

## Alec Haydon KC

YEAR OF CALL: 1993 YEAR OF SILK: 2019

*"He is precise, focused and decisive – exactly what you want" "A lethal cross-examiner and a joy to watch – fun to work with and clients love him."*

Legal 500 2020; Chambers & Partners 2021

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## Practice Overview

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Alec Haydon has acquired a broad range of experience acting in significant, high profile, high value commercial disputes involving a wide variety of issues and litigants. At home cross-examining factual and expert witnesses, arguing points of law or the construction of contracts including insurance coverage issues, or dealing with complex interlocutory applications.

Recognised in the directories as a Leading Silk in Commercial Dispute Resolution, Civil Fraud and Energy & Natural Resources, he is regularly instructed in cases before the Business and Property Courts as well as in International Arbitrations under LCIA, ICC and CIA Rules.

## Commercial

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*Alec is regularly instructed in a wide range of commercial disputes, many of which involve jurisdictional challenges and applications for WFOs or other injunctive relief. He is recognised as having good commercial judgment and an ability to identify and focus on the key issues in a case from an early stage of the proceedings. He is highly numerate and able to grapple with the detail of complex quantum disputes.*

*Privatbank v Kolomoisky & Bogolyubov (ongoing) – Acting for Igor Kolomoisky, a Ukrainian oligarch, defending a claim brought in London by a large nationalised Ukrainian bank claiming in excess of USD 2 billion alleged to have been misappropriated while he and Mr Bogolyubov owned the bank.*

*Candy Ventures SARL v Aaqua BV & Robert Bonnier (ongoing) – Acting for CVS pursuing a claim in deceit for damages caused by an investment in Aaqua BV and representing CVS and Nick Candy*

on an inquiry into damages alleged to have been caused by a short-lived WFO.

*Apache North Sea v Euroil Exploration* [2020] EWCA Civ 1397 – Acted for Euroil at first instance and on appeal successfully defeating a claim brought by Apache seeking an excessive contribution to the cost of drilling “earn-in” wells under a Farm Out Agreement.

*Tecnicas Reunidas v Korean Development Bank* [2020] EWHC 968 (TCC) – A case resolving the relationship between express non-documentary conditions in a demand guarantee and the terms of the URDG when incorporated by reference.

*Cardamon v McAlistair* [2019] EWHC 1200 (Comm) – Successfully recovered the maximum amount of damages for breach of warranty in a Share Purchase Agreement for the purchaser of an insurance company complaining of misleading information in its accounts.

*DP World Djibouti FZCO v Port de Djibouti SA* [2018] EWHC 2340 (Comm) – Successfully obtaining an injunction under section 44(3) of the Arbitration Act 1996 preventing PDSA from taking control of a joint venture company, pending resolution by a London-seated arbitration tribunal of the dispute as to whether the parties’ agreement been terminated under Djibouti law

## **International Commercial Arbitration**

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*A significant number of Alec’s commercial cases are resolved by international arbitration. Many of these disputes are confidential and so the parties to recent cases are identified anonymously.*

*C v S, M v S* ongoing) – Swiss arbitrations concerning disputes between a company operating food and beverage outlets and brand owners complaining of breaches of licence agreements and mismanagement.

*H v M (2021)* – Successfully representing the Claimants in a dispute under ICC Rules. A UK based project management consultant and a foreign oil company to recover unpaid fees incurred in relation to a project to supervise the construction of a vessel in Korea and Singapore.

*AM v KM (2020)* – Successfully representing the Claimant in a dispute in the LCIA between two Russian brothers concerning ownership and control of a Cypriot company with a commercial property portfolio in Moscow requiring inventive applications to be made for injunctive relief.

*E v M (2017)* – Successfully obtaining an Award in a CIA Arbitration for payment of a commission to a company which had introduced a source of funding by way of bond issue.

*H v M (2017)* – Defending a claim made by a company formerly owned by Mr Abyazov in an LCIA Arbitration.

## Civil fraud

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*Alec enjoys the forensic challenge presented by fraud cases, the strategic issues for both claimants and defendants, and the opportunities for cross-examination that arise.*

*Candy Ventures SARL v Aaqua BV & Robert Bonnier (ongoing)* – Acting for CVS pursuing a claim in deceit for damages caused by an investment in Aaqua BV and representing CVS and Nick Candy on an inquiry into damages alleged to have been caused by a short-lived WFO.

*London Capital Finance v Thomson & Ors (ongoing)* – Acting for Mr Russell, a salesman, defending claims by the liquidators of LCF alleging fraud in the marketing of LCF's investments.

*Privatbank v Kolomoisky (ongoing)* – Acting for Mr Kolomoisky defending a claim brought in London by a large nationalised Ukrainian bank claiming in excess of USD 2 billion alleged to have been misappropriated while he and Mr Bogolyubov owned the bank.

*Pinchuk v Bogolyubov (2016)* – Acting for Mr Bogolyubov in a dispute concerning rights to the Kryvyi Rih Iron Ore Plant in Ukraine.

*Alliance Bank JSC v Zhunus and Arip [2015] EWHC 714 (Comm)* – acting for a Kazakh businessman, successfully discharging a WFO obtained by the bank and setting aside a claim service of a claim form alleging a fraudulent scheme to deprive the bank of valuable security for loans.

## Energy and natural resources

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*Alec is interested in the science behind energy disputes and enjoys getting to grips with the expert issues that arise.*

*Apache North Sea v Euroil Exploration [2020] EWCA Civ 1397* – Acting for Euroil at first instance and on appeal successfully defeating a claim brought by Apache seeking an excessive contribution to the cost of drilling "earn-in" wells under a Farm Out Agreement. The case involved the relationship between terms of the FOA and the Joint Operating Agreement to which Euroil had become party on acquiring its interest.

*Rosserlane v Credit Suisse [2017] EWCA Civ 91* – Successfully defending Credit Suisse at first instance and on appeal from a claim for compensation for the alleged sale at an undervalue of a company owning an interest in an oil field in Azerbaijan, cross-examining the expert reservoir engineer.

*Skanska v Ecotricity (2017)* – successfully deterring a claim against Ecotricity in respect of a failed wind farm venture at the pre-action mediation.

*BG v Talisman & Idemitsu* [2015] EWHC 110 (Comm) – acting for Idemitsu in its dispute with BG and Talisman concerning the distribution of expenses incurred by Talisman in operating a floating, production, storage and offloading vessel in the North Sea to process crude oil from two neighbouring fields.

*Electrobel International Holdings BV v Teesside Power Holdings Limited* – acting for the sellers of shares in the company owning Teesside Power Station defending allegations of breach of warranty relating to various assets material to the operation of the power station including steam turbines and a subsea gas pipeline.

## Banking and finance

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*In addition to providing advice to banks and customers on their liabilities under various instruments, Alec has appeared in a number of interesting cases that have gone to trial.*

*Privatbank v Kolomoisky* (ongoing) – Representing the former owner of a Ukrainian bank alleging liability in tort under Ukrainian law for, inter alia, causing loans to be issued in breach of Ukrainian legislation and the bank’s internal guidelines.

*Tecnicas Reunidas v Korean Development Bank* [2020] EWHC 968 (TCC) – A case resolving the relationship between express non-documentary conditions in a demand guarantee and the terms of the URDG when incorporated by reference.

*Rosserlane v. Credit Suisse* [2017 EWCA Civ 91] – Successfully defending Credit Suisse both at first instance and on appeal from a claim by a borrower that the bank had owned and breached a duty of care in exercising its right to force a sale of an asset belonging to the borrower to realise funds to repay the loan

## Insurance

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*Throughout his career Alec has advised on and acted in insurance coverage disputes in the context of litigation and arbitration with most recent work for Axa and Zurich under Subguard insurance policies.*

## Qualifications

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| 1994    | Admitted as Attorney to the State Bar of New York, USA.   |
| 1993-94 | Harvard Law School Cambridge, MA, LL.M.                   |
| 1993    | Called to the Bar of England & Wales.                     |
| 1989-92 | Cambridge University (St. John's College), BA, 1st Class. |

## Directory Quotes

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- "A classic user friendly team player barrister, who is very good at joining a team and rolling his sleeves up." (Chambers & Partners 2024)
- "Alec Haydon is not afraid to pin his colours to the mast. He is very user-friendly and thinks deeply about things." (Chambers & Partners 2024)
- "Alec is exceptionally hard working and on top of the detail. He combines excellent tactical awareness with calm and authoritative advocacy." (Chambers & Partners 2024)
- "He is very bright and calm, and able to forensically dissect the facts of a case." (Chambers & Partners 2024)
- "Alec has all the detail of a case at his fingertips." (Chambers & Partners 2024)
- "He's a very good advocate. With a very sharp and analytical brain, he's excellent." (Chambers & Partners 2024)
- "Alec is exceptionally practical and easy to work with. His instincts are right but he also delves into the detail and provides a perfectly crafted succinct response." (Legal 500 2024)
- "Alec has fantastic attention to detail and is highly focused, with great skill in absorbing complex information and identifying the key issues." (Legal 500 2024)
- "He is very calm in a crisis, leaves no stone unturned, and is impressive on his feet." "He has excellent attention to detail and a laser ability to assimilate information and focus on what actually matters to achieve the best result for the client." (Chambers & Partners 2023)
- "Alec is extremely sharp, astute and has an incredible eye for detail in complex cases." "He is commercially and tactically aware." (Chambers & Partners 2024)
- "He is very thorough, leaving no stone unturned to give clear and practical commercial recommendations." (Legal 500 2023)
- "Alec has a formidable intellect. He has excellent forensic skills and leaves no stone unturned in investigating and assessing a case. His advocacy skills are superb and he skilfully prosecutes his client's case." (Legal 500 2023)
- "Great to work with, very thorough and always on top of the details." (Chambers & Partners 2022)
- "He is technically excellent, responsive and a pleasure to work with." (Chambers & Partners 2022)
- "He is precise, focused and decisive - exactly what you want." "He is very hard-working: he rolls his sleeves up and gets into the detail, and he looks at matters from every angle." (Chambers & Partners 2022)
- "Very intelligent and robust, a good team-player and a very effective advocate." (Legal 500 2022)
- "He has a lot of flair and he is someone who judges respond well to." "An effective and well-prepared advocate." (Chambers & Partners 2021)
- "He is organised and effective." "A really bright guy - his written work is excellent." (Chambers & Partners 2021)
- "Very thorough and commercial. A notable new silk in the energy practice area." "Very

impressive." (Chambers & Partners 2021)

- "He is outstanding – extremely sharp and quick, all over the papers, and always on call and responsive." (Legal 500 2021)
- "He is very good on the construction of various contracts and is a commercial and efficient barrister." (Chambers & Partners UK & Global 2020)
- "He is excellent – he really rolls up his sleeves and gets stuck into cases." "Demonstrates excellent technical skills and a strong grasp of all issues." (Chambers & Partners 2020)
- "Displays fanatical attention to detail, making sure every stone is turned over and examined. During the case he has the ability to keep all the balls in the air." "Exceptionally responsive, thorough and hard-working." (Chambers & Partners UK & Global 2020)
- "A lethal cross-examiner and a joy to watch – fun to work with and clients love him." (Legal 500 2020)
- "Puts clients at ease in conference, and talks to them on their level." "He has extremely good analytical skills, and he's quick to grasp complex factual situations." (Chambers & Partners UK & Global 2019)
- "Bright, diligent and someone who plays his cards right in order to get the right result." "His oral advocacy is very strong and he's an excellent tactician." (Chambers & Partners UK & Global 2019)
- "Very bright." "A very good strategist and a robust advocate." (Chambers & Partners 2019)
- "A very highly rated junior commercial silk who is clearly going places." (Legal 500 2018-19)
- "He's an exceptionally capable lawyer – a KC in everything but name." (Chambers & Partners 2018)
- "An intelligent and balanced advocate who takes a considered and persuasive approach." "He has a good tactical sense." (Chambers & Partners 2018)
- "He's not afraid to put his neck on the line and give a clear view on how the case should be presented." "He's exceedingly thorough and very decisive." (Chambers & Partners 2018)
- "He is very efficient and can absorb a lot of detail quickly" (Legal 500 2017)
- "He's quick, sensible, engaging, tough and committed." (Chambers & Partners 2017)
- "A very commercially minded and clear advocate." "He has extremely good analytical skills and is quick at grasping complex factual situations and industry concepts." (Chambers & Partners 2017)
- "He gets to the issues quickly and is very effective at identifying the best points to run." (Legal 500 2016)
- "Makes my life easy. He is unbelievably hard-working and has an encyclopaedic knowledge of the law. He gets to the heart of things straightaway and doesn't take any prisoners. He is always willing to help and come up with suggestions." (Chambers & Partners 2016)
- "A very good junior; responsive, quick, insightful and a very loyal team player." (Legal 500 2015)
- "Very good on fraud and careful to find the right strategy. He has huge experience in heavyweight commercial fraud cases and is great at fighting his corner." (Chambers & Partners 2015)
- "Incredibly good at devising strategy, getting to the key issues and finding a way through

them that meets clients' commercial objectives." "He's very good on fraud and careful to find a proportionate strategy." (Chambers & Partners 2015)

- "He is extremely technically proficient. He has an excellent practice and is very well liked by his clients and his opponents. A real delight, he's very sensible, very measured and very effective." (Chambers & Partners 2014)
- "He immerses himself in the facts and produces beautifully drafted skeletons and pleadings" (Chambers & Partners 2014)
- "Careful to find a proportionate strategy." (Legal 500 2014)
- Alec Haydon has a "forthright style" and "an excellent ability to separate the wheat from the chaff" in a case. "Confident and direct" in his manner, he does well as he is "tenacious, thorough and insightful." (Chambers & Partners 2013)
- Alec Haydon is a "very strong" junior who is "impeccable on paper". He is also "pleasant to deal with and very hard-working," according to sources, who commend the quality of his advice and his ability to handle complex jurisdictional issues. (Chambers & Partners 2013)
- "Alec Haydon is a "fiery advocate" who has also acted in some of the most significant cases brought before the commercial courts, including B SkyB v EDS and Berezovsky v Estate of Patarkatsishvili. Commentators reserve particular
- According to sources, he constitutes "an excellent choice due to his great talent and well-directed aggression in court." " (Chambers UK 2012)
- "Alec Haydon is an impressive junior with a widely admired advocacy style. He is "a punchy advocate who gives it his all," (Chambers & Partners 2011)
- "a perfect junior who is hard-working, thorough and willing and able to take responsibility." (Chambers & Partners 2011)
- "A rising star of the Commercial Fraud Bar, Haydon is singled out as a "hard-hitting advocate who really cares about his cases." (Chambers & Partners, 2010)" "seems to have something of a Sumption about him.' Commentators note that he has the 'ability to make a point directly and the courage to see his case through." (Chambers & Partners, 2009)