

Allan Cerim

YEAR OF CALL: 2018

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Practice Overview

Allan recently joined chambers following the successful completion of his pupillage, and is developing a broad practice in line with chambers' core areas of practice. His commercial practice spans a wide range of sectors, including banking and finance, insurance and reinsurance (including advising a major insurer on business interruption claims arising after the Supreme Court's decision in the FCA Test Case), commodities, transport, energy, aviation, and financial markets. Allan's practice spans multiple jurisdictions, including the MENA region, Hong Kong, the Cayman Islands, the British Virgin Islands, EU, and Africa. Allan's cases often include an international dimension, and raise issues of jurisdiction and foreign law. As well as his general commercial practice, Allan has particular experience in company law (including shareholders' disputes and claims against directors), insolvency, civil fraud, and intellectual property.

Allan is also building an investment arbitration practice. He was instructed by a foreign government to advise on a number of commercial and human rights issues arising in the context of Bilateral Investment Treaties.

Allan also has a broad competition, public, and EU law practice. In the field of competition, Allan is currently instructed in the high-value cartel litigation arising out of the collapse of Phones4u. In public law, Allan is instructed on cases in the fields of human rights, civil liberties, and non-discrimination. Allan's public law practice includes appeals of regulatory decisions, and currently includes instructions on the contentious issue of licensing following the Supreme Court's decision in *Uber v Aslam*. His EU law practice includes sanctions and competition law.

Allan graduated with a First Class degree in Law from the University of Cambridge, where he finished 7th in a year of 210 and won the prizes in Constitutional, EU, and EU Environmental (scoring the highest mark in the Faculty's history). He was later awarded the Frank Knox Fellowship to study for an LLM at Harvard Law School, where he won the Dean's Scholar Prize in a number of subjects, including for his paper "Markets, Hegemony and Dominance: Dismantling the Cabal with Antitrust". Prior to pupillage, Allan worked for a number of legal NGOs and other agencies on a range of issues, including the prevention of torture, refugee protection, forced marriage, modern slavery, the laws of criminal evidence in the Middle

East, the rights of disabled people under international law, employment rights, and environmental protection.

During pupillage, Allan assisted in chambers' core areas of practice, both at domestic and European level. This included two appeals to the Supreme Court, a number of jurisdiction disputes, follow-on damages, civil fraud, State Aid, two references to the CJEU, sanctions, commercial trials, and a number of high-profile judicial reviews.

Highlights include:

- *Servier* – An appeal to the Supreme Court concerning the (i) the economic torts, in particular the unlawful means tort, and (ii) the interaction between, on the one hand, competition and IP statutory regimes and the common law torts (assisting Marie Demetriou QC and Daniel Piccinin)
- Refugee protection (UNHCR) – A reference to the CJEU on the protection of Palestinian refugees under EU asylum law. The case concerns the implementation of the Geneva Convention under the EU Qualification Directive (assisting Marie Demetriou QC and Tim Johnston)
- *Lloyd v Google* – An appeal to the Supreme Court concerning group actions for mass data protection breaches (assisting Victoria Wakefield QC)
- Follow-on damages (RoRo) – advising on a collective action in the Competition Appeal Tribunal (assisting Marie Demetriou QC and Daniel Piccinin)
- Sports – Allan assisted on a number of matters concerning the application of EU and UK competition law to the sporting industry.
- Trials – Allan assisted various members of chambers' in preparation for heavy trials, including the Playboy litigation (assisting Simon Salzedo QC and Fred Hobson); a claim in the Commercial Court against Credit Suisse for \$100m (assisting Tim Lord QC and Fred Hobson); a claim against Servier for abuse of dominance (assisting Nicholas Saunders QC and Daniel Piccinin); and a settled public procurement trial in the music industry (assisting Tim Johnston)
- Judicial reviews – (i) a judicial review brought by the Joint Council for the Welfare of Immigrants challenging the EU Settlement Scheme (assisting Paul Bowen QC and Emma Mockford); (ii) a review of the Financial Services Compensation Scheme arising out of the heavily-publicised collapse of London Capital Finance (assisting James McClelland QC, Tim Johnston and Charlotte Thomas);
- Jurisdiction challenges – Allan assisted in a number of jurisdiction disputes including, a jurisdiction challenge under the Lugano Convention in the Commercial Court in the context of a civil fraud dispute (assisting Fred Hobson); a multi-million jurisdiction challenge under the Brussels Regime arising in the context of a £100 million dispute brought by investors in the Courts of New York (assisting Neil Calver QC and Ben Woolgar); and *Samsung v LCD* – a challenge brought by Taiwanese and Korean companies in a contribution claim brought by Samsung for breach of EU competition law (assisting Daniel Piccinin);

- Sanctions – Advising a number of companies on the effects of EU and international sanctions (assisting Maya Lester QC);
- State aid – contentious and advisory work in the field of State aid (assisting Aidan Robertson QC).

Allan accepts instructions in all of chambers' areas of commercial and arbitration practice. Allan is currently instructed (both led and unled) on matters on civil fraud, IP rights, financial markets, company law, banking, asset recovery, the enforcement of foreign judgments, and sanctions on corporate entities. His instructions include overseas and international disputes, such as the Cayman Islands, Hong Kong, Nigeria, France, and the MENA region.

During pupillage, Allan assisted with a number of commercial disputes, including:

- *The Secretary of State for Health v Servier Laboratories Ltd* – a Supreme Court case concerning (i) the economic torts, in particular the unlawful means tort, and (ii) the interaction between competition/IP regimes and compensatory relief under the common law (assisting Marie Demetriou QC and Daniel Piccinin)
- *Loreley 30 v Credit Suisse* – a \$510 claim in the Commercial Court brought by purchaser of CDO investors against Credit Suisse claiming that the purchased was induced by fraud. The claim raises complex issues of law and facts on the law of misrepresentation (assisting Tim Lord QC and Fred Hobson)
- *Terre Neuve Sarl v Yewdale Ltd* [2020] EWHC 772 (Comm) : a jurisdiction challenge under the Lugano Convention and the application of the *Fiona Trust* principle (assisting Fred Hobson)
- *Galapagos Bidco S.A. v Signal Credit Opportunities Fund* 2021] EWHC 68 (Ch) - The case concerned a \$100m claim for an alleged fraudulent conveyance.
- *Playboy* litigation – a claim in the tort of deceit brought by a London casino against an Italian bank in the tort of deceit (assisting Simon Salzedo QC and Fred Hobson). The deceit trial was brought following the Supreme Court's ruling in *Playboy Club London Limited v Banca Nazionale del Lavoro SPA* [2018] UKSC 43
- *Samsung v LCD* – a jurisdiction challenge by Taiwanese and Korean defendants in a claim under the Contribution Act brought by Samsung. The claim arises out of the parties' breach of EU competition law.
- Competition follow-on damages – assisted in advising on the merits of a CPO application brought by various claimants in relation to roll-on, roll-off services in light of the Supreme Court's judgment in *Merricks v Mastercard* (assisted Marie Demetriou QC and Daniel Piccinin)
- *Servier* – a trial brought by a number of public authority claimants against Servier alleging abuse of dominance (assisting Nicholas Saunders QC and Daniel Piccinin)
- Insurance law: advising a Bermudan company on the interaction between re-insurance and insolvency law (assisting Stephen Midwinter QC).

- Advising a company on a high-value fraudulent scheme concerning an art dealer's dishonest "double-dealing" in the sale and purchase of artworks, leading to an LCIA arbitration in 2020 (assisting Fred Hobson)

Allan has and continues to act in a number of cases in the fields of civil liberties, human rights and discrimination. Allan was instructed by a foreign government to advise on human rights, labour law and environmental protection issues arising in the context of Bilateral Investment Treaties. He is currently instructed to act for a number Iranian nationals in a discrimination claim arising in the context of US and EU sanctions.

During pupillage, Allan assisted in a number of civil liberties, human rights and discrimination cases:

- *R (Joint Council for the Welfare of Immigrants) v Secretary of State for the Home Department* (supervised by Paul Bowen QC and Emma Mockford, acting for the Claimants): a judicial review relating to the EU Settlement Scheme.
- *UNHCR* – A reference to the CJEU on the protection of Palestinian refugees under EU asylum law. The case concerns the implementation of the Geneva Convention under the EU Qualification Directive (assisting Marie Demetriou QC and Tim Johnston)
- *Arumugam and others (in the matter of the Liberation Tigers of Tamil Eelam) v Secretary of State for the Home Department* – an application to the Proscribed Organisations Appeal Commission (POAC) to de-proscribe an organisation proscribed by the Secretary of State under the Terrorism Act 2000. It was argued, inter alia, that the refusal to de-proscribe was in breach of Articles 10 (free expression) and 11 (freedom of association).
- Various pieces of advice on the Equality Act 2010
- *Lloyd v Google* – a data protection claim in the Supreme Court relating to mass data breaches (assisting Victoria Wakefield QC)
- *Privacy International v Secretary of State for Foreign and Commonwealth Affairs* – a case in the Investigatory Powers Tribunal concerning the legality of the government's policy authorising the commission of crimes by undercover agents. The challenge was brought both on public law grounds and under the European Convention on Human Rights (assisting Victoria Wakefield QC)
- *Doctors Association UK v Secretary of State for Health* (Supervised by Paul Bowen QC, Tim Johnston and Emma Mockford): a judicial review seeking a public inquiry into the procurement and distribution of PPE during the Covid-19 pandemic on the basis of Article 2 ECHR.
- *ECHR* – Allan has assisted Member of Chambers' in advising on the application of the ECHR, including Article 1 Protocol 1 (protection of property), Article 8 (privacy and home life), Article 10 (free expression), and Article 11 (freedom of association)
- Advising on access and disability issues arising in the transport context (assisting Victoria Wakefield QC)
- Facebook – a group action against Facebook for various alleged data protection breaches.

- Advising on the transfer of data to non-EU countries in light of the Supreme Court's decision in *Elgizouli v Secretary of State for the Home Department* [2020] UKSC 10 (assisting Victoria Wakefield QC)
- Advising on the data protection obligations of the European Council under the GDPR and the EU Charter of Fundamental Rights in the context of a potential threat to the data subject's life (assisting Maya Lester QC)
- Advising a dismissed employee on the prospects of bringing a data protection claim against a former university (assisting Matthew Kennedy)

Allan is currently instructed on a complex case on the interaction between US sanctions, EU counter-sanctions, and discrimination law.

During pupillage, Allan assisted with a number of disputes involving EU, competition and State aid including:

- *Sports and competition law* – Allan assisted on a number of matters concerning the application of EU and UK competition law to the sporting industry
- *Follow-on damages (RoRo)*: Collective action – Advising on the prospects of success in a collective action in the Competition Appeal Tribunal brought by consumers and other purchasers (assisting Marie Demetriou QC and Daniel Piccinin)
- *Pharmaceuticals: Bayer Plc v NHS Darlington Clinical Commissioning Group* [2020] EWCA Civ 449 : a Court of Appeal case on whether the NHS doctors could prescribe certain eye medication that had not obtained a licence from the relevant EU and domestic medicines regulator for ocular use (assisting Victoria Wakefield QC)
- *Epic Games v Apple* – a claim brought by Epic against Apple for breaches of EU and UK competition law (assisting Marie Demetriou QC and Daniel Piccinin)
- *Samsung v LG* (supervised by Daniel Piccinin): a jurisdiction challenge in the LCD damages claim.
- *Network sharing* - Advising a regulator who/what (supervised by Aidan Robertson QC) on the roll-out of 5G in Jersey (assisting Aidan Robertson QC)
- *Max Recycle v Durham County Council* - a strike out application regarding a State aid dispute regarding waste management. The case raised substantive issues on the law of State aid, as well as the implications of Brexit on the right to bring damages for breaches of EU law in the English courts.
- *PPI* - Advising on potential collective proceedings in relation to payment protection insurance (assisting Aidan Robertson QC)
- *Medical Defence Union* – a judicial review relating to, inter alia, to the law on State aid and Article 1, Protocol 1 ECHR (assisting Aidan Robertson QC)
- Advising an association on competition law and free movement issues regarding the Department for Business' policy on free academic research journals (assisting Aidan Robertson QC)

Allan accepts instructions in all areas of chambers' public law practice, including commercial, regulatory

and human rights matters. Allan is currently instructed by TFL in a contentious licensing decision. During pupillage, Allan assisted with a number of public law, regulatory and financial services matters:

- Ola's licence revocation: TFL's decision to revoke Ola's licence to operate in London (assisting Marie Demetriou QC and Tim Johnston)
- FREENOW: A judicial review brought by an association challenging TFL's decision to grant FREENOW a licence to operate in London (assisting Marie Demetriou QC and Tim Johnston)
- *R (Donegan & Ors) v Financial Services Compensation Scheme (London Capital Finance)* - (assisting James McClelland QC, Tim Johnston and Charlotte Thomas): acting for investors challenging the FSCS's decision to decline compensation to thousands of investors who lost >£200m
- *Information rights* – Advising on the application of the Freedom of Information Act 2000 and the common law right to information (assisting Victoria Wakefield QC)
- *R. (on the application of National Farmers Union) v Secretary of State for the Environment, Food and Rural Affairs* [2020] EWHC 1192 (Admin) (supervised by Maya Lester QC and Malcolm Birdling): a judicial review challenging the Secretary of State's decision to refuse members of the farmer's union a licence to cull badgers in order to prevent the spread of a disease that has an adverse impact on animal and public health
- *Live Nation v The Royal Parks* [2020] EWHC 1425 (TCC) (supervised by Tim Johnston, acting for AEG Presents Ltd): a collapsed two week High Court trial concerning the tender exercise to award the Hyde Park Music Festival.
- *Privacy International v Secretary of State for Foreign and Commonwealth Affairs IPT* [2021] EWCA Civ 330 (supervised by Victoria Wakefield QC): a case in the Investigatory Powers Tribunal concerning the legality of the government's policy authorising the commission of crimes by undercover agents. The challenge was brought both on public law grounds and under the European Convention on Human Rights. The case is being appealed to the Court of Appeal.
- *Arumugam and others (in the matter of the Liberation Tigers of Tamil Eelam) v Secretary of State for the Home Department* (supervised by Maya Lester QC): an application to the Proscribed Organisations Appeal Commission (POAC) to de-proscribe an organisation proscribed by the Secretary of State under the Terrorism Act 2000.
- Advising on complex issues of EU agricultural law and farming subsidies (assisting James McClelland QC and Tim Johnston)
- Advising on Public-Private Partnerships (assisting Tim Johnston)

EDUCATION & QUALIFICATIONS

Harvard Law School, LLM, Frank Knox Fellow – Dean’s Scholar Prize in multiple subjects, including for his paper “Markets, Hegemony and Dominance: Dismantling the Cabal with Antitrust”

BPTC (Outstanding)

University of Cambridge, Law (First Class), 7th in year, with prizes in Constitutional, EU and EU Environmental Law (scoring the highest mark in the Faculty’s history in the latter)

PRIZES AND SCHOLARSHIPS

University of Cambridge

- ECS Wade prize for best performance in Constitutional Law
- Clifford Chance prize for best performance in European Union law
- Best overall performance in EU Environmental Law (achieving the highest mark in the Faculty’s history)
- Thatcher Prize, Fitzwilliam College

Harvard Law School

- Dean’s Scholar Prize in multiple subjects, including for his paper “Markets, Hegemony and Dominance: Dismantling the Cabal with Antitrust”

The Honourable Society of the Inner Temple

- Peter Taylor Scholarship, the Inn’s top scholarship

Bar European Group

- Peter Duffy Scholar

LANGUAGES

Arabic - fluent

German - basic