



## Philippe Kuhn

Year of call: 2017

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*'Extremely knowledgeable, client-friendly, enthusiastic and proactive. Philippe is technically excellent and has a great ability to boil down complex issues to their basic principles, making it easy for clients to decide on a course of action.'* The Legal 500 2024

Philippe has an international practice specialising in cross-border commercial and construction & energy disputes.

He regularly appears as counsel in international commercial disputes in the Commercial Court and Chancery Division in London, international arbitration and offshore jurisdictions (including the BVI and Gibraltar). In particular, civil fraud, banking & financial services, energy, construction, award enforcement, jurisdiction, insolvency and company disputes.

He is ranked as a Rising Star (Tier 1) in Banking & Finance at the UK Bar by The Legal 500 (2024 edition).

Notable current and recent instructions are from clients in Singapore, India, Ukraine, Moldova, China, the UK, Cyprus and across continental Europe. He regularly acts for high net worth individuals, private equity funds, asset management firms, banks, insurers and government bodies.

Philippe has substantial experience in International Chamber of Commerce (ICC), London Court of International Arbitration (LCIA), Stockholm Chamber of Commerce (SCC) and Hong Kong International Arbitration Centre (HKIAC) arbitration and award enforcement proceedings. Relevant cases include ***Stati & Ors v Republic of Kazakhstan***, recently appearing in the Supreme Court of Gibraltar, Court of Appeal for Gibraltar and Privy Council.

Philippe is also admitted to the BVI Bar and called *ad hoc* to the Gibraltar Bar.

Philippe grew up in Switzerland and Sri Lanka, before reading law at the London School of Economics (1st in year) and Oxford (BCL, Distinction) and qualifying as a barrister in England.

Philippe is a native English and German speaker. He also has intermediate French and Sinhala.

## Areas of expertise

Commercial

Construction

## Commercial

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*'Extremely knowledgeable, client-friendly, enthusiastic and proactive. Philippe is technically excellent and has a great ability to boil down complex issues to their basic principles, making it easy for clients to decide on a course of action.'* The Legal 500 2024

Philippe's commercial practice covers a wide range of sectors, principally civil fraud, banking & financial services, international arbitration, energy, oil and gas, insolvency and company.

His experience spans complex litigation in England and offshore jurisdictions (including the BVI and Gibraltar) and international arbitration under all major institutional rules.

He has particular experience in:

- complex cross-border civil fraud proceedings involving economic tort claims and specialist insolvency legislation (including s423 of the Insolvency Act 1986);
- related jurisdictional, insolvency and interim applications, principally freezing injunction and contempt of court applications;
- ICC, LCIA, SCC and HKIAC arbitration and enforcement proceedings, both in commercial and investor-State arbitrations (including issues of State immunity);
- registration and enforcement of foreign judgments in England, the BVI and Gibraltar;
- banking guarantee enforcement claims;
- banking fraud claims;
- company and insolvency disputes concerning creditor recovery, unfair prejudice petitions by shareholders and removal of company directors.

### Cases of note:

- ***Stati & Ors v Republic of Kazakhstan & related proceedings (US\$500m)*** - Acting as junior counsel in cross-border proceedings concerning the enforcement of a US\$500m SCC arbitration award in the oil and gas sector in multiple jurisdictions (including the United States, Netherlands, Belgium, Luxembourg and Sweden). Philippe's involvement includes acting as counsel called *ad hoc* to the Gibraltar Bar and called to the BVI Bar in:
  - related offshore civil fraud proceedings in the Supreme Court of Gibraltar (7-day jurisdiction, abuse of process and strike-out hearing in May 2022: reported decision 2023/GSC/003; currently on appeal to the Court of Appeal for Gibraltar);
  - foreign judgment registration proceedings in the Court of Appeal for Gibraltar (reported decision 2022/GCA/07; currently on appeal to the Privy Council); and
  - foreign judgment registration proceedings in the BVI Commercial Court.
- ***Investohills Vesta v Petergrow Ltd & Ors (Ch D, €230m)*** - Acting as junior counsel in €230m civil fraud claim in the Chancery Division arising out of multiple banking facility agreements. Obtained a €110m worldwide freezing injunction against 28 respondents in Ukraine, Cyprus, Poland, Moldova and England. Successfully settled. Reported decision: [2021] EWHC 124 (Ch).
- ***Singapore banking guarantee dispute (Ch D, US\$10m)*** - Acting as junior counsel in a US\$10m cross-border banking guarantee dispute in the Chancery Division against Credit Suisse. Successfully settled shortly before trial.
- ***Russian banking guarantee dispute (Comm Ct, US\$6m)*** - Acting as junior counsel in a US\$6m banking guarantee enforcement dispute in the Commercial Court against a Russian state-owned bank.

- **Property finance fraud claim (Ch D, £4m)** - Acting as junior counsel in a complex £4m property finance civil fraud claim in the Chancery Division involving s423 of the Insolvency Act 1986, common law conspiracy and fraudulent misrepresentation claims. Successfully settled.
- **LCIA arbitration (US\$4m)** - Acting as sole counsel in an LCIA arbitration in the oil & gas sector.
- **ICC arbitration** - Acting as Tribunal Secretary to a three-member ICC Tribunal in a high-value international commercial arbitration.
- **Contempt of court proceedings (Ch D, US\$4m)** - Advising as sole counsel in the Chancery Division on discharge of custodial sentences for contempt of court as part of a long-running cross-border commercial contract dispute.
- **Quincecare duty banking claim** – Advising as sole counsel in potential proceedings under the Quincecare duty against a UK bank arising out of a sophisticated fraud.
- **Arbitration enforcement proceedings (Comm Ct, US\$100m)** - Assisting as junior counsel in potential Commercial Court enforcement proceedings concerning multiple LCIA awards valued at over US\$100m.
- **Arbitration enforcement proceedings (Comm Ct, US\$2.5m)** - Assisting in contested arbitration enforcement proceedings in the Commercial Court concerning ICC awards in a Swiss-seated arbitration between Chinese and German parties.
- **Unfair prejudice and director removal proceedings** - Regularly acting for and advising shareholders and directors as sole counsel in relation to unfair prejudice petitions under Section 994 of the Companies Act 2006 and director removal disputes under Section 168 of the Companies Act 2006.

## Memberships:

Philippe is a member of the:

- Bar of the Eastern Caribbean Supreme Court in the British Virgin Islands.
- Chancery Bar Association (ChBA), serving on the main committee;
- Commercial Bar Association (COMBAR);
- Bar Council's Overseas Territories Working Group;
- Young Fraud Lawyers Association (YFLA); and
- Financial Services Lawyers Association (FSLA).

## Publications:

Philippe is the author of published articles on topical banking and commercial law issues, including:

- 'Norwich Pharmacal and Bankers Trust orders: a seismic shift?' (with Ashley Pratt) Solicitors Journal, October 2022.
- 'Quincecare and the liability of receiving banks: the Canadian Story' (with Anna Lintner) Journal of International Banking & Financial Law, Volume 37, Issue 4, April 2022.
- 'Negotiating damages after One Step: employment team move and misuse of confidential information cases' Edinburgh Law Review, Volume 24, Issue 3, September 2020.

## Memberships

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- Commercial Bar Association (COMBAR)
- Chancery Bar Association (ChBA)
- Young Fraud Lawyers Association (YFLA)

- Financial Services Lawyers Association (FSLA)

## Qualifications

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### Education

- 2017: Bar Professional Training Course, BPP University Law School, Very Competent
- 2016: Bachelor of Civil Law (BCL), University of Oxford, Distinction
- 2015: Bachelor of Laws (LL.B.), London School of Economics and Political Science, First Class Honours (1st in Year)

### Scholarships and prizes

- Bedingfield Scholarship, Gray's Inn (2016): Highest BPTC tuition fee scholarship
- Ralph Chiles Prize, University of Oxford (2016): Best performance in BCL/MJur Comparative Human Rights
- Slaughter and May Prize I, LSE (2015): Best overall LL.B. degree
- Slaughter and May Prize II, LSE (2015): Best third year performance
- Sweet & Maxwell Law Prize, LSE (2015): Best performance in LL.B. examinations
- Lauterpacht/Higgins Prize, LSE (2015): Best performance in LL.B. Public International Law
- Old Square Chambers Prize, LSE (2015): Best performance in LL.B. Labour Law
- Lord Rodger Essay Prize, Statute Law Society (2013): Awarded for 6,000-word essay on section 3(1) of the Human Rights Act 1998
- Sweet & Maxwell Law Prize, LSE (2013): Best performance in first year LL.B. examinations

## Additional information

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### Publications

- 'Norwich Pharmacal and Bankers Trust orders: a seismic shift?' (with Ashley Pratt) *Solicitors Journal*, October 2022.
- 'Quincecare and the liability of receiving banks: the Canadian story' (with Anna Lintner) *Journal of International Banking & Financial Law*, Volume 37, Issue 4, April 2022.
- Contributor to *Wilmut-Smith on Construction Contracts* (4th edition, May 2021).
- 'Adjudications brought by insolvent companies – An exercise in (f)utility?' (with Marion Smith KC and David Sawtell) (2020) 31(8) *Construction Law* 24-26
- 'Negotiating damages after One Step: employment team move and misuse of confidential information cases' *Edinburgh Law Review*, Volume 24, Issue 3, September 2020.
- 'Reforming the Approach to Racial and Religious Hate Speech Under Article 10 of the European Convention on Human Rights' *OUP Human Rights Law Review*, Volume 19, Issue 1, February 2019.

## Languages

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- English – native
- German – native/bilingual
- French – intermediate
- Sinhala – intermediate

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