

## Michael Bolding

YEAR OF CALL: 2010

*"He is an extraordinarily bright junior who is very diligent." "User-friendly and easy to work with, he stays calm and unflustered at all times."*

Chambers & Partners 2021

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## Practice Overview

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Michael has a broad practice covering all aspects of commercial litigation and arbitration. He appears regularly in the High Court in a wide range of commercial cases. He has worked on a number of very high-value and complex civil fraud claims and joint venture disputes in recent years, in addition to insurance, professional negligence and jurisdiction disputes. Recent cases on which Michael has been instructed include: the FCA test case concerning business interruption claims based on Covid-19; a claim in the BVI for around US\$1 billion concerning a joint venture relating to Russian energy assets; a high-value ICC arbitration claim relating to the sale of an interest in an oil field, involving claims for breach of contract and deceit; and a claim against a City law firm for damages of over US\$500 million for alleged breaches of duty owed to a former client. Michael has also been instructed in a number of major competition law disputes.

## Commercial

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- *FCA v Arch Insurance (UK) Ltd and others* (Commercial Court); representing one of the defendant insurers in an unprecedented test case brought by the FCA to clarify whether and, if so, to what extent certain business interruption insurance policies respond to claims based on Covid-19 (with Simon Salzedo QC).
- Defending a City law firm in a Commercial Court claim for damages of over US\$500 million for alleged breaches of duty owed to a former client in connection with a claim concerning certain investments in Ukraine, Russia and the USA (with Helen Davies QC).
- Acting for the claimant in a significant ICC arbitration relating to the sale of an interest in an oil field, involving allegations of breach of contract and deceit (with Tim Lord QC).

- Representing the respondents in an LCIA arbitration concerning a claim for over US\$200 million relating to the assignment of a promissory note (with Jasbir Dhillon QC).
- Advising a listed company in connection with a claim concerning the sale of a business worth around £8 billion (with Neil Calver QC).
- *Renova Industries Ltd and others v Emmerson International Corporation and others* (BVI Commercial Court); acting for the claimants in a dispute worth around US\$1 billion concerning a joint venture relating to Russian energy assets, including a successful application to discharge very substantial freezing orders (with Mark Howard QC and others).
- Representing the defendants in an LMAA arbitration concerning a number of long-term contracts of affreightment allegedly concluded by a major Russian fishing company (with Michael Swainston QC and Richard Lord QC).
- *Filatona Trading Ltd and Oleg Deripaska v Navigator Equities Ltd and others* (Commercial Court): acting for the claimants in a challenge to arbitral awards relating to a joint venture dispute concerning a Russian textiles company.
- *Tullow Oil Plc and another v Eni UK Ltd and another* (Commercial Court and Court of Appeal): representing the defendants in a dispute concerning a share purchase agreement relating to an oil field in the North Sea, worth over £20 million (with Simon Salzedo QC)
- *Chilcott UK Ltd and another v Patel and another* (Commercial Court); acting for the claimants in case involving claims for breach of warranties contained in a share purchase agreement (with Jemima Stratford QC).
- Acting for the defendant in an ICC arbitration concerning a multi-million pound claim for an indemnity under a contract relating to the provision of personnel at a gas processing facility in Algeria (with Richard Slade QC).
- *CitizenM LND St Paul's Properties BV v Chil Ltd and others* (Chancery Division and Court of Appeal): representing the claimant in a contractual dispute concerning a joint venture relating to the development of a plot of land in central London for use as a hotel (with Simon Salzedo QC).
- *Ardila Investments NV v ENRC NV* (Commercial Court): acting for the claimant in a claim for US\$285 million owed under a share purchase agreement relating to an iron ore mine in Brazil (with Neil Calver QC and Stephen Midwinter).
- Advising in relation to a claim for over £45 million brought against a commercial property consultancy involving allegations of negligence and breach of contract.
- Advising in relation to allegations concerning the mis-selling of sovereign bonds worth a total of around US\$700 million.
- *Essar Shipping Ltd v Bank of China Ltd* (Commercial Court): an application for an anti-suit injunction to restrain the pursuit of proceedings in China allegedly brought in breach of an arbitration agreement incorporated into a bill of lading contract (with Richard Lord QC).

- *Arcadia Energy (Suisse) S.A. and another v Ubah and others* (Commercial Court): an application for an interim anti-suit injunction to restrain the defendants from continuing proceedings in Nigeria in breach of an exclusive jurisdiction clause contained in a settlement agreement relating to a dispute concerning the sale of a vessel (with Richard Lord QC).
- *LA Leisure Ltd v Fitness Agents Ltd* (Mercantile Court): acting for the defendant in a dispute relating to the provision of personal trainers at fitness clubs involving various allegations of breach of contract.
- Representing the claimant in an arbitration under the LCIA rules worth several billion dollars involving a shareholders' dispute concerning contracts entered into by a major Russian commodity company (with Mark Howard QC and others).
- *Brit UW Ltd v F&B Trenchless Solutions Ltd* (Commercial Court): representing insurers in a successful claim for a declaration that a contractors' combined liability insurance policy had been validly avoided on the basis of non-disclosure and misrepresentation by the insured (with Neil Calver QC).
- *Sartex Quilts & Textiles Ltd v Henderson Insurance Brokers Ltd* (Commercial Court): defending an insurance broker in a claim for negligence concerning the placing of material damage and business interruption cover (with Neil Calver QC).
- *Davenport Capital Ltd v EBG* (Mercantile Court): acting for the defendant in a claim brought by a consultancy firm for sums said to be owed as a debt and/or as damages, or by way of restitution, for services allegedly rendered in connection with the establishment of a private equity fund.
- *Eurokey Recycling Ltd v Giles Insurance Brokers Ltd* (Commercial Court): successfully defending an insurance broker in a negligence claim for over £20 million concerning the placing of material damage and business interruption cover (with Neil Calver QC).
- *Corbiere Ltd and others v Xu* (Chancery Division): representing the claimant in a successful application for a worldwide freezing order against a defendant in a claim for damages for misuse of confidential information (with Michael Swainston QC).
- Advising in relation to a dispute concerning a long-term electricity contract worth several million dollars entered into by the subsidiary of a major Russian commodity company (with Neil Calver QC and Andrew Henshaw QC).
- Acting for the claimant in an arbitration under the LCIA rules involving allegations of economic duress and breach of contract, worth over US\$50 million (with Andrew Henshaw QC).
- Acting for the defendant in case involving a challenge to an arbitral award under section 68 of the Arbitration Act 1996 on the basis of a decision by the tribunal not to permit the other party to amend its statement of case shortly before the final hearing (with Andrew Henshaw QC).
- *AC Gold Biomass Ltd v Burrows* (Commercial Court): acting for the claimant in a challenge to an arbitral award under s.68 of the Arbitration Act 1996.

## Competition

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## Notable cases

- *Federal Deposit Insurance Company v Barclays Bank Plc and others* (Chancery Division): acting for the claimant (as receiver of a number of failed US retail banks) in a claim for damages against certain USD LIBOR panel banks and the British Bankers' Association for, amongst other things, breach of Article 101 TFEU arising out of the defendants' alleged collusive suppression of USD LIBOR rates (with Marie Demetriou QC and others).
- *Apple Retail UK Limited and others v Nokia Solutions and Networks UK Limited* (Chancery Division): acting for the defendants in a case concerning allegations that they failed to offer a licence to standard-essential mobile phone patents on FRAND terms and conditions (with Jemima Stratford QC and Sarah Abram).
- Advising in relation to a claim for damages and injunctive relief arising out of an alleged breach of Article 102 TFEU relating to the defendants' decision to terminate supplies of spare parts and components for watches (with Robert O'Donoghue QC).
- *GTS Gas Turbine Services S.A. v Rolls-Royce Holdings Plc* (Chancery Division): representing the claimant in a claim for damages and injunctive relief arising out of an alleged breach of Article 102 TFEU and/or section 18 of the Competition Act 1998 due to a refusal to supply spare parts and components for gas turbines to an intermediary (with Robert O'Donoghue QC).
- *LM Ericsson v Apple Retail UK Ltd and another* (Chancery Division): acting for the claimant in a dispute concerning the obligations of a holder of standard-essential mobile phone patents to grant licences on FRAND terms and conditions (with Jemima Stratford QC and others).
- *Unwired Planet International Ltd v Huawei Technologies Co. Ltd and others* (Chancery Division): acting for the claimant in a dispute concerning the obligations of a holder of standard-essential mobile phone patents to grant licences on FRAND terms (with Jemima Stratford QC and others).
- *R (Philip Morris Brands Sàrl and another) v Secretary of State for Health* (Administrative Court): acting for the claimant in a challenge to the Secretary of State's intention to implement Directive 2014/40/EU (the Second Tobacco Products Directive) (with Marie Demetriou QC and Daniel Piccinin).
- *R (Philip Morris Brands Sàrl and another) v Secretary of State for Health* (Administrative Court): acting for the claimant in a challenge to the Standardised Packaging of Tobacco Products Regulations 2015 (with Marie Demetriou QC and Daniel Piccinin).
- *Allpay Ltd v City of Bradford Metropolitan District Council* (TCC): acting for the defendant in a claim challenging a tender exercise under the public procurement regulations.

## Energy and natural resources

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- *Renova Industries Ltd and others v Emmerson International Corporation and others* (BVI Commercial Court); acting for the claimants in a dispute worth around US\$1 billion concerning a joint venture relating to Russian energy assets (with Mark Howard QC and others).

- Acting for the claimant in an ICC arbitration relating to the sale of an interest in a Brazilian oil field (with Tim Lord QC).
- *Tullow Oil Plc and another v Eni UK Ltd and another* (Commercial Court): representing the defendants in a dispute concerning a share purchase agreement relating to an oil field in the North Sea, worth over £20 million (with Simon Salzedo QC)
- Acting for the defendant in an ICC arbitration concerning a multi-million pound claim for an indemnity under a contract relating to the provision of personnel at a gas processing facility in Algeria (with Richard Slade QC).
- Advising in relation to a dispute concerning a long-term electricity contract worth several million dollars entered into by the subsidiary of a major Russian commodity company (with Neil Calver QC and Andrew Henshaw QC).

## Insurance and reinsurance

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- *FCA v Arch Insurance (UK) Ltd and others* (Commercial Court); representing one of the defendant insurers in an unprecedented test case brought by the FCA to clarify whether and, if so, to what extent certain business interruption insurance policies respond to claims based on Covid-19 (with Simon Salzedo QC).
- *Brit UW Ltd v F&B Trenchless Solutions Ltd* (Commercial Court): representing insurers in a successful claim for a declaration that a contractors' combined liability insurance policy had been validly avoided on the basis of non-disclosure and misrepresentation by the insured (with Neil Calver QC).
- *Sartex Quilts & Textiles Ltd v Henderson Insurance Brokers Ltd* (Commercial Court): defending an insurance broker in a claim for negligence concerning the placing of material damage and business interruption cover (with Neil Calver QC).
- *Eurokey Recycling Ltd v Giles Insurance Brokers Ltd* (Commercial Court): successfully defending an insurance broker in a negligence claim for over £20 million concerning the placing of material damage and business interruption cover (with Neil Calver QC).

Michael has also provided confidential advice in relation to numerous insurance coverage disputes and allegations of misrepresentation and non-disclosure. In particular, Michael has provided advice in relation to several marine insurance policies and also advised in relation to a multi-million dollar claim under a contractors' all risks insurance policy relating to the construction of a motorway in Qatar.

## Shipping and commodities

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- Representing the defendants in an LMAA arbitration concerning certain long-term contracts of affreightment allegedly concluded by a major Russian fishing company (with Michael Swainston QC and Richard Lord QC).

- *Essar Shipping Ltd v Bank of China Ltd* (Commercial Court): an application for an anti-suit injunction to restrain the pursuit of proceedings in China allegedly brought in breach of an arbitration agreement incorporated into a bill of lading contract (with Richard Lord QC).
- *Arcadia Energy (Suisse) S.A. and another v Ubah and others* (Commercial Court): an application for an interim anti-suit injunction to restrain the defendants from continuing proceedings in Nigeria in breach of an exclusive jurisdiction clause contained in a settlement agreement relating to a dispute concerning the sale of oil and a vessel (with Richard Lord QC).
- Representing the claimant in an arbitration under the LCIA rules worth several billion dollars involving a shareholders' dispute concerning contracts entered into by a major Russian commodity company (with Mark Howard QC and others).
- Michael contributed to the second edition of Aikens, Lord and Bools on *Bills of Lading* and is helping to edit the third edition.

## Telecoms

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- *Apple Retail UK Limited and others v Nokia Solutions and Networks UK Limited* (Chancery Division): acting for the defendants in a case concerning allegations that they have failed to offer a licence to standard-essential mobile phone patents on FRAND terms and conditions (with Jemima Stratford QC and Sarah Abram).
- *LM Ericsson v Apple Retail UK Ltd and another* (Chancery Division): acting for the claimant in a dispute concerning the obligations of a holder of standard-essential mobile phone patents to grant licences on FRAND terms and conditions (with Jemima Stratford QC and others).
- *Unwired Planet International Ltd v Huawei Technologies Co. Ltd and others* (Chancery Division): acting for the claimant in a dispute concerning the obligations of a holder of standard-essential mobile phone patents to grant licences on FRAND terms (with Jemima Stratford QC and others).

## Publications

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Aikens, R. Lord, R. and Bools, M. *Bills of Lading*, (2<sup>nd</sup> ed.), Informa Law, contributor

*Competition Litigation: UK Practice and Procedure* (2<sup>nd</sup> ed.), Oxford University Press, contributor

*Administrative Court Digest*, Sweet & Maxwell, contributor

## Qualifications & Further Information

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2017: Called to the Bar of the Eastern Caribbean Supreme Court (BVI)

2012-13: Judicial Assistant to Lords Clarke and Carnwath, UK Supreme Court

2011-12: Pupillage, Brick Court Chambers

2010-11: LLM, Harvard Law School

2009-10: BVC, BPP Law School (Very Competent)

2009-10: Non-stipendiary lecturer in law, University College, Oxford

2008-09: BCL, Lincoln College, Oxford (1st class, 1st in year)

2004-07: LLB (Hons) (1st class, 1st in year)

### **Scholarships and prizes:**

2009: Queen Mother Scholarship, Middle Temple

2009: Vinerian Scholarship, University of Oxford (for the highest grade on the BCL)

2009: Sir Rupert Cross Prize for Evidence, University of Oxford

2009: Sir Ralph Chiles CBE Award for Human Rights, University of Oxford

2009: Rector's Prize, Lincoln College, University of Oxford

2009: Joint winner of the Holdsworth Society Moot, University of Oxford

2008: Supperstone Law Scholarship, Lincoln College, University of Oxford

2007: Human rights bursary, International Bar Association

2007: Oxford University Press Law Prize

### **Memberships**

ALBA

COMBAR

## **directory quotes**

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"Very intelligent and able to immediately grasp complex issues. His drafting is top-notch." (Chambers & Partners 2022)

"An excellent team player, with encyclopaedic knowledge of the case and strong analytical skill." (Legal

500 2022)

"He is an extraordinarily bright junior who is very diligent." (Chambers & Partners 2021)

"User-friendly and easy to work with, he stays calm and unflustered at all times." (Chambers & Partners 2021)