

Matthew Kennedy

YEAR OF CALL: 2013

Clerk's Email: TonysClerkingTeam@brickcourt.co.uk



Practice Overview

Matthew joined chambers in 2018 upon successful completion of his pupillage. He has a busy practice spanning competition law, data protection law, commercial law (including arbitration), public law, and public international law.

Matthew acts both led and unled. Since becoming a tenant, he has appeared unled in the Commercial Court on four occasions and recently appeared unled in the Competition Appeal Tribunal. Matthew has particular expertise in group claims, having acted in and advised on numerous group claims in both the competition and data protection fields.

Highlights of current and recent instructions include:

- *Dr Rachael Kent v Apple Inc* – acting for the proposed class representative in collective proceedings against Apple arising out of alleged abuse of dominance in connection with the App store (with Mark Hoskins QC and Jennifer MacLeod).
- *Elizabeth Helen Coll v Alphabet Inc* – acting for the proposed class representative in collective proceeding against Google arising out of alleged abuse of dominance in connection with the Google Play store (with Mark Hoskins QC and Jennifer MacLeod).
- *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 Charles Hollander QC, Tony Singla QC and Aaron Khan).

- *Republic of Mozambique v Credit Suisse International* – acting for the Sixth to Tenth Defendants in a Commercial Court claim for rescission of State guarantees for loans of over US\$1 billion for alleged bribery and fraud (with David Wolfson QC and others).
- *Phones4U v Telefonica & ors*: acting for O2/Telefonica in the litigation brought by the administrators of Phones4U regarding an alleged collective withdrawal from Phones4U by mobile network operators (with Mark Hoskins QC and Sarah Abram).
- *Euronet v Visa and Mastercard* – acting for Euronet in a standalone claim for breach of EU and national competition laws in respect of allegedly unlawful anti-competitive arrangements for Automated Teller Machine (“ATM”) transactions (with David Bailey and others).
- *Kodak v Glencore & Ors* – acting for Kodak in a standalone claim for alleged breaches of EU competition law in the aluminium market (with Maya Lester QC and Sarah Love).
- *Rest and Play Footwear Ltd v George Rye and Sons Ltd* – acting for the claimant in a standalone claim in the Competition Appeal Tribunal in respect of resale price maintenance in the footwear sector (unled). At a recent hearing, Bacon J considered the scope of the Tribunal’s jurisdiction under section 47A of the Competition Act 1998.

Prior to joining chambers, Matthew worked for a number of years in the international arbitration group at Wilmer Cutler Pickering Hale and Dorr, a leading US firm. Matthew graduated from the University of Oxford (St. Hugh’s) with a first in history and subsequently achieved a first on the LLM at the University of Cambridge (St. John’s), graduating third in his year.

Competition

- *Dr Rachael Kent v Apple Inc* (collective proceedings against Apple arising out of alleged abuse of dominance in connection with the App store (with Mark Hoskins QC and Jennifer MacLeod)).
- *Elizabeth Helen Coll v Alphabet Inc* (collective proceeding against Google arising out of alleged abuse of dominance in connection with the Google Play store (with Mark Hoskins QC and Jennifer MacLeod)).
- *The Trucks Litigation* (multiple follow-on claims in the Competition Appeal Tribunal estimated to be worth over £1 billion (with Charles Hollander QC, Tony Singla QC and Aaron Khan)).
- *Phones4U v Telefonica & ors* (claim brought by the administrators of Phones4U regarding an alleged collective withdrawal from Phones4U by mobile network operators (with Mark Hoskins QC and Sarah Abram)).
- *Euronet v Visa and Mastercard* (standalone claim for breach of EU and national competition laws arising out of allegedly unlawful anti-competitive arrangements for ATM transactions (with David Bailey and others)).

- *Kodak v Glencore & Ors* (acting for Kodak in a standalone claim for alleged breaches of EU competition law in the aluminium market (with Maya Lester QC and Sarah Love)).
- *Rest and Play Footwear Ltd v George Rye and Sons Ltd* (standalone claim in the Competition Appeal Tribunal in respect of resale price maintenance in the footwear sector (unled)).
- *Advice in respect of an agreement concerning certain patents* (with Marie Demetriou QC).

As a pupil:

- *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)

Data protection and information law

- *Williams v Experian Limited* – acting for the claimant in a class action claim against Experian, the well-known credit referencing agency, for breaches of the General Data Protection Regulation (with Victoria Wakefield QC).
- *Jukes v Facebook Ireland Limited and anor* – acting for the claimant in a class action claim against Facebook for breaches of the Data Protection Act 1998 arising out of the Cambridge Analytica data breach (with Sarah Abram and others).
- *Bryant v Marriott Inc. and ors* – acting for the claimant in a class action claim against the Marriott hotel chain for breaches of the Data Protection Act 1998 and the General Data Protection Regulation (with Sarah Abram and others).
- *Oryema v Santander* – acting for the defendant bank in a claim concerning, inter alia, an alleged breach of the General Data Protection Regulation (unled).
- *Broadbent v Centre For Alternative Technology Charity Limited* – acting pro bono for the Claimant in a claim for breach of the Data Protection Act 1998.
- *X v Y* -- acting for the claimant in a claim against a public authority for breach of the Data Protection Act 1998.
- *Advice in respect of several prospective class actions in respect of the breaches of the GDPR.*

As a pupil:

- *Lloyd v Google* - CPR 19.6 representative action, in respect of a mass data breach of the DPA 1998 by Google (assisting Victoria Wakefield QC).

Commercial

- *Phones4U v Telefonica & ors* (claim brought by the administrators of Phones4U regarding an alleged collective withdrawal from Phones4U by mobile network operators (with Mark Hoskins QC and Sarah Abram)).
- *Republic of Mozambique v Credit Suisse International* (a Commercial Court claim for rescission of State guarantees for loans of over US\$1 billion for alleged bribery and fraud (with David Wolfson QC and others))
- *Medina Dairies Limited v Nampak Plastics Europe Limited* (commercial court claim for breach of contract and injunctive relief (with Stephen Midwinter QC)).

As a pupil:

- *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

Arbitration-related litigation

- *Shell Energy Europe Limited v Meta Energia S.p.A* [2020] EWHC 1799 (Comm) (application to set aside an order pursuant to section 66 of the Arbitration Act 1996 (unled)).
- *A v B* (application for an anti-suit injunction restraining proceedings brought in Syria in breach of an arbitration agreement in a charterparty (unled)).

Commercial arbitration

- a LMAA arbitration arising out of a charterparty (with Richard Lord QC)
- 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 international law

- Matthew regularly advises the Foreign, Commonwealth & Development Office on questions of public international law (with Maya Lester QC and Malcolm Birdling).
- *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.

Education & Qualifications

Professional Experience:

2014 – 2017: Wilmer Cutler Pickering Hale and Dorr LLP

Education:

2013 – 2014: LLM, St. John's College, Cambridge (First Class, 3rd 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