

Year called 2016

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Daniel's practice focuses on commercial litigation (particularly civil fraud), international arbitration, construction, banking and financial services and regulatory law.

Daniel is frequently instructed across a wide spectrum of commercial disputes, typically with a prominent international element. His recent work raises issues from a diverse range of international jurisdictions including Moscow, Singapore, Japan, Monaco, Moldova, the Dubai International Financial Centre, Afghanistan and the Kurdistan Region of Iraq. He has an established construction and energy practice, and extensive experience in complex regulatory disputes.

Before joining the Bar, Daniel qualified as a solicitor at Allen & Overy.

PRACTICE AREAS

- Commercial & International Arbitration
- Construction
- Banking & Financial Services
- Regulatory
- Administrative & Public

PRACTICE AREAS

COMMERCIAL & INTERNATIONAL ARBITRATION

Daniel has a broad commercial practice and is instructed frequently in a range of domestic and international disputes, including before the High Court (principally the Commercial Court and Chancery Division) and the Court of Appeal. He brings a strong understanding of clients' commercial requirements from his experience at Allen & Overy.

Examples of recent work include:

- Acting for an aviation investor in an EUR 900m bilateral investment treaty arbitration before the Stockholm Chamber of Commerce arising out of the alleged expropriation of Chisinau International Airport in the Republic of Moldova.
- *Dynasty Company for Oil & Gas Trading Limited -v- (1) The Kurdistan Regional Government of Iraq; and (2) Dr Ashti Hawrami* (Commercial Court). Acting for an oil and gas company in a USD\$1.6bn economic torts claim in the Commercial Court against the Kurdistan Regional Government and its former Minister for Natural Resources. The claim arises out of the attempted sale of shares in SPV companies that are parties to production sharing contracts in the Kurdistan Region, and involves numerous complex issues including the sovereign immunity of a constituent territory and forum non conveniens.
- *The Grenfell Tower Inquiry*: Acting for a major corporate Core Participant in Phase 2 of the Grenfell Tower Inquiry (with Craig Orr QC and Patrick Hennessey).
- Acting for a large group of investors in wide-ranging claims arising out of the collapse of a major Russian bank, including allegations of fraudulent misrepresentation and dishonest asset-stripping under Russian law (with James Ramsden QC).
- *GFH Capital Limited v David Lawrence Haigh and Others*: Acting for the Claimant in Commercial Court proceedings to enforce a judgment of the Dubai International Financial Centre Courts against the former Leeds United managing director (with James Ramsden QC). This important decision marks the first enforcement in the English High Court of a decision of the Dubai International Financial Centre Courts and contains a detailed assessment of the common law requirements for enforcement of a foreign judgment.
- Acting for the Claimant gallery in an international art fraud case, involving several pieces of forged artwork purported to have been painted by a renowned expressionist artist.
- Acting for an industrial group based in Singapore and the Philippines in Commercial Court proceedings arising out of the allegedly unlawful termination of a joint venture agreement for the development of a waste-to-energy facility.
- Acting as sole counsel for a cryptocurrency exchange in a matter raising a range of novel issues including the application of consumer protection legislation to cryptocurrency and the legal effect of the transfer of cryptocurrencies on the secondary market.
- *Taylor v Van Dutch Marine Holding Ltd* (Chancery Division and Court of Appeal). Acting for the claimant in conspiracy proceedings against several companies and their ultimate beneficial owners. The case includes the first detailed consideration of the justification for the rule in *Kendall v Hamilton* (1879) 4 App. Cas. 504 (with James Ramsden QC).
- Advising a major Japanese corporation in potential proceedings arising out of the execution of a share subscription agreement. The potential claim raises issues of fraudulent misrepresentation and the provision of inauthentic conditions precedent (with Charles Manzoni QC).
- Junior for the claimants in a multi-million-pound fraud claim, involving complex multi-jurisdictional transactions (the UK, Netherlands and Moldova) where it is alleged that the UBO was unlawfully deprived of assets valued at hundreds of millions of dollars.
- Sole counsel for the Claimant in proceedings arising out of the theft of a large quantity of expensive wine, raising issues in contract, bailment and misrepresentation.
- Acting for the defendant contesting allegations of serious breaches of warranties and

misrepresentation arising out of the Icelandic banking crisis.

Daniel's experience at Allen & Overy encompassed a wide range of significant commercial litigation. Some examples include:

- Acting for the defendants in high-value and widely reported allegations of LIBOR and EURIBOR misrepresentation.
- Rail infrastructure arbitration arising out of disputes between rail network operators and electricity cable maintenance providers.
- Trustee litigation before the High Court and the Court of Appeal resulting from the credit rating agency downgrading of CDO products during the financial crisis: *Napier Park European Credit Opportunities Fund Ltd v Harbourmaster Pro-rata CLO 2 BV*.
- Capital markets litigation following the Argentina bonds dispute.
- Acting for an investment bank following the European Commission's Statement of Objections concerning credit derivatives and the alleged prevention of exchange trading.

CONSTRUCTION

Daniel's practice encompasses construction, engineering and infrastructure disputes including litigation and adjudication.

Examples of recent work include:

- Acting for the contractor in a multi-million dollar arbitration before the Singapore International Arbitration Centre arising out of the rehabilitation, design and construction of a road of national significance in the Islamic Republic of Afghanistan (FIDIC Pink Book). Issues include delay and extensions of time, advance payment, early completion, and the enforcement of binding non-final Dispute Board decisions.
- Acting (with Jess Connors) for the contractor in an extension of time dispute arising out of the construction and refurbishment of a major food manufacturing facility (JCT 2011 Standard Building Contract Without Quantities).
- Acting (with Richard Wilmot-Smith QC and Nicholas Higgs) for the contractor in final account adjudication proceedings, raising widespread issues including practical completion, partial possession, extensions of time and liquidated damages (JCT 2011 Standard Building Contract Without Quantities).
- Sole counsel for the contractor in adjudication proceedings concerning multiple variations, forced phasing of construction works and the imposition of various impediments during the course of a lengthy project (JCT 2011 Standard Building Contract Without Quantities).
- Sole counsel for the main contractor in adjudication proceedings against a sub-contractor involving issues of repudiatory breach, contractual determination and the submission of the sub-contractor's final account (JCT 2011 Design and Build Sub-Contract).
- Advising on a complex suite of rail contracts (in particular performance regimes) following an incident causing significant damage to infrastructure, delays and cancellations.
- Sole counsel for the defendant in a claim concerning a bespoke contract for the construction of luxury

accommodation, raising complex issues of contractual interpretation and rectification.

- Sole counsel in various claims for the defective and dangerous construction of new-build residential developments.

BANKING & FINANCIAL SERVICES

Daniel has extensive experience of banking and financial services disputes having worked in the Enforcement Division of the Financial Conduct Authority, where he advised on a range of contentious and high-profile regulatory matters. In particular, he has prepared enforcement cases before the Regulatory Transactions Committee, the Regulatory Decisions Committee and the Upper Tribunal (Tax and Chancery Chamber).

Recent instructions include:

- Sole counsel for the Financial Conduct Authority advising on the regulation and authorisation of peer-to-peer lending, with a particular focus on Article 36H of the Regulated Activities Order, collective investment schemes and alternative investment funds.
- Advising the Financial Ombudsman Service frequently as sole counsel across the scope of its jurisdiction.
- *R. (on the application of THL Insurance Services Limited) v The Financial Ombudsman Service* (High Court, Administrative Division): Sole counsel for the Financial Ombudsman Service in an oral permission hearing for reconsideration of refusal of permission to bring a judicial review of a decision of its Ombudsman.
- Advising the Prudential Regulation Authority in an investigation arising out of a major financial institution's regulatory reporting.

REGULATORY

Daniel frequently advises and represents (including as sole counsel before the High Court) a diverse range of regulators including the Financial Conduct Authority, the Financial Ombudsman Service, Ofgem, the Office for Students, the Solicitors Regulation Authority, the Bar Standards Board, the Health and Care Professions Council and the Prudential Regulation Authority.

Recent matters include:

- *Ekperigin v Bar Standards Board* (High Court, Administrative Division). Sole counsel for the Bar Standards Board in an appeal concerning the regulation of pupillage (attracting media attention in The Times).
- *R. (on the application of Ogun) v Solicitors Regulation Authority* (High Court, Administrative Division). Sole counsel for the Solicitors Regulation Authority in a judicial review concerning the regulation of higher rights of audience (attracting media attention in the Law Gazette).
- Sole counsel for the Solicitors Regulation Authority in its investigation of the "ground rent scandal" (the exponentially increasing charges levied by freeholders on long-term leaseholders, causing purchasers to become unable to re-mortgage or move home). Advising on historic breaches of the law firms involved, and the development of a disciplinary framework for wider application.
- Advising the Financial Conduct Authority on the regulation and authorisation of peer-to-peer lending.
- Representing the Financial Ombudsman Service as sole counsel in judicial review proceedings before

the High Court, and advising it regularly across a wide range of issues.

- Advising the Prudential Regulation Authority in an investigation arising out of a major financial institution's regulatory reporting.
- Advising Ofgem on the retail price restriction for domestic customers supplied under default tariffs, smart metering, consumer engagement, back-billing and warrants.
- Advising the newly-formed Office for Students on decisions to refuse the registration of higher education providers.
- Appearing as sole counsel for the Health and Care Professions Council in matters before the High Court.

ADMINISTRATIVE & PUBLIC

Daniel's public law practice includes:

- Frequent appearances before the Administrative Division of the High Court, including judicial review proceedings, with particular experience in disputes with a financial or regulatory element.
- Currently acting for a major corporate Core Participant in Phase 2 of the Grenfell Tower Inquiry.
- A confidential child sexual abuse investigation.

At Allen & Overy he advised organisations such as Liberty, Reprieve, the Law Centres Network and Interights on the death penalty, protection of children in warzones and discrimination. He has also advised on matters such as the court's approach to national security and political donations.

QUALIFICATIONS

2015: Solicitor (England and Wales)

2013: Legal Practice Course (Distinction)

2011: De Hart Prize in Law (Christ's College, University of Cambridge)

2011: BA, Law, Christ's College, University of Cambridge (First Class)

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