

## Ben Woolgar

YEAR OF CALL: 2014

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## Practice Overview

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Ben's practice is focussed on heavy-duty commercial litigation and arbitration (including civil fraud, banking, energy, insurance and shipping), as well as EU/competition law and public international law. He is frequently instructed in High Court proceedings (in the Commercial Court, Chancery Division and Financial List), and has appeared in the Supreme Court and Privy Council. He has appeared in many of the biggest cases in the English courts in recent years, including cases named in The Lawyer's Top 20 Cases of 2016, 2017 and 2018.

Recent cases include the successful defence of the Candy Brothers in **Holyoake v Candy [2017] EWHC 3397 (Ch)** (led by Tim Lord QC and Thomas Plewman QC), a £132m claim alleging conspiracy in relation to a property transaction; **Property Alliance Group v RBS [2016] EWHC 3342 (Ch) and [2018] EWCA Civ 355** (led by Tim Lord QC), the leading case on a number of key issues in banking law including swaps misselling and LIBOR rigging; **Pinchuk v Bogolyubov & Kolomoisky** (led by Mark Howard QC), a multi-billion dollar dispute between Ukrainian oligarchs concerning ownership of an iron ore mine which settled on the eve of trial, and **Gerald Metals v Timis [2017] EWHC 1375 (Comm)**: (led by Ali Malek QC and Alan Gourgey QC) in a US\$100m deceit unlawful means conspiracy claim concerning a mining transaction, raising complex jurisdiction and governing law issues.

Current major instructions include:

- **PJSC Commercial Bank Privatbank v Kolomoisky** : (led by Mark Howard QC and Michael Bools QC) a US\$2.6 billion claim (and associated freezing order) against two oligarchs concerning loans from Ukraine's largest bank;
- **Bluewaters v Ecclestone, BLB & Ors** : (led by Tim Lord QC) a US\$550m claim arising out of the corrupt sale of Formula 1 in 2005 by Bernie Ecclestone brought by disappointed bidder Bluewaters;
- **Avonwick Holdings v Azitio & Ors** : (led by Neil Calver QC and Stephen Midwinter QC) in a US\$1.1 billion claim about the sale of the Industrial Union of Donbass involving three of Ukraine's richest men;
- **KUFPEC v Enquest** : (led by Daniel Jowell QC) a c.US\$100m breach of warranty dispute arising out of a North Sea Oil project.

Ben graduated from the University of Oxford, winning the Gibbs Prize for the Best Thesis in Politics, and then studied law as a Karmel, Bedingfield and Lord Reid Scholar of Gray's Inn. He has considerable advocacy experience, and is a former Best Speaker at the World Universities' Debating Championships.

## Commercial

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Ben has a broad commercial practice, encompassing banking, insurance, shipping, energy, civil fraud and international arbitration. His current and recent instructions include:

- *Pinchuk v Bogolyubov & Kolomoisky*: A multi-billion dollar dispute between Ukrainian oligarchs concerning ownership of an iron ore mine, this was one of The Lawyer's Top 20 Cases of 2016 (led by Mark Howard QC)
- *Property Alliance Group v RBS*: A complex banking dispute concerning swaps misselling, LIBOR manipulation and RBS's controversial Global Restructuring Group, another of the The Lawyer's Top 20 Cases of 2016 (led by Tim Lord QC). This is the first civil claim in relation to both LIBOR and GRG to come to trial.
- Other claims against banks concerning restructuring units (including GRG), Swaps mis-selling and LIBOR manipulation.
- *BT Cornwall v Cornwall Council* [2015] EWHC 3755 (Comm), a two-week trial concerning the Council's right to terminate a c.£160m IT contract (led by Duncan McCall QC)
- *OPERS & Ors v. Petrobras*, a series of applications for evidence in the UK for New York proceedings concerning \$97bn of securities affected by the scandal over Brazil's state-owned oil company Petrobras (led by Charles Hollander QC)
- *Chamonix v Caledonia* [2015] EWHC 3290 (Comm), a multi-million pound private equity dispute about breach of confidentiality and exclusivity (led by Alec Haydon).
- A c.\$40m insurance arbitration concerning loss of a cargo ship (led by Simon Salzedo QC)
- A c.\$20m shipbuilding arbitration raising complex issues of restitution and misrepresentation, and the ensuing challenges under s.68 & 69 Arbitration Act 1996 (led by Richard Lord QC)
- A multi-million dollar claim to enforce a foreign judgment against a defence ministry, raising issues of sovereign immunity and construction of the Judgments Regulation (unled)
- A six-figure shipping arbitration concerning demurrage and force majeure clauses (unled)

He also has extensive experience advising in all areas of commercial law. Recent areas in which he has advised include:

- Obtaining disclosure and deposition evidence under the Evidence (Proceedings in Other Jurisdictions) Act 1975 and the Hague Convention
- Interpretation of a substantial joint venture agreement concerning a business in Southern Africa (with Daniel Jowell QC)
- Quantum of damages in a case concerning a shipping collision (with Richard Lord QC)
- The governing law of direct claims against insurers (with Simon Salzedo QC)
- Expert evidence on banking and insolvency law issues for use in French proceedings (with Tim Lord QC)
- Expert evidence in a series of investment treaty arbitrations involving questions of EU law (with Kelyn Bacon QC)

## EU/Competition

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Ben has experience in all areas of EU and Competition law work, including follow-on damages claims, Commission and domestic regulatory investigations, general EU law and state aid.

-*SeaFrance v CMA* [2015] UKSC 75 (with Kelyn Bacon QC). An appeal to the Supreme Court concerning when

*the merger control rules apply to dormant/insolvent companies under the Enterprise Act 2002.*

-Advising a regulator in a substantial confidential competition investigation (with Jemima Stratford QC)

-Providing expert evidence in a series of investment treaty arbitrations concerning state aid law and the interaction between EU law and international treaties (with Kelyn Bacon QC)

Additionally, Ben has substantial experience in intellectual property and life sciences regulatory disputes. This includes:

-Advising a pharmaceutical company on various aspects of a statutory scheme (with Jemima Stratford QC)

-*R (Teva Europe) v MHRA & Synthon*. A judicial review concerning the authorisation of a putative variant of Teva's flagship multiple sclerosis drug, Copaxone (led by Kelyn Bacon QC)

## Public Law

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Ben has a keen interest in public law, with a particular focus on the intersection between EU and public law. Experience includes:

-*R (Wheeler) v Office of the Prime Minister* [2014] EWHC 3815 (Admin). A high-profile expedited judicial review concerning the government's decision to re-enter the European Arrest Warrant Scheme. This was the first case to consider the impact of the 'referendum lock' in the European Union Act 2011 (as a pupil, assisting Richard Gordon QC and Gerard Rothschild).

-*R (British Academy of Songwriters et al.) v Secretary of State for Business, Innovation and Skills* [2015] EWHC 1723 (Admin). A judicial review of the decision to implement the 'private copying exception' to copyright law in the UK (as a pupil, assisting Nicholas Saunders).

-Case C-138/15 P *Teva v EMA*. Appeal to the ECJ concerning orphan medicinal products (as a pupil, assisting Kelyn Bacon QC).

## Reported cases

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*Chamonix v Caledonia* [2015] EWHC 3290 (Comm)

*SeaFrance v CMA* [2015] UKSC 75

*BT Cornwall v Cornwall Council* [2015] EWHC 3755 (Comm)

## Education and Qualifications

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### Education:

2013-2014: BPTC, City Law School (Outstanding)

2012-2013: GDL, City Law School (Distinction, 4<sup>th</sup> in year)

2009-2012: MA, Philosophy, Politics and Economics, University of Oxford (Balliol College) (First Class, Gibbs

Prize for Best Thesis in Politics)

### **Scholarships and Prizes:**

#### *University of Oxford:*

Gibbs Prize for Best Thesis in Politics 2012 (Best finals thesis in the university)

University Alumni Society Award 2011

#### *Balliol College:*

James Hall Prize for Outstanding Academic Achievement 2011

James Hall Scholarship 2011-2012

College Exhibition 2010-2011

#### *Honourable Society of Gray's Inn:*

Lord Reid Senior Scholarship 2014 (awarded to the Inn's top four pupils)

Bedingfield Scholarship 2013 (the Inn's top award for the BPTC)

David Karmel Scholarship 2012 (the Inn's top award for the GDL)

#### *Other:*

Best Speaker, World Universities Debating Championship 2012

Grand Finalist, World Universities Debating Championship 2011

European Universities' Debating Champion 2011

Best Speaker, English National Debating Championships (ESU Mace) 2012

World Schools' Debating Champion 2008 (and 2014 as coach of the English national team)

Human Rights Law Association Judicial Review Moot Winner 2014

2<sup>nd</sup> place, OUP-BPP National Mooting Competition 2012-13

Bar European Group Phoenicia Scholarship 2015