

Geoffrey Kuehne

YEAR OF CALL: ENGLAND AND WALES: 2012; WESTERN AUSTRALIA:
2006

*"One of the rising stars of the London Bar across
both commercial litigation and arbitration."*

The Legal 500 2018-19

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Practice Overview

Geoffrey is an experienced commercial litigator and advocate. His practice covers the full range of commercial disputes, with particular recent experience in banking and financial services, civil fraud, sports, communications and technology, and professional liability. Geoffrey is regularly instructed as sole counsel and as part of a silk-led team on substantial matters before the senior courts, tribunals and regulatory bodies.

In 2017 *The Legal 500* listed Geoffrey as one of the 'Top Ten Under Eight Years' Call' for commercial litigation.

Geoffrey's recent cases include:

Rowe v Ingenious Media: acting for the Ingenious Media defendants in relation to the Chancery Division group litigation arising out of the highly publicised film finance investment schemes (with Tim Lord QC and Simon Birt QC)

Lehman Brothers Special Financing Inc. v National Power Corporation and Power Sector Assets and Liabilities Management Corp [2018] EWHC 487 (Comm) (Financial List): successfully defending a substantial claim for payment under an ISDA Master Agreement (2002 version) (with Jasbir Dhillon QC)

Natwest Markets & Anor v Stallion Eight Shipping Co. S.A. (The "M.V. Alkyon") [2018] EWHC 2033 (Admlty) acting for the defendant owners in connection with claims against them under ship financing documents, including an application to release the vessel from arrest (now on appeal) (with Tim Lord QC)

Angel Group Ltd (in liq.) v Davey [2018] EWHC 1781 (Ch): appearing as sole counsel at the trial of substantial claims (for breach of trust and breach of directors' duties) against the former director and shareholder of the claimant companies

Mark Holyoake & Anor v Nicholas and Christian Candy & Ors [2017] EWHC 3397 (Ch), acting for the successful Defendants in respect of a £130 million claim in the Chancery Division alleging conspiracy, duress and other causes of action arising out of a property-related loan transaction (led by Tim Lord QC and Thomas Plewman QC). The 10 week trial followed a very large number of interlocutory hearings

Europa Plus SCA CIF and Anthracite Balanced Company (R-26) Ltd v Anthracite Investments (Ireland) Plc [2016] EWHC 437 (Comm), appearing as sole counsel for Anthracite Balanced Company (R-26) in the trial of claims arising out of the unwinding of two substantial total return swaps

Prior to joining Chambers, Geoffrey was a Senior Associate and solicitor-advocate at Herbert Smith Freehills in

London, where he had a broad practice encompassing complex litigation and arbitration, advocacy, ADR, contentious regulatory investigations, and advisory work. During his five years at HSF Geoffrey undertook a year-long secondment to the in-house legal team at a major investment bank and wealth management firm, where he was responsible for litigation throughout EMEA. He also spent nearly two years as a member of HSF's in-house advocacy unit. Before relocating to London Geoffrey was an associate solicitor with Freehills in Australia, and before that, judicial assistant to the Chief Justice of Western Australia.

Banking and finance

Lehman Brothers Special Financing Inc. v National Power Corporation and Power Sector Assets and Liabilities Management Corp, (Financial List) defending a substantial claim for payment under an ISDA Master Agreement (2002 version), led by Jasbir Dhillon QC

Europa Plus SCA CIF and Anthracite Balanced Company (R-26) Ltd v Anthracite Investments (Ireland) Plc [2016] EWHC 437 (Comm), appearing as sole counsel for *Anthracite Balanced Company (R-26)* in the trial of claims arising out of the unwinding of two substantial total return swaps

A substantial regulated firm in connection with threatened enforcement action by the FCA

Decura Investments LLP & Ors v UBS AG (Commercial Court), defending a claim for declaratory relief arising out of an agreement for the outsourcing of certain investment activities. The claim has been valued at circa £100 million.

Deutsche Bank AG v Sebastian Holdings Inc (Commercial Court), assisting a large counsel team in relation to a multi-billion dollar FX and Equities trading claim

While a solicitor advocate, Geoffrey regularly advised investment and retail banks, wealth managers, hedge funds and private equity firms in relation to a range of contentious matters, from Commercial Court litigation and arbitration through to contentious regulatory investigations (FSA/FCA, SFO, and US regulatory authorities) and s 166 FSMA "skilled person" reports

Commercial

Mark Holyoake & Anor v Nicholas and Christian Candy & Ors, acting for the Defendants in respect of a £130 million claim in the Chancery Division alleging conspiracy, duress and other causes of action arising out of a property-related loan transaction (led by Tim Lord QC and Thomas Plewman QC). The trial is set down for February-April 2017, following a very large number of interlocutory hearings.

Atheer Telecom Iraq Limited v Orascom Telecom Iraq Corp Limited (Comm), led by Mark Howard QC, in successfully resisting an unless order seeking the strike-out of the defence to a \$60m claim under a tax covenant.

Horizon Globex v Broadband Satellite Services Limited (Comm), acting for the Horizon parties in a dispute arising from the sale of satellite communications business, involving allegations of breach of warranty and fraudulent misrepresentation

An LCIA arbitration concerning a \$40 million claim brought in connection with the supply of hydrocarbons to a European refinery

A London Borough (as sole counsel), in an ad hoc arbitration

Khouj v Acropolis Capital Partners Limited & Anor (Commercial Court), acting with Jasbir Dhillon QC in relation to a claim for inspection of documents in connection with a disputed agency agreement

The Libyan Investment Authority (Comm), appearing (led by Charles Hollander QC) for one of the applicants in

proceedings intended to deal with the consequences of a dispute as to who was entitled to exercise the functions of the LIA, in the context of the upcoming High Court trials of the LIA's claims against leading investment banks

LLB (Penang) SDN BHD v DAR Al-Handasah Consultants (UK) Ltd & Anor (Queen's Bench), as sole counsel, in a successful Part 8 claim relating to the registration of a foreign judgment under the Administration of Justice Act 1920

Civil fraud

Rowe v Ingenious Media: acting for the Ingenious Media defendants in relation to the Chancery Division group litigation arising out of the highly publicised film finance investment schemes (with Tim Lord QC and Simon Birt QC)

Angel Group Ltd (in liq.) v Davey [2018] EWHC 1781 (Ch): appearing as sole counsel at the trial of substantial claims (for breach of trust and breach of directors' duties) against the former director and shareholder of the claimant companies

Mark Holyoake & Anor v Nicholas and Christian Candy & Ors, acting for the Defendants in respect of a £130 million claim in the Chancery Division alleging conspiracy, duress and other causes of action arising out of a property-related loan transaction (led by Tim Lord QC and Thomas Plewman QC). The trial is set down for February-April 2017, following a very large number of interlocutory hearings.

Horizon Globex v Broadband Satellite Services Limited (Comm), acting for the Horizon parties in a dispute arising from the sale of satellite communications business, involving allegations of breach of warranty and fraudulent misrepresentation

Professional negligence

Various claimants v Ernst & Young LLP (Comm), acting for EY in relation to professional liability claims arising out of tax advice provided to clients in connection with investments in Eclipse Film Partners LLPs, led by Simon Salzedo QC

Acting for a 'Big Four' firm in relation to FRC Disciplinary Tribunal Proceedings

Heritable Trust Limited v Deloitte & Touche (Chancery), defending a multi-million pound claim for negligence arising out of advice given in relation to a scheme of tax structuring intended to avoid or minimise CGT and stamp duty (led by Charles Hollander QC)

Ernst & Young LLC v Metro Baltic Horizons (Isle of Man), defending a multi-million pound claim of audit negligence arising out of the collapse of property investment company, and concerning audit work undertaken in a number of European jurisdictions (led by Tom Adam QC)

While a solicitor advocate, Geoffrey acted for both claimants and defendants in connection with professional liability claims against firms of solicitors

Sports

Francois Kryvenko v Lotus F1 Team Limited / Renault Sport Racing Limited (Comm), appearing as sole counsel in a dispute relating to commission payments claimed in relation to sponsorship of the Lotus / Renault F1 racing team

Advising in relation to a potential claim against a Formula One team in connection with a sponsorship arrangement

Hamilton Management Group v Di Resta (Chancery), acting with Charles Hollander QC in a two-week Chancery trial for Formula One-driver manager Anthony Hamilton in relation to a claim against Formula One driver Paul Di

Resta for breach of a management agreement.

Media and entertainment

Rowe v Ingenious Media: acting for the Ingenious Media defendants in relation to the Chancery Division group litigation arising out of the highly publicised film finance investment schemes (with Tim Lord QC and Simon Birt QC)

Jaytee & Anor v BioSynthesis Pharma Group Limited: acting for the defendants and counterclaimants in proceedings in the Queen's Bench Division relating to the development and testing of Cannabidiol products

Shipping and commodities

Natwest Markets & Anor v Stallion Eight Shipping Co. S.A. (The "M.V. Alkyon") [2018] EWHC 2033 (Admlty) acting for the defendant owners in connection with claims against them under ship financing documents, including an application to release the vessel from arrest (now on appeal) (with Tim Lord QC)

An LCIA arbitration concerning a \$40 million claim brought in connection with the supply of hydrocarbons to a European refinery

Qualifications

2012-13, Pupillage at Brick Court Chambers

2010-12, Senior Associate, Herbert Smith Freehills LLP (Advocacy Unit)

2007-10, Associate, Herbert Smith LLP

2006-07, Bachelor of Civil Laws, University of Oxford (Distinction)

2005-06, Articled Clerk/Associate, Freehills (Perth, Australia)

2004-05, Associate to the Hon. the Chief Justice of Western Australia

1999-04, LLB (Hons), University of Western Australia (First Class Hons)

1999-04, BA (History), University of Western Australia

Directory Quotes

"One of the rising stars of the London Bar across both commercial litigation and arbitration." (The Legal 500 2018-19)

"An effective and highly commercial junior with a strong track record." (The Legal 500 2017)