



Zoe O'Sullivan KC

Call: 1993 | Silk: 2015

...brilliant. She is super responsive, really intelligent and very, very practical. She is always available at the other end of the phone. She is very thorough but also very quick to get to the point, and concise with her advice.

CHAMBERS GLOBAL 2022

✉ zosullivan@serlecourt.co.uk ☎ +44 (0)20 7242 6105

Zoe O'Sullivan KC is a robust and experienced advocate who thrives on the challenges of oral advocacy and cross-examination.

She is recommended by Chambers & Partners UK Bar for Commercial Dispute Resolution, Banking & Finance, International Commercial Arbitration and Information Technology. Zoe is also recommended as a leading silk in Dispute Resolution (The English Bar – United Arab Emirates) by Chambers Global and the Legal 500.

Zoe is described in Chambers UK as “very easy to work with and very hands-on”, “very technically able” and “formidably bright”. The Legal 500 says: “Zoe is – even by the standards of the commercial bar – highly intelligent and extremely diligent: she is seriously very hard-working. As a result, she displays complete mastery of the documents and of the law. She is an extremely tough, but always fair and decent, opponent. A star silk for the future.”

Zoe's commercial/chancery practice spans a broad range including shareholder disputes/joint ventures, directors' duties, banking and finance, civil fraud, asset recovery, IT and outsourcing disputes, oil and gas, and shipbuilding. She is frequently instructed in jurisdiction disputes and in key interim applications including freezing orders, anti-suit injunctions, and applications under section 44 of the Arbitration Act 1996.

Zoe is also recognised as a leading silk in international commercial arbitration.

Zoe is registered in the DIFC and admitted to the Bar of the BVI.

Expertise

Arbitrators

Zoe has extensive experience as arbitration counsel.

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General enquiries

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Recent Cases

- Acting for the respondent in a DIAC arbitration where the claimant is claiming an introduction fee in respect of an Islamic facility.
- *Neal v Nadir* [2024] DIFCA 001 – Acting for the respondent in a USD 100m claim arising out of the parties' agreement to split their interests in a multi-national group of companies servicing oil and gas producers. Zoe is counsel in the arbitration and has also acted for the respondent in resisting enforcement in the DIFC Court of Appeal of interim measures ordered by the tribunal.
- *Shanghai Shipyard Co Ltd v Reignwood International Investment* [2021] EWCA Civ 1147 – Acting for the claimant shipowner in a USD 200m arbitration under LMAA rules concerning whether the shipyard had delivered a contractually compliant vessel so as to trigger the final payment obligation. She also appeared in the Court of Appeal in a claim by the shipyard under the performance guarantee.
- Acting for the respondent in an LCIA arbitration arising out of loan finance provided for a wind farm project. Acting for the claimant in a dispute arising out of the premature termination of a long term supply agreement.
- Acting for a Ukrainian businessman in an LCIA arbitration claim against a Russian state bank for the wrongful termination of a share purchase agreement relating to a distressed Ukrainian bank, including appearing on an application for interim relief under the LCIA's Emergency Arbitrator rules.
- *YYY Limited v ZZZ Limited* [DIFC] 2019 ARB 005 – Acting (with **Rupert Reed KC**) for the successful claimant in a landmark decision of the DIFC Court, refusing on public policy grounds to recognise a judgment of the Dubai Court of Cassation that an arbitration clause was invalid for lack of authority.
- Acting for the respondent to an LCIA arbitration claim for unfair prejudice and damages arising out of an agricultural joint venture in Ukraine which failed following the Russian invasion of Crimea in 2014.
- Acting for a Chinese individual in a Hong Kong seated ad hoc arbitration claim against Goldman Sachs for loss arising out of the delayed liquidation of a portfolio of derivatives contracts.
- Acting for the Kazakh claimant in an LCIA arbitration claim against a Chinese respondent arising out of a joint venture to exploit an oil exploration concession in Kazakhstan.
- *Interprods Ltd v De La Rue International Ltd* [2014] EWHC 68 (Comm) – Appearing for the claimant in its AA s. 67/68 application to set aside a partial award on the grounds of lack of jurisdiction and procedural unfairness.
- Acting for the claimant mining company in a dispute about the defective construction of a floating offshore transfer platform.
- Acting for a telecoms company opposing the enforcement in England of an Austrian New York Convention arbitration award for €268 million.
- Acting (with David Wolfson KC) for a major investment bank in an LCIA arbitration claim to enforce obligations under a cross-currency swap agreement with a Kazakh counterparty.
- *Zwiebel & Anr v Konig & Anr* [2009] EWCA Civ 892 – Acting for the Defendant in the Court of Appeal in his application to set aside an award of the Beth Din on grounds of lack of jurisdiction.
- *Tchigirinski v Orton Oil Company Ltd* [2009] EWHC 1739 (Comm) – Acting for the Claimant to obtain an interim injunction restraining a share transfer in support of a pending LCIA arbitration.
- Acting for the Claimant in a Hong Kong seated ICC arbitration arising out of a distribution agreement for Naxos recordings.
- Acting for a major water company in an ad hoc arbitration concerning the collection of sewerage charges by another water

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company.

Banking & Financial Services

Zoe is recommended in Banking & Finance by Chambers and Partners. Her experience includes acting for and against banks in a wide variety of cases involving letters of credit, guarantees, the ISDA Master Agreement and standard form loan and security documents.

Recent Cases

- *Carmon v Cuenda* [2024] DIFC CAS 003/2024 (26 November 2024) – Zoe acted for the successful applicant, in which the Dubai International Financial Centre Court of Appeal decided (overruling its own earlier decision in *Sandra Holding v Al Saleh*) that it does have jurisdiction to make freezing orders in support of foreign proceedings. This landmark decision puts the DIFC Court back in pole position as the gateway to effective enforcement of freezing orders in onshore Dubai.
- *Punjab National Bank v Neopharma LLC and Shetty* (CFI 079/2020, 24 January 2024) – Zoe acts for a number of Indian banks in their claims under personal guarantees given by Dr BR Shetty, the founder of the now insolvent NMC Healthcare Group, and has obtained judgment in favour of the banks in a number of cases.
- *Bank of Baroda v Shetty* (DIFC CFI-043-2020), 25 November 2024
- *Barclays Bank Plc v Shetty* [2020] DIFC CFI 061 (4 May 2021)
- *Shanghai Shipyard Co Ltd v Reignwood International Investment* [2021] EWCA Civ 1147 – Zoe appeared for the guarantor in an important Court of Appeal decision on the construction of guarantees.
- *Bugsby Property LLC v LGIM Commercial Lending Ltd* [2021] EWHC 1054 (Comm) – Zoe acted for Deutsche Finance International LLP, a respondent to a third party disclosure application where the judge accepted her submissions that disclosure should be made subject to a confidentiality club excluding lay representatives of the parties.
- *Lateef v Liela* [ARB 17 2020], 13 December 2021 – Zoe acted (with **Gregor Hogan**) for the successful claimants in the first Dubai International Financial Centre Court case to establish definitively that the DIFC Court has jurisdiction to grant freezing and asset disclosure orders in support of foreign proceedings.
- Acting for a Ukrainian businessman in an LCIA arbitration claim against a Russian state bank for the wrongful termination of a share purchase agreement relating to a distressed Ukrainian bank.
- Acting for the defendant to a claim by the Bank of Dubai to enforce a court judgment. Acting for a derivatives trader subject to freezing and proprietary injunctions.
- Advising the claimant as to its rights and obligations under a portfolio of Contracts for Differences governed by the 2002 ISDA Master Agreement.
- *Bank of Moscow v Chernyakov* [2016] EWHC 1353 (Comm) – Acting for the defendant Russian businessman, resisting enforcement of Russian court judgments totalling £150 million on public policy and human rights grounds.
- Acting for a bank, resisting a Bankers' Trust application for documents held by its foreign branch.
- Acting for corporate defendants in the *BTA Bank v Ablyazov* litigation brought by Kazakhstan's largest bank against its former managing director and majority shareholder.
- Acting for the borrower (with David Wolfson KC) in a dispute as to whether events of default had arisen under Facility Agreements granted for the purchase of Frankfurt real estate.

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- Acting in a claim to enforce a deed of guarantee given in relation to the restructuring of Parmalat Brazil.
- Acting (with David Wolfson KC) for a major British investment bank in an LCIA arbitration claim to enforce a cross-currency swap agreement against a foreign counterparty.
- Acting (with Jeffery Onions KC) for the defendant finance company in a dispute under a guarantee where the claimant alleged that guarantee was illegal under Singapore money lending legislation.
- *Standard Chartered Bank v Pakistan National Shipping Corporation* [2003] 1 AC 959 (liability appeal) [2001] EWCA Civ 55; *Standard Chartered Bank v Pakistan National Shipping Corporation* [2001] 1 All ER (Comm) 822 (quantum appeal) – Acting (with Jeffrey Gruder KC) for Standard Chartered Bank in the House of Lords, in a letter of credit fraud case which remains a leading case on directors' liability in fraud and the recoverability of lost management time as damages.
- *Niru Battery v Milestone Trading* [2001] 2 All ER Comm 705; *Niru Battery v Milestone Trading* [2004] EWCA Civ 487 – Acting (with Geraldine Andrews KC) for SGS, the international inspection company, in a letter of credit fraud claim, and in the contribution proceedings between SGS and Credit Agricole Indosuez, in which the Court of Appeal gave a leading decision on subrogation and contribution between defendants.

Civil Fraud

Zoe acted for the successful applicant in *Carmon v Cuenda* [2024] DIFC CAS 003/2024 (26 November 2024), in which the Dubai International Financial Centre Court of Appeal decided (overruling its own earlier decision in *Sandra Holding v Al Saleh*) that it does have jurisdiction to make freezing orders in support of foreign proceedings. This landmark decision puts the DIFC Court back in pole position as the gateway to effective enforcement of freezing orders in onshore Dubai.

Zoe acted (with **Gregor Hogan**) for the successful claimants in the first Dubai International Financial Centre Court case to establish definitively that the DIFC Court has jurisdiction to grant freezing and asset disclosure orders in support of foreign proceedings: *Lateef v Liela* [ARB 17 2020], 13 December 2021.

Zoe obtained a worldwide freezing and asset disclosure order in the BVI Court against a Ukrainian oligarch accused of defrauding one of Ukraine's biggest banks (2021).

Zoe obtained a worldwide freezing and asset disclosure order in a guarantee claim against Dr BR Shetty in the DIFC Court prior to obtaining immediate (judgment) for the full sum claimed *Barclays Bank Plc v Shetty* [2020] DIFC CFI 061, judgment dated 4 May 2021.

Zoe's experience in bringing and defending civil fraud claims encompasses Ponzi schemes, claims for deceit and conspiracy, dishonest assistance and unconscionable receipt, proprietary, and trust-based claims, freezing orders and Norwich Pharmacal relief, claims against professional defendants, rogue traders, letter of credit frauds, VAT (MTIC) fraud and premium rate telephone frauds. She acted for the sons of Bernard Madoff, successfully defending a fraud claim brought against them by the liquidator of Madoff's fund.

Recent Cases

- Representing Dr Michael Fakh in his claim in the DIFC Court arising out of the insolvency of the NMC Health group. Dr Fakh sold his stake in the Fakh IVF group (which he founded) to NMC in 2018 but seeks to set aside the sale on the grounds of fraud by the former NMC management.
- Representing the Respondent to a claim for damages and unfair prejudice relief arising out of an agricultural joint venture in Ukraine, involving questions of alleged fraud and breach of fiduciary duty, alleged breach of the shareholders' agreement

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and reflective loss.

- Acting for the claimant, obtaining freezing and inspection orders against a senior director found to have engaged in systematic invoice fraud.
- Acting for a derivatives trader subject to freezing and proprietary injunctions.
- *Bank of Moscow v Chernyakov* [2016] EWHC 1353 (Comm) – Acting for a Russian businessman, resisting enforcement of Russian court judgments for £150 million on public policy and human rights grounds.
- Acting for Anglo-American Mining in English proceedings to freeze and trace the proceeds of a fraud by a manager of its Australian subsidiary.
- Appearing in the Court of Appeal for corporate defendants in the *BTA Bank v Ablyazov* fraud claim brought by Kazakhstan's largest bank against its former managing director and majority shareholder.
- *Madoff Securities International (In Liquidation) v Raven* [2013] EWHC 3147 (Comm) – Acting for the sons of Bernard Madoff in their defence of claims for fraudulent and negligent breach of directors' duties brought against them by the liquidator of Bernard Madoff's former London trading operation.
- *Leni Gas & Oil v Mediterranean Gas & Oil* [2014] EWHC 893 (Comm) – Acting (with Neil Kitchener KC) for the claimant oil exploration company, seeking damages for fraudulent misrepresentation brought when the defendant entered into a farm-out agreement weeks after the claimant agreed to sell its minority interest in an offshore oil and gas exploration block.
- Acting for claimant, a victim of a Ponzi scheme for over £50 million: obtained (and upheld) proprietary freezing order within 1 day of discovery of the fraud.
- Acting (as part of the counsel team) for Sumitomo Corporation in claims against a metal broker arising out of the fraud of the rogue copper trader Yasuo Hamanaka.
- *Niru Battery v Milestone Trading* [2001] 2 All ER Comm 705; *Niru Battery v Milestone Trading* [2004] EWCA Civ 487 – Acting (with Geraldine Andrews KC) for SGS, the international inspection company, in a letter of credit fraud claim, and in the contribution proceedings between SGS and Credit Agricole Indosuez, in which the Court of Appeal gave a leading decision on subrogation and contribution between defendants.
- *Standard Chartered Bank v Pakistan National Shipping Corporation* [2003] 1 AC 959 (liability appeal) [2001] EWCA Civ 55; *Standard Chartered Bank v Pakistan National Shipping Corporation* [2001] 1 All ER (Comm) 822 (quantum appeal) – Acting (with Jeffrey Gruder KC) for Standard Chartered Bank in the House of Lords in a letter of credit fraud case which remains a leading case on directors' liability in fraud and the recoverability of lost management time as damages.

Commercial Litigation

Zoe is recommended as a silk for Commercial Dispute Resolution by Chambers and Partners (UK Bar) and for Commercial Litigation by the Legal 500 (UK Bar).

Zoe acted for Qatar Insurance Company in its successful counterclaim against reinsurers. The judge held that payment under the reinsurance would not place the reinsurers in breach of US-Iran sanctions: *AIG (UK) Ltd v QIC*, CFI 003/2022 (26 February 2024).

Recent Cases

- *Carmon v Cuenda* [2024] DIFC CAS 003/2024 (26 November 2024) – Zoe acted for the successful applicant, in which the Dubai International Financial Centre Court of Appeal decided (overruling its own earlier decision in *Sandra Holding v Al Saleh*) that it does have jurisdiction to make freezing orders in support of foreign proceedings. This landmark decision puts

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the DIFC Court back in pole position as the gateway to effective enforcement of freezing orders in onshore Dubai.

- Acting (with **Andrew Gurr**) for the Mexican Government in a claim alleging COVID-related fraud: successfully resisted successive a strike out and summary judgment applications in December 2023 and April 2024.
- *Lateef v Liela* [ARB 17 2020], 13 December 2021 – Acting (with **Gregor Hogan**) for the successful claimants in the first Dubai International Financial Centre Court case to establish definitively that the DIFC Court has jurisdiction to grant freezing and asset disclosure orders in support of foreign proceedings.
- Acting in numerous cases involving anti-suit injunctions in the Commercial Court and Dubai International Centre Court.
- Acting for the insured in a trade credit insurance claim arising out of the insolvency of Phoenix DMCC, a major commodity trader.
- *Shanghai Shipyard Co Ltd v Reignwood International Investment* [2021] EWCA Civ 1147 – Acting for the guarantor in a leading Court of Appeal decision on the construction of guarantees.
- *Barclays Bank plc v Shetty* [2020] DIFC CFI 061, judgment dated 4 May 2021 – Acting (with **Adrian de Froment**) for Barclays Bank in its successful US\$135 million claim in the Dubai International Financial Centre Court against Dr BR Shetty, founder of UAE Exchange, the Dubai-based money exchange.
- *Bugsby Property LLC v LGIM Commercial Lending Ltd* [2021] EWHC 1054 Comm) – Acting for Deutsche Finance International LLP, a respondent to a third party disclosure application where the judge accepted her submissions that disclosure should be made subject to a confidentiality club excluding lay representatives of the parties.
- Acting for Dixons Carphone in a contractual dispute about the sunset provisions of its revenue sharing agreement with Telefonica UK, owner of the O2 brand.
- Acting for a major beer manufacturer in a dispute against a market rival arising out of a long-term distribution agreement for premium lager.
- Acting for a parent company guarantor, defending a Commercial Court claim brought by a Chinese shipyard seeking payment under the guarantee after the shipowner denied liability to make payment for four drillships.
- Acting for a defendant to the claims brought by the Danish Tax Authority to recover withholding tax payments alleged to have been induced by fraud.
- Acting for a commodities trader in a claim arising out of forged warehouse receipts.
- *CRS GT Limited v McLaren* [2018] EWHC 3209 (Comm) – Acting for McLaren Automotive Services in its successful defence of a damages / quantum meruit claim brought by a supplier who had contributed to the development of a new GT series road car.
- Acting for McLaren in a separate dispute brought by a supplier claiming to be entitled to terminate its supply contract on short notice: obtained interim relief as to the terms of continuing supply.
- *Inform CPI Ltd v Tower Hamlets LBC* [2018] EWHC 2730 (Comm) – Acting for Tower Hamlets Council in its defence at trial in a substantial software licensing dispute.
- *Blomqvist v Zavarco Plc* [2016] BCC 542 – Acting for a minority shareholder in a series of actions about the ownership and control of a Malaysian fibre optic network, including whether the issue of share certificates gives rise to an estoppel.
- Acting for the defendant in a tax warranty claim under a share sale agreement between two major players in the gaming industry.
- Acting for the claimant in a summary judgment claim under a Joint Operating Agreement relating to a proposed “fracking” project.
- Acting for a mining company in its summary judgment claim arising out of a failed joint venture to mine iron ore in China.

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- *Madoff Securities International (In Liquidation) v Raven* [2013] EWHC 3147 (Comm) – Acting for the sons of Bernard Madoff in their defence of the claims for fraudulent and negligent breach of directors' duties brought against them by the liquidator of Bernard Madoff's former London trading operation.
- *Leni Gas & Oil v Mediterranean Gas & Oil* [2014] EWHC 893 (Comm) – Acting (with Neil Kitchener KC) for the claimant seeking damages for fraudulent misrepresentation brought when the defendant entered into a farm-out agreement weeks after the claimant agreed to sell its minority interest in an offshore oil and gas exploration block.
- *Matchbet Limited v Openbet Retail Limited* [2013] EWHC 3067 (Ch) – Acting (with Ken MacLean KC) for the defendant in a claim for damages arising out of a Software Licensing and Development Agreement relating to a betting exchange software program developed by the claimant.
- *Gaydamak v Leviev* [2012] EWHC 1740 (Ch) – Acting (with David Wolfson KC) for the claimant at the trial of a dispute between two wealthy Israeli-Russian businessmen about an agreement to share revenues from the Angolan diamond industry.
- Acting (with John Higham KC) for the claimant in a share sale dispute about Ukrainian steel interests. Obtained and upheld proprietary freezing order for US\$110 million. *Luxe Holding Ltd v Midland Resources Holding Ltd* [2010] EWHC 1908 (Ch).
- Acting for claimant in a breach of share sale warranty claim arising out of the sale of Oddbins, the wine retailer. Acting for the claimant (with Geoffrey Hobbs KC) in a licensing dispute relating to the Fashion TV franchise in Russia.
- Advising Formula One Administration Limited (with Lord Grabiner KC and Daniel Toledano KC) in relation to the threatened breakaway of F1 teams in mid-2009.
- *ILM International Lottery Management Limited v Dumas* [2002] Lloyds Rep IR 237 – Appearing (with Bill Wood KC) for Lloyds underwriters defending a claim under a political risk policy by the operators of a lottery in Azerbaijan.
- *Standard Chartered Bank v Pakistan National Shipping Corporation* [2003] 1 AC 959 (liability appeal) [2001] EWCA Civ 55; *Standard Chartered Bank v Pakistan National Shipping Corporation* [2001] 1 All ER (Comm) 822 (quantum appeal) – Acting (with Jeffrey Gruder KC) in the House of Lords for Standard Chartered Bank in a letter of credit fraud case which remains a leading case on directors' liability in fraud and the recoverability of lost management time as damages.

Insurance & Reinsurance

Zoe has extensive experience of insurance and reinsurance claims.

Recent Cases

- *AIG (UK) Ltd v QIC*, CFI 003/2022 (26 February 2024) – Zoe acted for Qatar Insurance Company in its successful counterclaim against reinsurers. The judge held that payment under the reinsurance would not place the reinsurers in breach of US-Iran sanctions.
- Acting for the insured in a trade credit insurance claim arising out of the insolvency of Phoenix DMCC, a major commodities trader.
- Acting for the insured oil company in a claim arising out of the seizure of a vessel by the Iranian navy.
- Acting for the insured in a claim under a professional indemnity policy in respect of the defective design of military equipment, where insurers contended that the liability was in fact product liability and not covered.
- Acting for Lloyds underwriters in the successful defence at trial of a claim under a political risks policy relating to the operation of a lottery in Azerbaijan. The chief issue was non-disclosure.

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- Acting for Lloyds underwriters in relation to a claim under a jewellers' block insurance policy.
- Advising Equitas (with Lord Grabiner KC) in relation to its exposure to run-off claims in respect of asbestosis claims in the United States.

Telecommunications & Information Technology

Zoe has been recommended as a silk in IT by Chambers and Partners since 2016. She has been described as “very easy to work with and very hands-on. She is clearly fiercely intelligent, cares a lot about her cases and gets very absorbed in them.” “She shows strong analytical skills in dissecting facts and applying legal principles.”

Recent Cases

- Acting for Dixons Carphone (formerly Carphone Warehouse) in a contractual dispute about the sunset provisions of its revenue-sharing agreement with Telefonica UK, owner of the O2 brand.
- *Royal Devon and Exeter NHS Foundation Trust v ATOS IT Services UK Ltd* [2017] EWHC 2197 (TCC) – Acting for the defendant IT contractor in a substantial dispute over the digitisation of NHS patient records. Appeared at first instance and in the Court of Appeal on the trial of preliminary issues relating to the limitation of liability.
- *Inform CPI v Tower Hamlets LBC* [2018] EWHC 2730 (Comm) – Acting for Tower Hamlets Council at trial in a substantial software licensing dispute.
- Acting for an IT contractor in a dispute with an NHS hospital about the development of a client portal.
- Acting for an IT contractor in a dispute with a FTSE-100 insurance company over business process outsourcing and exit terms.
- Acting for IBM in a substantial dispute with an insurance client concerning the provision of “software as a service”.
- Acting for a County Council in an expert determination concerning the meaning and effect of a long-term IT outsourcing contract, including contractual responsibility for the cost of a software upgrade.
- Acting for an IT contractor in a complex case relating to the implementation of an SAP ERP system for a housing association.
- Advising Government agencies in relation to agreements for the Next Generation Shared Services plan Advising the Foreign and Commonwealth Office in relation to a desktop infrastructure services contract.
- *Matchbet Limited v Openbet Retail Limited* [2013] EWHC 3067 (Ch) – Acting (with Ken MacLean KC) in the defence of a multi-million pound claim for damages for the alleged repudiation of a Software Licensing and Development Agreement relating to a betting exchange software program developed by the claimant.
- Acting for the customer in a dispute over the development of a bespoke software package for the sale of books on internet marketplaces.
- *BSkyB v HP Enterprise Services Ltd* [2010] EWHC 862 (TCC) – Acting in the landmark BSKyB case (with Mark Barnes KC and Alan Gourgey KC) involving the year long trial of a claim of £900m for deceit in relation to a contract to supply new contact centres for Sky TV. The action involved numerous complex technical issues arising in the fields of IT, forensic accounting and economics.
- Acting for a specialist in GIS software, in a contractual dispute raising issues such as the quality of the delivered system and allocation of responsibility for testing.
- Advising a Finnish bank in a dispute with its US supplier of risk management software.

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Company

Zoe frequently acts in claims involving company law issues, including unfair prejudice petitions and minority shareholder and disputes between shareholders and joint venturers. Her cases have concerned issues such as the existence and scope of fiduciary duties owed by directors and co-venturers, the reflective loss principle, the application of section 40 of the Companies Act 2006 and remedies.

Recent Cases

- Acting for a creditor challenging the administration's decision to reject a proof of debt. Acting for Vincent Tchenguiz in an application to remove the administrators of a company.
- Acting for the Respondent to an LCIA arbitration claim for unfair prejudice relief and damages arising out of an agricultural joint venture in Ukraine which failed following the revolution in 2014.
- *Blomqvist v Zavarco Plc* [2016] BCC 542 – Acting for a minority shareholder in a series of actions about the ownership and control of a Malaysian fibre optic network, including whether the issue of share certificates gives rise to an estoppel.
- *Madoff Securities International (In Liquidation) v Raven* [2013] EWHC 3147 (Comm) – Acting for the sons of Bernard Madoff in their successful defence of the claims for fraudulent and negligent breach of directors' duties brought against them by the liquidator of Bernard Madoff's former London trading operation.
- Acting for corporate defendants in the *BTA Bank v Ablyazov* litigation brought by Kazakhstan's largest bank against its former managing director and majority shareholder.

International

Zoe appeared in the DIFC Court for the successful respondent in *Al Buhaira National Insurance Co v Horizon Energy LLC* CFI 098/2021 (9 November 2022), obtaining the dismissal of Al Buhaira's application for an anti-suit injunction preventing Horizon from pursuing parallel proceedings in Sharjah. This important judgment contains valuable consideration of the role of comity when the DIFC Court is called upon to address conflicts of jurisdiction between the different courts of the UAE.

Zoe is registered as a foreign legal practitioner in the Dubai International Financial Centre Court and the Singapore International Commercial Court. She is also instructed as an arbitrator in foreign seated commercial arbitrations in Dubai, Istanbul and Rwanda.

Recent Cases

- *Lateef v Liela* [ARB 17 2020], 13 December 2021 – Zoe acted (with **Gregor Hogan**) for the successful claimants in the first Dubai International Financial Centre Court case to establish definitively that the DIFC Court has jurisdiction to grant freezing and asset disclosure orders in support of foreign proceedings.
- *YYY Limited v ZZZ Limited* [DIFC] 2017 ARB 005 – Acting (with **Rupert Reed KC**) for the successful claimant in a landmark decision of the DIFC Court, refusing on public policy grounds to recognise a judgment of the Dubai Court of Cassation that an arbitration clause was invalid for lack of authority.
- Advised the appellant in the first appeal to the Singapore Court of Appeal from a judge of the Singapore International Commercial Court.

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UAE & DIFC Litigation

Zoe is recommended as a Leading Silk in Dispute Resolution (The English Bar – United Arab Emirates) by Chambers Global.

Legal 500 Middle East: The English Bar: Commercial 2023 lists Zoe in Tier 2 of the Leading UK-based Commercial Silks: “Zoe is a first-rate silk who speaks with authority and clarity. Her presentation skills are excellent, and she has the ability to explain complex issues in simple terms.”

Recent Cases

- *Carmon v Cuenda* [2024] DIFC CAS 003/2024 (26 November 2024) – Zoe acted for the successful applicant, in which the Dubai International Financial Centre Court of Appeal decided (overruling its own earlier decision in *Sandra Holding v Al Saleh*) that it does have jurisdiction to make freezing orders in support of foreign proceedings. This landmark decision puts the DIFC Court back in pole position as the gateway to effective enforcement of freezing orders in onshore Dubai.
- *Bank of Baroda v Neopharma LLC and BR Shetty* (DIFC CFI-043-2020) – Zoe acted for the Bank, obtaining judgment for the Bank against the principal debtor and also against Dr Shetty on his guarantee, despite his claim that his signature had been forged.
- *Cobra v Al Bloushi* [2024] DIFC CA 012/2024 – Zoe acted for the appellant in which the DIFC Court of Appeal held that enforcement of an arbitration award seated in the DIFC was not contrary to UAE public policy.
- *Neal v Nadir* [2024] DIFCA 001 – Zoe appeared in which the DIFC Court of Appeal held that it has jurisdiction to enforce an interim measure ordered by an arbitral tribunal seated outside the DIFC.
- *AIG (UK) Ltd v QIC*, CFI 003/2022 (26 February 2024) – Zoe acted for Qatar Insurance Company in its successful counterclaim against reinsurers. The judge held that payment under the reinsurance would not place the reinsurers in breach of US-Iran sanctions.
- *Punjab National Bank v Shetty* (CFI 079/2020, 24 January 2024) – Zoe appeared for the Bank in obtaining immediate judgment against BR Shetty under his personal guarantee of loans to the NMC Healthcare group. This case is the first decision of the DIFC Court to hold that the recent revisions to the UAE Banking Law, specifically Article 122 bis, do not apply in the DIFC or to guarantees of corporate lending.
- *WWTAI Airoppo II DAC v Spicejet Ltd* (CFO-086-2023, 7 December 2023) – Zoe appeared for the respondent airline where the applicant's freezing injunction was dismissed by the DIFC Court for lack of jurisdiction.
- *Al Buhaira National Insurance Co v Horizon Energy LLC* CFI 098/2021 (9 November 2022) – Zoe appeared in the DIFC Court for the successful respondent, obtaining the dismissal of Al Buhaira's application for an anti-suit injunction preventing Horizon from pursuing parallel proceedings in Sharjah. This important judgment contains valuable consideration of the role of comity when the DIFC Court is called upon to address conflicts of jurisdiction between the different courts of the UAE.
- *Barclays Bank plc v Shetty* [2020] DIFC CFI 061, *judgment dated 4 May 2021* – Zoe acted (with **Adrian de Froment**) for Barclays Bank in its successful US\$135 million claim in the Dubai International Financial Centre Court against Dr BR Shetty, founder of the collapsed NMC Health group. The claim was brought under a guarantee given by Dr Shetty of the trading liabilities of UAE Exchange, the Dubai-based money exchange owned by Finabl Plc.
- *Lateef v Liela* [ARB 17 2020], 13 December 2021 – Zoe acted (with **Gregor Hogan**) for the successful claimants in the first Dubai International Financial Centre Court case to establish definitively that the DIFC Court has jurisdiction to grant freezing and asset disclosure orders in support of foreign proceedings.
- *YYY Ltd v ZZZ Ltd* [2017] DIFC ARB 005 – Zoe and **Rupert Reed KC** represented the successful claimant in a landmark decision of the DIFC Court refusing to recognise a decision of the highest Dubai national court on public policy grounds. The

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DIFC Court held that the Dubai Court of Cassation had breached its obligations under the New York Convention by applying its own law to determine the validity of the clause, rather than the law chosen by the parties. This reaffirms the pro-arbitration bias of the common law courts, and will have importance for arbitration practitioners beyond the DIFC.

Testimonials

"...brilliant. She is super responsive, really intelligent and very, very practical. She is always available at the other end of the phone. She is very thorough but also very quick to get to the point, and concise with her advice."

Chambers Global 2022

"Zoe is ferociously smart, very user-friendly and tenacious."

Chambers & Partners 2026

"She is exceptionally good at picking her best point and running with that focused and targeted attack, which is more effective."

Chambers & Partners 2026

"Zoe is incredibly bright and tenacious. She isn't scared of anybody, and she will tell you straight out when she thinks that there is something wrong with your case."

Chambers & Partners 2026

"Zoe is firm but charming. Her written work is very impressive, and she produces it quickly."

Chambers & Partners 2026

"Zoe has a strong advocacy style and is excellent in cross-examination. Hers is a highly forensic approach."

Chambers & Partners 2026

"She is very experienced in the technology sector."

Chambers & Partners 2026

"She's my go-to. Zoe is a hard worker."

Chambers & Partners 2026

"Zoe is a phenomenally smart lawyer and very quick at grasping complex facts."

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Chambers & Partners 2026

"Zoe O'Sullivan is pugnacious, as well as smart, responsive and pragmatic."

Chambers Global 2025

"Zoe is super-responsive, and as counsel she is a real force. She is practical and on top of the facts."

Chambers Global 2025

"Zoe is very responsive, quick to grasp the issues at hand and delivers sound and straightforward advice."

Chambers Global 2025

"Zoe O'Sullivan is commercial, fast and a go-to person for any difficult matter that is moving quickly. She hits the ground running and is not afraid to take up difficult positions or cases."

Chambers Global 2025

"She is responsive and pragmatic."

Chambers & Partners 2025

"She is practical, on top of the facts, and speedily gives articulate opinions."

Chambers & Partners 2025

"Zoe is super user-friendly, great on her feet and just a pleasure to work with."

Chambers & Partners 2025

"Zoe always rolls her sleeves up and gets into the detail. She is very good at explaining matters in lay terms and at adapting technical and complex issues into digestible advice."

Chambers & Partners 2025

"Zoe combines phenomenal legal ability with commercial pragmatism. She is a delight to work with."

Chambers & Partners 2025

"She is an advocate with real gravitas."

Chambers & Partners 2025

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"Zoe is an amazing individual, a real expert in international arbitration."

Chambers & Partners 2025

"Zoe is very clear and succinct in her advice. She's really great to work with."

Chambers & Partners 2025

"Zoe enjoys getting stuck into the detail of the case and is able to grapple with a lot of technical detail. She gets to the nub of the legal and factual case very quickly and is clearly very experienced in the IT and telecoms sectors."

Legal 500 2025

"Zoe's strengths are a combination of her incredible sharp mind and the speed at which she can deliver comprehensive, thought-through advice to issues as they arise. As an advocate, she has the gift of keeping the relevant adjudicator fully invested in her presentation."

Legal 500 2025

"A very nice advocacy style and particularly gifted in putting very difficult arguments to best advantage."

Legal 500 2025

"Zoe is an excellent advocate. She gets up to speed quickly and is persuasive, cuts to the chase and is practical. The lay client is always really impressed with her work."

Legal 500 2025

Appointments

- Admitted to the BVI Bar (2021)
- Registered as Advocate before the DIFC Courts (2019)

Recommendations

- Commercial: Middle East: The English Bar (Legal 500 EMEA)
- Commercial Litigation (The Legal 500)
- Arbitration (The Legal 500)

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- Commercial Dispute Resolution (Chambers & Partners)
- Information Technology (Chambers & Partners)
- Banking & Finance (Chambers & Partners)
- Dispute Resolution: Commercial (Chambers Global)
- Dispute Resolution: The English Bar – United Arab Emirates (Chambers Global)
- International Arbitration: The English Bar (Chambers Global)

Publications

- “‘Be calm, pleasant and measured at all times’ – top tips for advocacy in arbitration” – 29 November 2022
- “Should a revised arbitration act seek to impose a duty of confidence?” – 11 November 2022
- “If it ain’t broke, don’t fix it: the English Arbitration Act and confidentiality” 18 October 2022
- “Judgment in Shanghai Shipyard v Reignwood International Investment (Group) Company Ltd [2020] EWHC 803 (Comm)” 6th April 2020

Memberships

- Society for Computers & Law Adjudication Scheme Panel

Education & Qualifications

- Diploma in Law (Distinction, Arbitrators’ Prize), City University
- MA English Language & Literature (Congratulatory First), Oxford University

BSB Registration

Zoe Siobhan O’Sullivan KC

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