



Sophia Hurst

Year of Call: 2014

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Practice Overview

Sophia has a busy commercial and chancery practice with an emphasis on commercial litigation, fraud, company and financial services and contentious trusts litigation. Recently returning to Chambers from a secondment at Agon Litigation in the British Virgin Islands, where she was admitted to the bar, she has a strong interest in transnational disputes.

Sophia's recent work includes acting (with David Blayney QC and Sophie Holcombe) for the claimants in a group action against British Airways under the GDPR following the theft of customers' data, and appearing (whilst on secondment) in the BVI Commercial Court for the respondents to asset disclosure and worldwide freezing orders in the context of joint venture claims said to be worth c.\$1 billion (*Renova Industries Ltd & ors v Emmerson International Corporation & ors* BVIHCOM 2013/160). Sophia was also instructed in *Yukos Finance B.V. & Ors v Stephen Lynch & Ors*, one of the Lawyer's Top 20 Cases of 2019.

Prior to coming to the Bar, Sophia worked in the Commercial team at the Law Commission, and taught contract law at Warwick University. She is a contributing author to *Gough on Company Charges* and PLC Corporate: questions for counsel.

Areas of Expertise

Civil Fraud

Renova Industries Ltd & ors v Emmerson International Corporation & ors: acted (on secondment at Agon Litigation) for various respondents to asset disclosure and worldwide freezing orders in the context of a joint venture dispute said to be worth c.\$1 billion.

BFS Group v Foley & ors [2017] EWHC 2799 (QB): led by Lance Ashworth QC, Sophia acted for defendant suppliers to the claimant logistics group in claims alleging bribery, dishonest assistance and fraudulent misrepresentation. They were successful in defeating the summary judgment application on part of the claim.

Avonwick & ors v Castle & ors: acted for a defendant in an unlawful means conspiracy claim for damages of US\$170m in relation to a settlement alleged to constitute a transaction defrauding creditors.

Acted (sole counsel) for a UK plc at trial, successfully defending allegations of fraud and breach of contract.

Commercial Litigation

Sophia appears in court on a range of interlocutory matters, including applications for interim injunctions, relief from sanctions, and to stay proceedings in support of arbitration.

Notable cases include:

Acting (with David Blayney QC and Sophie Holcombe) for claimants in a large group action against British Airways following the theft of customers' personal data in 2018.

Acted, led by Jonathan Adkin QC, for a defendant to claims arising out of the bankruptcy of the Russian oil company OAO Yukos Oil (Yukos Finance B.V. & ors v Stephen Lynch & Ors). The case was named as one of The Lawyer's Top 20 Cases of 2019.

Instructed as sole counsel in substantial claims for breach of a shareholders' agreement in relation to a joint venture in the digital entertainment sector.

Advised a debt collection services provider on defending a £2 million claim for alleged breaches of a management agreement, by which a Manx bank had outsourced the administration of block discounting agreements and asset finance agreements.

Assisted Ruth den Besten (led by Philip Marshall QC) in a successful appeal to the Court of Appeal concerning the correct test under CPR 23.13(2)(a) for an order for security for costs against a claimant not resident in a Brussels I Regulation state (*Ras al Khaimah v Bestfort LLP* [2016] EWCA Civ 1099).

International and Offshore

Much of Sophia's practice has an international element. She recently completed a 6-month secondment at Agon Litigation in the British Virgin Islands, and was admitted as a barrister of the Eastern Caribbean Supreme Court (Territory of the Virgin Islands) in October 2018.

Whilst at Agon, she appeared in the BVI Commercial Court and Court of Appeal in *Renova Industries Ltd & ors v Emmerson International Corporation & ors*, a dispute worth circa US\$1 billion between two prominent Russian businessmen and associated parties concerning a joint venture in relation to various power generation and distribution assets in Russia. She also appeared in the Commercial Court in *Donna Union Foundation v Koshigi & Ors*, where Agon acted for the Receiver appointed alongside worldwide freezing orders to support a London-seated LCIA arbitration.

Sophia is a Part II Registered Practitioner before the DIFC Courts.

Sophia regularly advises in relation to trust and asset-tracing matters arising in the offshore jurisdictions.

Private Client Trusts and Probate

Sophia regularly advises on and acts in contentious trusts matters both domestic and offshore, and has experience of a range of probate matters. She also accepts instructions as specialist Chancery counsel in relation to trust issues arising in matrimonial proceedings.

Notable cases include:

Re the estate of Scherbakov (Deceased) (ongoing) – acted (with Dakis Hagen QC and Emma Hargreaves) for certain beneficiaries in complex high value international probate litigation in London and BVI.

Davidson v Davidson: led by Giles Richardson, Sophia acted for the defendants to a high-profile dispute between settlors and beneficiaries over the ownership of jewellery, paintings and objet d'art worth over £17 million. The claim settled shortly before trial.

Van der Merwe v. Goldman [2016] EWHC 926 (Ch): Assisted Richard Wilson QC in a successful application on behalf of the claimant to set aside a trust settlement and transfers of property on grounds of mistake as to the tax consequences, with HMRC intervening.

Banking and Financial Services

Assisting with the independent third party review of RBS GRG complaints, chaired by Sir William Blackburne.

Advised a debt collection services provider on defending a £2 million claim for alleged breaches of a management agreement, by which a Manx bank had outsourced the administration of block discounting agreements and asset finance agreements.

Instructed, with Philip Marshall QC, by the administrators of Lehman Brothers Limited in the Lehman Brothers administration Waterfall III proceedings.

Prior to coming to the Bar, Sophia worked on the Law Commission's Consumer Rights Act 2015 and Bills of Sale projects, involving extensive research in the fields of consumer credit and secured finance. She is a member of the Secured Transactions Law Reform Project and is contributing to the forthcoming edition of *Gough on Company Charges*.

Company

Acted, led by Jonathan Adkin QC, for a minority shareholder in relation to an unfair prejudice petition and related employment proceedings including allegations of quasi-partnership.

Awan v Patel [2017] EWHC 1951 (Ch): led by Thomas Elias, Sophia acted for the successful defendants in a 5 day trial in the Chancery Division in a matter involving allegations that a business opportunity was wrongfully diverted from the partnership and issues as to the shareholdings and appointment of directors in the joint venture company.

Assisted Timothy Collingwood in proceedings involving rectification of the company register prior to a s.994 unfair prejudice petition.

Assisted Timothy Collingwood in a direct claim and derivative action against joint venture partners alleging breach of directors' duties in relation to a diverted corporate opportunity.

Sophia also has experience advising on the BVI Business Companies Act 2004.

Insolvency

Sophia regularly advises and appears in court on corporate insolvency and bankruptcy matters, both led and unled. She is particularly interested in the cross-section between insolvency and fraud matters.

Recent instructions include:

Instructed, with Philip Marshall QC, by the administrators of Lehman Brothers Limited in the Lehman Brothers administration Waterfall III proceedings.

Appeared as sole counsel in the High Court to obtain an injunction restraining the presentation of a winding-up petition on behalf of the UK subsidiary of a NASDAQ-traded company.

Advised a national debt charity on issues relating to council tax liability orders in personal bankruptcies.

Partnership and LLP

Awan v Patel [2017] EWHC 1951 (Ch): led by Thomas Elias, Sophia acted for the successful defendants in a 5 day trial in the Chancery Division in a matter involving allegations that a business opportunity was wrongfully diverted from the partnership and issues as to the shareholdings and appointment of directors in the joint venture company.

Private International Law

Sophia has a particular interest in private international law and regularly advises on issues of jurisdiction and choice of law. Recent instructions include:

IPCom GmbH & Co KG v Vodafone Group Plc [2019] EWHC 1255 (Pat): Acted, led by Prof. Jonathan Harris QC, in a jurisdiction challenge made under Article 30 of the Brussels Recast Regulation in a telecommunications intellectual property dispute. Instructed by Hogan Lovells.

Advising a BVI estate administrator on jurisdiction issues arising in the context of claims made against the worldwide estate

Arbitration

Sophia also accepts instructions to act in arbitrations and is familiar with the major sets of arbitration rules. She was instructed in substantial UNCITRAL arbitration in the energy and natural resources sector and has advised on enforcement matters arising out of an ICSID arbitration award. She also has experience of obtaining injunctions in the High Court under section 9 of the Arbitration Act 1966 to stay proceedings issued in breach of an arbitration agreement.

Publications

Contributing author to Gough on Company Charges (new edition forthcoming) and PLC Corporate law: Questions for Counsel

S Hurst, *Bribery in International Investment Transactions: the bank on the hook?* (2019) 34 JIBFL 321

[P.Marshall QC](#) and S.Hurst, *Jury's out on the SFO/Tesco Fraud Trial* (2018) *Economia*

S Hurst, *Sham Trusts and Putin's Banker* (2018) 33 JIBFL 6

S.Hurst and L.Gullifer, *The Bills of Sale Acts: Ripe for Reform?* (2013) 11 JIBFL 685

Scholarships & Prizes

Middle Temple Queen Mother Scholarship and Baron Dr Ver Heyden de Lancey Prize

University of Law Prizes for best overall BPTC student and best performance in Civil Litigation

Barry Nicholas Scholarship and Academic Exhibition, Brasenose College, Oxford

Education & Qualifications

BA Law with law studies in Europe (first class) - Brasenose College, University of Oxford

BCL (Distinction) - Brasenose College, University of Oxford

Licence droit (mention assez bien) - Université Paris II Panthéon-Assas

BPTC (Outstanding) - University of Law

Appointments

Admitted to the Bar of the Eastern Caribbean Supreme Court, Territory of the Virgin Islands - October 2018

Registered Part II Practitioner before the DIFC Courts - September 2019

Attorney General Civil Panel Junior Junior's Scheme

Memberships

ComBar

Chancery Bar Association

Secured Transactions Law Reform Project
