

## Matthew Kennedy

YEAR OF CALL: 2013

Clerk's Email: [TonysClerkingTeam@brickcourt.co.uk](mailto:TonysClerkingTeam@brickcourt.co.uk)



## Practice Overview

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Matthew joined Chambers as a tenant in 2018 following successful completion of pupillage. He is now developing a broad practice spanning all areas of Chambers' work, including commercial law, public law and EU/competition law.

Examples of current and recent instructions include:

- *The Trucks Litigation* – acting for Iveco in defence of multiple follow-on claims in the Competition Appeal Tribunal estimated to be worth over £1 billion, including two applications for a collective proceedings order (with Kelyn Bacon QC and others).
- *Election law* – Matthew has recently advised on questions of election law, including election offences and campaign financing (with Martin Chamberlain QC and others).

During pupillage, Matthew benefitted from exposure to each of Chambers' core practice areas. Highlights of his pupillage included assisting on the following cases:

- *KeyMed v Michael Woodford & Paul Hillman* (a claim against former directors for unlawful means conspiracy, negligence and breach of duty – included in The Lawyer's Top 20 Cases of 2018)
- *PSJC Commercial Bank Privatbank v Kolomoisky & Ors* (a c.\$2bn fraud claim (and associated freezing order) brought by a Ukrainian bank against its former owners)
- *Avonwick Holdings v Azitio & Ors* (a US\$1.1 billion claim about the sale of the Industrial Union of Donbass involving three of Ukraine's richest men)
- *R (on the application of Muir) v Wandsworth Borough Council* [2018] EWCA Civ 1035 (an appeal to the Court of Appeal from a judicial review in respect of the local authority's power to grant a lease of premises on Wandsworth Common)
- *Richard Lloyd v Google* (a representative action brought on behalf of 5.5 million iPhone users for breach of the Data Protection Act 1998)
- *Federal Deposit Investment Corporation v Barclays Bank and ors* (competition law claims against USD LIBOR panel banks and the British Bankers' Association in respect of the banks' collusive suppression of USD LIBOR)
- *Queens Park Rangers v the English Football League* (competition and public law challenge to the Championship 2012 Financial Fair Play Rules)
- *HMRC and BMW v MG Rover Group* [2016] UKUT 434 (appeal to the Court of Appeal in respect of restitution under EU law)

Before coming to the Bar, Matthew worked in the international arbitration group at Wilmer Cutler Pickering Hale and Dorr LLP (2014 – 2017), specialising in commercial and investment arbitration. During his time at WilmerHale, Matthew acted for and advised major corporate clients from a range of industries, including financial services, energy and pharmaceuticals.

Whilst at WilmerHale, Matthew also provided pro bono assistance to the Media Legal Defence Initiative (MLDI) in international human rights cases. Highlights of his work with MLDI include *Lohe Issa Konaté v Burkina Faso*, which was, at the time, the largest reparations award made by the African Court of Human and Peoples' Rights.

## Commercial

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- *KeyMed v Michael Woodford & Paul Hillman* (a claim against former directors for unlawful means conspiracy, negligence and breach of duty, assisting Stephen Midwinter QC)
- *Avonwick Holdings v Azitio & Ors* (a US\$1.1 billion claim about the sale of the Industrial Union of Donbass involving three of Ukraine's richest men, assisting Stephen Midwinter QC)
- *Twinsectra Ltd v Lloyds Bank Plc* [2018] EWHC 672 (Ch) (a summary judgment application brought by Lloyds raising issues of alternative and cumulative remedies; election; the doctrine of approbation and reprobation; and abuse of process, assisting Stephen Midwinter QC)
- *Nori Holdings Ltd v PJSC Bank Otkritie* [2018] EWHC 1343 (Comm) (application for an anti-suit injunction against a Russian bank in support of arbitration proceedings, assisting Stephen Midwinter QC).
- *PSJC Commercial Bank Privatbank v Kolomoisky and ors* (a c.\$2bn fraud claim (and associated freezing order) brought by a Ukrainian bank against its former owners, assisting Richard Blakeley)
- *Corbiere and ors v Xu*: (a breach of confidence claim, which also raised issues under Article 6 ECHR, assisting Richard Blakeley).
- *AssetCo plc v Grant Thornton* (a c.£40m claim against Grant Thornton for the negligent conduct of the audit of AssetCo plc's financial statements, assisting Richard Blakeley)

## Arbitration

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### *Commercial arbitration*

- a financial services arbitration under English law and the LCIA rules (at WilmerHale)
- an arbitration arising out of an oil-drilling contract under English law and the LCIA rules (at WilmerHale)
- an arbitration arising out of pharmaceuticals joint venture agreement under English law and the ICC Rules (at WilmerHale)
- an arbitration arising out of a contract for the hire of a deep-sea drilling rig under English law and the ICC Rules (at WilmerHale)
- an arbitration arising out of a large energy infrastructure project under Swiss law and the ICC Rules (at WilmerHale)

### *Investment arbitration*

- *Merck Sharp & Dohme (I.A.) Corp. v. Republic of Ecuador* PCA Case No. 2012-10 (at WilmerHale, acting for the Claimant in a claim under the US-Ecuador Bilateral Investment Treaty)

Matthew has also advised on a number of prospective claims under bilateral investment treaties and on particular issues arising in respect of intra-EU BITs.

## Public Law

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- *Utilita v Secretary of State for Business, Enterprise and Innovation* (judicial review in respect of BEIS' policy regarding Smart Meters, assisting Victoria Wakefield)

- *R (on the application of Muir) v Wandsworth Borough Council* [2018] EWCA Civ 1035 (an appeal to the Court of Appeal from a judicial review in respect of the local authority's power to grant a lease of premises on Wandsworth Common, assisting Victoria Wakefield)
- *Institute of Chartered Accountants in England and Wales v Lord Chancellor* (judicial review in respect of the Lord Chancellor's refusal to make orders designating ICAEW as an Approved Regulator and Licensing Authority under the Legal Services Act 2007)
- *Omers Administration Corporation & Ors v Tesco Plc* (claims brought in respect of Tesco's overstatement of profits, in which the Serious Fraud Office intervened to protect ongoing criminal proceedings, assisting Victoria Wakefield)
- *Lohe Issa Konaté v Burkina Faso* (successful claim for damages for breach of the ICCPR and the African Charter, at WilmerHale with the Media Legal Defence Initiative)
- Assisting the Media Legal Defence Initiative with prospective applications to the European Court of Human Rights.

## EU/Competition

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- *HMRC and BMW v MG Rover Group* [2016] UKUT 434 (appeal to the Court of Appeal in respect of restitution under EU law, assisting Victoria Wakefield)
- *Federal Deposit Investment Corporation v Barclays Bank and ors* (competition law claims against USD LIBOR panel banks and the British Bankers' Association in respect of the banks' collusive suppression of USD LIBOR, assisting Richard Blakeley)
- *Queens Park Rangers v the English Football League* (competition and public law challenge to the Championship 2012 Financial Fair Play Rules, assisting Victoria Wakefield)
- *Emerald v British Airways and ors* (competition law claims against British Airways and several other airlines in respect of air cargo surcharges, acting for Lufthansa at WilmerHale)

## Education & Qualifications

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**Professional Experience:**

2014 – 2017: Wilmer Cutler Pickering Hale and Dorr LLP

**Education:**

2013 – 2014: LLM, St. John's College, Cambridge (First Class, 3<sup>rd</sup> in year).

2012 – 2013: BPTC, BPP Law School (Outstanding)

2011 – 2012: GDL, City Law School (Distinction)

2007 – 2010: BA, History, St. Hugh's College, Oxford (First Class)

**Scholarships and Prizes:**

*St. John's College, University of Cambridge*

Prior Scholarship

Wright Prize

Jacovides Prize

*The Honourable Society of Lincoln's Inn*

Buchanan Prize

Lord Denning Scholarship,

Lord Brougham Scholarship

Hardwicke Scholarship

*St. Hugh's College, University of Oxford*

Jubilee Scholarship