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Stephen Doherty

Year of Call: 2013



Practice Overview

Stephen has a commercial disputes practice with a focus on international arbitration, litigation, and financial services. His international work is predominantly based in the United Arab Emirates (UAE), and the wider GCC region, where he regularly appears in the Dubai International Financial Centre (DIFC) and Abu Dhabi Global Market (ADGM) Courts across a number of practice areas, as well as representing parties in arbitrations under a number of institutional rules, including the ICC, DIAC, DIFC-LCIA and ADCCAC.

Stephen is ranked by the Legal 500 in four practice areas: Commercial (Middle East, Tier 1), Banking & Finance (Tier 3), Commercial Litigation (London, Tier 5), and Construction (Tier 2). He is also ranked by Chambers Global for Dispute Resolution (Band 3) and International Arbitration (Band 4).

Stephen has been instructed as sole counsel in numerous multi-million dollar disputes, encompassing general commercial work (civil fraud, shareholder disputes, joint ventures, freezing injunctions etc.), as well as disputes within the fields of banking and financial services, employment, and construction. He has also been instructed in respect of a number of regulatory investigations by the Dubai Financial Services Authority (including investigations concerning the Abraaj Group), and has previously spent time on secondment at various regulatory authorities, including both the Enforcement and General Counsel's Division of the Financial Conduct Authority, and the Pensions Regulator.

Stephen has a first-class degree in History from Oxford University. He completed his Graduate Diploma in Law with distinction and achieved an outstanding grade in the Bar Professional Training Course.

Areas of Expertise

Commercial Litigation

Stephen has a substantial commercial disputes practice with a strong emphasis on international matters particularly in Middle-East with experience of advising and representing clients before the DIFC and ADGM Courts, and advising on jurisdictional and other issues that arise in the UAE.

He is often instructed to advise and appear in court in a range of other complex contractual and commercial disputes including a professional negligence, shareholder disputes, and civil fraud. Within his commercial disputes practice, Stephen is often instructed on banking and financial services matters, including in only the second ever successful claim for breach of the Quincecare Duty. He also regularly appears before the Courts in applications for injunctions, summary judgment / strike out, freezing orders, pre-action disclosure, Norwich Pharmacal orders, interim payments, and other forms of interlocutory relief.

Stephen also has experience in regulatory investigations, and has been instructed in the high-profile actions brought by the DFSA arising from the collapse of the Abraaj Group. At the Financial Conduct Authority, Stephen was also involved in a high profile investigation of a retail bank and has advised on numerous issues relating to pensions scams, authorisation of firms, passporting, and the scope of the FCA's powers under FSMA. He also has experience of a high profile criminal investigation, conducted by the Serious Fraud Office, into allegations of corruption and bribery against a large UK bank.

Examples of recent instructions include:

Albulahid & Or v Shehata & Ors [2023] CFI 079: Shareholder dispute concerning the ownership and control of a Dubai Clusters Free Zone Company, engaged in the development, sale, and distribution of medical software. A legally complex claim that encompasses issues of offshore company law, jurisdictional challenges, international intellectual property law, unfair prejudice, breaches of director duties, and alleged failures to disclose interests in transactions.

Maasun v Mousi & Ors [2022] DIFC CA 004: successful appeal in a \$30 million civil fraud case, leading to the substantive claim being dismissed.

AES Middle East Insurance Broker LLC v GSB Capital Limited [2023] CFI 060: Claim for conspiracy and inducing breach of contract in connection with a “team move”. Concerns related questions of the former employee’s duties of confidentiality, restrictive covenants and non-solicitation provisions. Stephen also acted in defence of an alleged contempt of court concerning alleged breaches of an interim injunction restraining the use of confidential information.

Rahamtalla v Expresso Telecom Group [2022] DIFC CA 002: DIFC Court of Appeal case concerning the application of penalties under the DIFC Employment Law, and limitation periods in the DIFC Court.

ASW Hospitality AG v MAG of Life FZ LLC: Claim by a group of Swiss hotel management and property consultants against a regional developer, arising from the sale of residential units at the Ritz Carlton Creekside.

Confidential [2024] DIAC Arbitration: Claim by a customer against a Bank in deceit, misrepresentation, breach of contract and negligence (including Quincecare duties), and regulatory laws.

GTC Trading SA v Hazem Abdolshahid Mahmoudi Rashed & Anr [2023] DIFC CFI 046: Enforcement proceedings in which the claimant obtained freezing and charging orders. The principal issue was whether the enforcement action exceeded the jurisdiction conferred on the DIFC Court by Article 7 of the Judicial Authority Law. The case considered the proper boundaries of the DIFC Court’s powers to enforce onshore judgments, as well as the question of the Court’s power to commit for contempt when the question of jurisdiction has not been finally determined, following the decision in *Sandra Holding*.

Lakhan v Lamia [2021] DIFC CA 001: Landmark case before the DIFC Court of Appeal leading to a shift in the interaction between the DIFC Court’s and the Joint Judicial Committee (led by James Counsell QC)

Aegis v Union Bank of India [2020] DIFC CFI 004: Successful claim against a bank for breach of the Quincecare Duty, in the context of online phishing fraud. A novel application of the Quincecare Duty to cyber-crime committed by third-parties, and only the second ever successful application of the duty which was established over thirty years ago.

Mingguo v Sadeghnia [2023] ADGM CFI-021: Shareholder dispute concerning the control of an ADGM FSRA regulated business. The principal issue that arose was whether the claim was a simple debt claim for payment of sums due for a controlling shareholding in the company, or whether the seller was entitled to rescind the agreement. The issue turned on conflict of laws, and what the governing law of the contract was in circumstances where it provided for disputes to be resolved by the “laws of the UAE”. The case is understood to be the first time the ADGM has adopted the approach of the DIFC Court in *Investment Group Private Limited v Standard Chartered Bank* [2015] DIFC CA 004, and the rescission claim was successfully struck out.

IGPL General Trading v Hortin Holdings & Ors [2021] DIFC CA 015: Court of First Instance and Court of Appeal proceedings concerning the application of the Duomatic principle of Company Law in the DIFC Courts.

Kaamil v Kaawa & ors [2020] CFI 032: Successful application (for the first time) of the rule against reflective loss in the DIFC Court, confirming that the rule applies notwithstanding assets being held in complex corporate and trust structures. The case concerns a \$30+ million civil fraud dispute.

Erik Rubingh v Veloqx RSC [2020] ADGMCFI 0006 (ADGM) which is an employment dispute in which Stephen obtained judgment for \$1 million, that has also raised novel issues in respect of the ADGM’s enforcement procedures that have previously been untested.

Al Soor Investments LLC & Ors v Julius Baer (Middle East) Limited & Ors [2019] CFI 088: Proceedings concerning the scope of the DIFC Court’s jurisdiction on an application for pre-action disclosure.

DFSA v KPMG: Acting as sole counsel in a high-profile regulatory investigation in the DIFC concerning the role of the auditors of the Abraaj Group.

Acting in a c. £80 million dispute in the UK High Court, including applications for freezing injunctions and disclosure orders at an interlocutory stage.

Acting in a £2+ million High Court claim for a property developer in a claim brought by an investor, raising issues of breach of contract, unlawful means conspiracy, knowing receipt / dishonest assistance, and fraudulent misrepresentation.

Advising and drafting pleadings in relation to a contractual dispute relating to the breach of terms of use of an online trading platform.

Obtaining judgment for £350,000 in a summary judgment application before the High Court. Successfully resisting summary judgment in High Court commercial dispute.

Advising and drafting pleadings in a £500,000 breach of a supply agreement. Advising in relation to a £250,000 dispute regarding breach of a loan agreement.

Advising and drafting pleadings in relation to the clawback of commission by an FCA regulated firm in relation to a number of insurance products.

Advising on a claim for unliquidated damages in a complex international dispute.

Representing a client in an application for injunctive relief in support of related arbitral proceedings.

Arbitration

Stephen has substantial experience of international arbitration, particularly in respect of disputes in the Middle-East, where he spent approximately two years on the ground in Dubai working at a leading UAE law firm, as lead advocate for their international arbitrations. In recent years he has acted as sole counsel, frequently against and before leading silks in the field, in a number of high-value and complex arbitrations, including disputes arising from major infrastructure projects (e.g. the construction of the Doha metro) and other unrealised commercial developments (e.g. stalled projects in major real estate developments).

Stephen also has experience of advising on, and appearing before Tribunals and Courts in respect of matters ancillary to arbitral proceedings, including jurisdictional challenges, applications for injunctive and other interim relief, applications for interim payments, disclosure applications, and other preliminary issues.

Stephen has experience of conducting arbitration disputes under some of the core arbitral rules including DIAC, ADCCAC, DIFC-LCIA, LCIA, SIAC and ICC Rules.

Some examples of recent cases include:

Acting as lead counsel in the defence of a £100+ million claim by a former joint venture partner, concerning the failed development of a tower in Downtown Dubai (SIAC).

Acting as lead counsel for the main contractor in a number of multi-million dollar arbitrations relating to the construction of the Doha Metro ahead of the FIFA World Cup, the largest infrastructure project undertaken in Qatar's history, and one of the largest infrastructure projects in the world (ICC).

Acting as lead counsel in the trial of a preliminary issue concerning the standing of a major UK company to arbitrate,

following it having allegedly acquired rights under an arbitration agreement from a subsidiary company that had been dissolved.

Acting as lead counsel for the Main Contractor in a suite of claims arising from the construction of a large greenfield project, with a combined value exceeding \$200 million (encompassing issues of delay and disruption) (ADCCAC).

Acting as a lead counsel for a real estate investor in an arbitration claim and counterclaim with a combined value of approximately \$200 million, due to the master developer's failure to hand over the plot or construct infrastructure (DIAC).

Acting as sole counsel for a Master Developer in a \$14 million arbitration claim against a sub-developer for breaches of its construction and payment obligations (DIAC).

Acting as lead counsel in a claim against a bank for losses sustained as a consequence of fraud, and breach of the bank's *Quincecare* Duty (DIAC).

Acting as lead counsel in a dispute between former shareholders of a company, concerning payments allegedly made in breach of trust (Ad hoc).

Acting as lead counsel in a dispute between a software company.

UAE & DIFC Litigation

Stephen has a substantial commercial disputes practice and is often instructed to advise and appear in court in a range of other complex contractual and commercial disputes including a professional negligence, shareholder disputes, and civil fraud. Within his commercial disputes practice, Stephen is often instructed on banking and financial services matters, including in only the second ever successful claim for breach of the *Quincecare* Duty. He also regularly appears before the Courts in applications for injunctions, summary judgment / strike out, freezing orders, pre-action disclosure, Norwich Pharmacal orders, interim payments, and other forms of interlocutory relief. Examples of Stephen's recent commercial litigation and arbitration cases are set out in the sections above.

Stephen also has considerable experience in litigating employment disputes in the UAE, including the DIFC and AGDM Courts. He has been involved in a number of leading cases before the DIFC Courts in relation to limitation periods, breach of contract, Article 19 penalties, breach of fiduciary duty, breach of confidentiality, and cases involving restrictive covenants and restraint of trade. As well as extensive trial experience, Stephen is regularly instructed in interlocutory applications relating to employment disputes, including interim injunctions and applications for immediate judgment / strike out.

Notable cases include:

AES Middle East Insurance Broker LLC v GSB Capital Limited [2023] CFI 060: Claim for conspiracy and inducing breach of contract in connection with a "team move". Concerns related questions of the former employee's duties of confidentiality, restrictive covenants and non-solicitation provisions. Stephen also acted in defence of an alleged contempt of court concerning alleged breaches of an interim injunction restraining the use of confidential information.

Moorkath v Expresso Telecom Group [2023] CFI 008: Important case concerning the nature and effect of the limitation provisions of the DIFC Employment Law, and the inter-relationship between claims under the Employment Law and other statutes (e.g. the Law of Obligations and Contract Law).

Lee International v Khan [2022] CFI 087: Claim by an employer for breach of fiduciary duty against a former employee, together with counterclaims concerning the payment of bonus and other additional payments.

Sharad Jain vs KAMCO Investment Company [2023] CFI 098: Claim for various allegedly unpaid employment entitlements, as well as residual entitlements under a carry agreement.

Abdelsalam v Expresso Telecom Group [2019] CFI 015: Important case concerning the transitional provisions between the 2005 and 2019 DIFC Employment Law, and their effect on time limits. The Court considered important questions about the application of the DIFC Employment Law to “fly in fly out” employees, the accrual and extinguishment of holiday entitlements, the distinction between fixed term and continuous employment contracts, unused employment benefits (e.g. air travel), and the application of the “relation back” principle in the DIFC Courts.

Jeffrey Stone v Abhi Fintech Limited [2023] 089: Claim by a former chief executive in respect of accrued share entitlement in a Fintech business that had not been transferred by his former employer.

Rahamtalla v Expresso Telecom Group [2022] DIFC CA 002: DIFC Court of Appeal case concerning the application of penalties under the DIFC Employment Law, and limitation periods in the DIFC Court.

Sethi v DWF Middle East LLP [2021] CFI 064: Claim by a former law firm partner in respect of various bonus entitlements.

Erik Rubingh v Veloqx RSC [2020] ADGMCFI 0006: Application for summary judgment for \$1 million, that has also raised novel issues in respect of the ADGM’s enforcement procedures that have previously been untested.

Awards

Lord Denning Scholarship, Lincoln's Inn

Hardwicke Scholarship, Lincoln's Inn

Memberships

Lincoln's Inn

COMBAR

Association of Pensions Lawyers

DIFC Part II Registered Advocate
