP Agreement Dispute (2024, Business List, Chancery Division)

Assisted Sparsh Garg in relation to an intended claim for breach of an LLP agreement.

McCarthy v Baggott (2024, Business & Property work, County Court at Birmingham)

• Assisted Matthew Morrison (as a pupil) in relation to a dispute arising from the termination of a partnership in the care sector.

#### **Private Client Trusts and Probate**

Bond v Webster [2024] EWHC 1972 (Ch)

Assisted Harry Martin (led by Clare Stanley KC) on a month-long trial of a contentious probate dispute
concerning the validity of a will and succession to shares in Bond International, one of the UK's largest tyre
wholesale businesses.

Contested Directions Application (2024, Trusts and Probate List, Chancery Division)

 Assisted Sparsh Garg and Richard Wilson KC in relation to a contested application for directions by an independent administrator of the English elements of a multi-jurisdictional estate which raised various conflicts of laws issues.

Contested Probate Claim (2024, British Virgin Islands High Court, Commercial Division)

 Assisted Sparsh Garg and Richard Wilson KC in relation to a contested application for grant of letters of administration in relation to a significant BVI estate.

Deonarine v Ramcharan [2022] UKPC 57 (Trinidad and Tobago)

 Assisted Lords Briggs JSC (as a judicial assistant) in relation to an appeal to the Judicial Committee of the Privy Council regarding the validity of a compromise agreement between potential heirs on the basis it had allegedly been procured by fraud.

Perry v Lopag Trust Reg [2023] UKPC 16 (Cayman Islands); [2023] 1 W.L.R. 3494

• Assisted Lords Briggs JSC (as a judicial assistant) in relation to an appeal to the Judicial Committee of the Privy Council arising from a claim to set aside a transfer of a share in a Cayman Islands holding company into a

Liechtenstein discretionary trust on the basis of equitable mistake.

## **Arbitration**

- c. \$1bn offshore construction arbitration (2018-2019, ICC London Seat)
  - Acted (as a solicitor) for employer in a construction arbitration, involving claims and counterclaims totalling >\$1bn for breach of contract and misrepresentation arising out cancellation of an international under-sea gas pipeline.

Distribution Agreement Arbitration (2016, JCAA, Tokyo Seat)

• Acted (as a trainee solicitor) for a Japanese automotive manufacturer in relation to a dispute over termination of a distribution agreement in Saudi Arabia.

#### **Education & Qualifications**

Solicitor, England & Wales, 2016 (not currently practising)

LLB (First Class), University of Law, London

Post-Graduate Diploma in Professional Legal Practice (LPC) (Distinction), University of Law, London

Graduate Diploma in Law (Distinction), College of Law, London

MA (Oxon.), Experimental Psychology (First Class), Magdalen College, University of Oxford

Demyship (scholarship), Magdalen College, University of Oxford

### **Memberships**

The Commercial Bar Association (COMBAR)

The Young Fraud Lawyers Association

The Contentious Trusts Association