
Alexander Brown

Barrister
Call 2009



Scope of Practice

• Agency • Arbitration • Banking and Financial Services • Civil Fraud • Company and Insolvency • Economic Torts • Energy and Natural Resources • Jurisdiction and Conflict of Laws • Professional Liability • Administrative & Public Law • Commercial Litigation • Injunctions / jurisdiction challenges • Trusts

Overview

Alexander is described in Legal 500 2024 (Civil Fraud) as *“Extremely responsive, and is seemingly always on hand to offer advice, and support. His advice is clear and user-friendly, together with being thorough and authoritative.”*

Alexander has extensive experience of complex and high-value commercial litigation and international arbitration, both led and unled. He has a wealth of advocacy experience, having appeared in the Supreme Court, Court of Appeal, in numerous High Court trials and in arbitral proceedings under a variety of rules.

Alexander has particular experience in international fraud cases and injunctions, including worldwide freezing orders, anti-suit injunctions, search orders and disclosure orders. He is also the leading junior on the Commercial Agents (Council Directive) Regulations 1993.

Alexander’s current and recent cases include:

- **UniCredit v RusChemAlliance** [2024] UKSC 30, a landmark Supreme Court case worth €2 billion concerning Russian sanctions and the powers of the English Court to intervene in foreign arbitral proceedings. Alexander made oral submissions in the Supreme Court across two days on two novel points of law.
- **Kompaktwerk v LivePerson** [2024] EWHC 2278 (Comm), Commercial Court proceedings concerning whether the “software-as-a-service” (SaaS) model for computer software constitutes a sale of goods.
- A politically sensitive fraud and conspiracy claim for \$1 billion relating to Iranian assets, in ICC proceedings.
- **Boots v NHS**, high-profile Commercial Court proceedings relating to ophthalmic services provided during the

first COVID-19 lockdown. Trial listed to take place in January/February 2025.

- **Ocado v McKeeve** [2022] EWHC 2079 (Ch), high-profile and unprecedented contempt of court proceedings against a solicitor for destroying documents.
 - UNCITRAL arbitration proceedings between two of the world's largest alcoholic beverage producers.
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Examples of Recent Cases

Administrative & Public Law

- **Camelot UK Lotteries Ltd v. The Gambling Commission** [2012] EWHC 2391 (Admin)
Appeared (with Susanna FitzGerald QC) for 51 Community Interest Companies (CICs) in resisting Camelot's application to review the Gambling Commission's decision to licence the Health Lottery. The case involved issues of regulatory discretion, statutory interpretation and delay in bringing claims for judicial review.
- Advised (with David Wolfson QC and Richard Mott) the Financial Services Authority on potential actions to be taken against a high street bank and how the FSA should respond to challenges to its decisions.
- Acted for the producers of a major television show in resisting a potential decision by the Gambling Commission to revoke its licence and force it off the air. Successfully persuaded the Commission not to take such an action.

Agency

Alexander has substantial expertise on the Commercial Agents Regulations. He has advised several principals and agents on every aspect of the Regulations, including (a) whether the Regulations apply; (b) what claims they might bring; and (c) the valuation of the agency under Regulation 17. He also represented the successful Defendant in the landmark case of **Monk v Largo**.

- **Monk v Largo** [2016] EWHC 1837 (Comm) Alexander appeared (with Stephanie Wood) for the Defendant in a 5 day Commercial Court trial defending claims worth £3 million in breach of contract and under the Commercial Agents Regulations. The claimants (represented by Oliver Segal QC) argued that the Defendant had to act in good faith in deciding whether to terminate the contract. In a landmark ruling on the meaning and application of good faith in the commercial agency context, the Judge held that the Defendant had an unfettered right to terminate and dismissed the claim.
 - Advised (with Daniel Toledano QC) a major principal on the interpretation and application of the Commercial Agency Regulations to thousands of agency contracts and how best to limit their liability for claims thereunder.
 - **LCIA Arbitration** Acted for the Respondent in resisting a claim for breach of an agency contract. The reference involved issues relating to the Commercial Agents Regulations, implied terms and fiduciary duties. The claim was settled without any admission of liability prior to the hearing.
 - Acted for a property acquisitions agent in a claim for breach of contract against his principal following a high-profile property purchase in London for \$160m. The claim involved issues related to implied terms, expert
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evidence on industry standard practices, contractual interpretation and quantum meruit.

- Acted for a factoring company in a claim for breach of contract against a supplier of goods. One of the key issues was whether the supplier was responsible for the actions of its agents in preventing performance of the contracts.

Arbitration

Alexander also has extensive experience of other forms of ADR, having assisted in several mediations and negotiations.

- Acting for the Respondents (with Neil Kitchener QC) in an LCIA Arbitration, defending wide-ranging claims in conspiracy, breach of fiduciary duties, breach of confidence and knowing receipt. In July 2013, the Respondents successfully obtained security for their costs. A two week trial on liability is due to commence in July 2014.
- Acting for the Claimant in an LCIA Arbitration, bringing claims in breach of contract against a major investment firm. The reference involves issues relating to estoppel, rectification and misrepresentation.
- Acting for the Claimant in an ICC Arbitration, bringing claims in professional negligence and breach of contract against a major Russian investment management firm. The reference involves expert evidence on investments in emerging markets and the sale of complex structured notes.
- Assisted Anthony de Garr Robinson QC and Steven Elliott in preparing the arbitral claims arising out of the termination of a multi-million pound property management agreement. The claims involved an extensive investigation into serious allegations of fraud relating to several Indian developments and advising on numerous complex points of law.
- Assisted Lord Grabiner QC in advising on the prospects of appealing an arbitral award and interpreting the relevant case law on the Arbitration Act 1996.
- Assisted Simon Colton in acting for a Chinese supplier of silicon wafers in a US\$33million arbitral dispute under the ICC rules. The arbitration involved issues of applicable law, contractual construction, penalty clauses and competition law.

Banking and Financial Services

- Advised (with David Wolfson QC and Richard Mott) the FSA on the application of its rules to a major mortgage provider and the remedial actions which the FSA could and should take.
- Appeared for the Bank of Scotland in successfully seeking an indemnity from a Part 20 defendant, thus preventing any liability falling on the Bank. Also advised on the effect of related Italian proceedings.
- Appeared for Barclays in defending a misrepresentation claim relating to solar panels, which raised issues of the appropriate limitation period and when the cause of action arises in a misrepresentation action.
- Acted for several claimants in bringing claims against major banks for breaches of the FCA rules in the selling of financial products. The claims involved seeking compound interest to reflect the losses suffered by the claimants as a result of the banks' breaches.
- *Crema v Cenkos Securities Plc* [2010] EWHC 461 (Comm)

- Assisted Orlando Gledhill in defending a broker in a claim by a sub-broker for unpaid fees allegedly due in respect of a corporate fundraising. The case involved issues of contractual construction, implied terms and the Financial Services Authority rules on introductions and written contracts.
- Assisted Charles Graham QC and Simon Colton in preparing to resist an appeal by an investment bank in a claim for £7 million of unpaid fees under a bridging facility.

Civil Fraud

- **Fortress Value v. Blue Skye [2013] EWHC 14 (Comm)**
 Appeared (with Craig Orr QC and Jamie Goldsmith) for the Fourth Defendant and Part 20 Claimant (Stepstone) in a €200 million fraud claim relating to the control of Italian assets. The case involved numerous complex issues of fact and law, including those relating to jurisdiction, applicable law, corporate restructuring, assignment and economic torts, plus several issues of Luxembourg law. In December 2012, the other defendants sought to strike out the claims made against them, but the claimants and Stepstone successfully resisted this application. A 10 week trial was listed for May 2014 and was named one of the top 20 cases of 2014, but the case settled shortly before the trial was due to commence.
- Acted for a BVI investment company in bringing a fraud claim relating to a share offer. Key issues involved company law, relationship with extant proceedings, and quantification of damages (in excess of £1 million).
- Acted for a sheet metal manufacturer in defending a claim relating to its purchase of vending machines and whether the alleged contracts had been fraudulently entered into. Brought a counterclaim in restitution for sums paid out by mistake.
- Appeared for a building society in enforcing legal charges and defending allegations that valuations had been carried out fraudulently or negligently.
- See VTB Capital v. Nutritek in conflict of laws section below, where the underlying claim was in fraud.

Commercial Litigation

- Acted for a major UK manufacturer in bringing claims for breach of contract against a US supplier. Issues involved establishing jurisdiction, contractual interpretation, limitation clauses and penalty clauses.
- Advised (with Jamie Goldsmith) a property developer on alleged misrepresentations by a major bank as to the terms of his loans. Advice also included the potential restructuring of his loans and drafting the terms of settlement.
- Acted for a Claimant company in obtaining an order for specific performance of a contract, requiring the Defendant to change its name and remove all references to a particular word from its advertising and signage.
- Acted for a Hotel in defending claims by a major hotel supply firm for breach of contract. The Hotel brought a substantial counterclaim and reached a beneficial settlement of the case.
- Acted for a clothing supplier in claiming substantial damages for breaches of its distribution agreement in the UK.
- **Littlewoods Retail Limited v HMRC [2010] EWHC 2771 (Ch)**
 Assisted Laurence Rabinowitz QC and Steven Elliott in a claim for over £1 billion of compound interest on overpaid VAT, which was the subject of a reference to the European Court of Justice.

- Assisted Richard Gillis QC and Sam O’Leary on seeking permission to appeal to the Supreme Court in a dispute arising out of the collapse of a major Icelandic bank. Involved issues of statutory interpretation and its developing relationship with contractual construction.
- See *Fortress Value v. Blue Skye* above.

Company and Insolvency

Alexander also has extensive advocacy experience in the Bankruptcy and Companies Court, having appeared on winding up petitions, applications to restore a company to the register, applications to register charges out of time, case management hearings on unfair prejudice petitions and section 216 applications to re-use a company name following a liquidation.

- **VTB Capital Plc v. Nutritek International Corp [2011] EWHC 3017 (Ch)**
This jurisdiction dispute involved a landmark ruling by Arnold J on the nature and scope of piercing the corporate veil, disapproving an earlier judgment of the Commercial Court where the doctrine had been extended so as to establish English jurisdiction (*Antonio Gramsci Shipping Corp v Stepanovs* [2011] EWHC 333 (Comm)). Arnold J’s judgment was upheld on appeal.
- Acting for the Respondents in a wide-ranging unfair prejudice petition arising out of the Petitioner’s exclusion from the management of the company. The case involves issues relating to breaches of directors’ duties, misuse of company information, restraint of trade clauses, EU copyright law and employment law.
- Advised (with Stephen Auld QC) a partnership on the potential claims it had against one of its former members and how best to defend any potential counterclaims. Case settled favourably for the client.
- Acted for the Defendant company in successfully defending a claim based on the allegation that a joint venture partnership had come into existence between the parties.

Jurisdiction and Conflict of Laws

- **VTB Capital Plc v. Nutritek International Corp [2011] EWHC 3017 (Ch)**
Appeared (with Daniel Toledano QC and Jamie Goldsmith) for Nutritek in a major 6 day jurisdiction battle with respect to a US\$250m civil fraud and deceit claim against Nutritek and others. The case involved a landmark ruling on the nature and scope of piercing the corporate veil, as well as issues concerning the applicable law, forum non conveniens (including extensive Russian law expert evidence) and when loss is suffered for the purpose of tort claims. Jurisdiction was successfully resisted and the decision was upheld on appeal ([2012] EWCA Civ 808). The case also involved several interim applications relating to material non-disclosure, specific disclosure and worldwide freezing injunctions.
- **Aggreko International Projects Ltd v Antigua Public Utilities Authority**
Appeared for Aggreko in a jurisdiction challenge brought by the Defendant. Successfully resisted the jurisdiction challenge and subsequently obtained judgment against the Defendant (in excess of \$1 million).
- **Magistro v (1) Industrial Union of Donbass and (2) Alwen Trading Limited**
Appeared for the Second Defendant in its jurisdiction challenge. The Claimant alleged that he could not obtain justice in the Ukraine and expert evidence was obtained, which coincided with the recent uprising in the Ukraine. The Judge permitted supplementary expert evidence on the issue and consequently held that there was a real risk of injustice in Ukraine. The Second Defendant appealed, but the case was settled before

the appeal was heard.

- Acting for the Claimant in a claim relating to the ownership of a domain name and its associated revenue stream. Successfully applied for alternative service under CPR 6.15 and subsequently secured jurisdiction over a Gibraltar defendant and German defendant.
- See *Fortress Value v. Blue Skye* above, where the first key issue was serving and securing jurisdiction over each of the Part 20 Defendants.
- Assisted Simon Colton in advising on the application of the UN Convention on Contracts for the International Sale of Goods (CISG) to a sale contract between Italian parties.
- Assisted Stephen Auld QC in advising on jurisdiction under the Brussels Regulation and permission to serve out of the jurisdiction.

Economic Torts

- Acting for the Respondents (with Neil Kitchener QC) in an LCIA Arbitration, defending wide-ranging claims including unlawful means conspiracy and procuring breach of contract.
- *Fortress Value v. Blue Skye* [2013] EWHC 14 (Comm)
- This major Commercial Court dispute involved several economic torts, including unlawful means conspiracy, procuring breach of contract and unlawful interference. Several of the claims were governed by Luxembourg law and so it was also necessary to consider the extent to which these economic torts could exist under Luxembourg law and if so how their various elements could be satisfied.
- Acted for the Claimant in bringing claims for breach of contract against the First Defendant and procuring breach of contract against the Second Defendant (a director of the First Defendant). The case involved demonstrating that the Second Defendant could be liable personally in his role as a director. Settled before trial.

Energy and Natural Resources

- **Secondment to the Office of the Gas and Electricity Markets (Ofgem) (October-December 2010)**
Advised on issues relating to Renewable Obligation Certificates, the implementation of the EU's 'Third Package' legislation and the tender process for offshore wind farms. Gained valuable insight into Ofgem's operations and the legal issues raised by complex energy deals.
- Acted (with Ian Glick QC) for the National Gas corporation of a South American nation against a major energy company in breach of contract claims seeking damages in excess of \$200m.
- Assisted Iain Milligan QC and Orlando Gledhill in a multi-million claim for breach of a 'farm-in agreement' in relation to offshore oil exploration. The claim involved complex expert evidence and raised legal issues as to when damages can be claimed for loss of a chance or on the basis applied in *Wrotham Park Estate Co Ltd v. Parkside Homes* [1974] 1 WLR 798.

Injunctions / jurisdiction challenges

- ***VTB Capital Plc v. Nutritek International Corp* [2011] EWHC 3017 (Ch)**
The case involved several interim applications, including those related to material non-disclosure, extensions

of time, specific disclosure and worldwide freezing injunctions.

- **Fortress Value v. Blue Sky [2013] EWHC 14 (Comm)**

The case involved numerous interim applications, including those related to jurisdiction, expert evidence, strike out / summary judgment, amendments to pleadings, alternative service, directions for the Part 20 claim and whether to order a split trial.

- Alexander has appeared in the High Court and County Court on numerous occasions in a wide variety of interim applications (both with and without notice), including applications for: summary judgment, strike out, setting aside default judgment, specific disclosure, pre-action disclosure, security for costs, extensions of time, interpleader, interim payment and Part 18 requests for information.

Professional Liability

- Acting for the Claimant (as sole counsel) in an ICC Arbitration, bringing claims in professional negligence and breach of contract against a major Russian investment management firm. The reference involves expert evidence on investments in emerging markets and the sale of complex structured notes.
- Acting for the Claimant in a professional negligence claim against a firm of solicitors for advice relating to a complex loan agreement and property transaction.
- Acting for the Claimant in a professional negligence claim against a firm of valuers in relation to the valuations of several London properties.
- Acted for the Claimant in a misrepresentation and negligence claim against a High Street bank and one of its managers.
- Acted for the Defendant firm of solicitors in successfully resisting a claim for professional negligence and breach of contract in relation to unpaid invoices.

Trusts

- **Gerald v Timis**

Acting for the Defendant in an ongoing dispute, claims against Trust and against the main beneficiary. The dispute involves several issues of trust law, including Trustee powers, the extent to which transfers made by the Trust are binding, and the rules of discretionary trusts.

- **Fortress Value v Blue Skye [2013] EWHC 14 (Comm)**

Appeared (with Craig Orr QC and Jamie Goldsmith) for the Fourth Defendant and Part 20 Claimant (Stepstone) in a €200 million fraud claim relating to the control of Italian assets. The case involved assets held through a variety of trusts (English, Luxembourg and Italian) and numerous trust law points, including formation of trust, identification of beneficiaries, breach of trust, resulting trusts and constructive trusts.

- Advising in a substantial pre-action dispute as to the governing law of a trust under the Recognition of Trusts Act 1987 and the Hague Convention on the law applicable to trusts and their recognition.

- Advised in a claim for dishonest assistance and knowing receipt in relation to a breach of trust.

- **Tchenguiz v Grant Thornton**

Alexander appeared (with David Cavender QC) for the claimants in bringing and pursuing a complex conspiracy claim worth £2.2 billion against the Defendants. The dispute contained several trust law points.

What the Directories Say

'He is extremely conscientious and responsive.' Legal 500 2025 (Civil Fraud)

'Extremely responsive, and is seemingly always on hand to offer advice, and support. His advice is clear and user-friendly, together with being thorough and authoritative.' Legal 500 2024 (Civil Fraud)

"just a great guy to work with. He has it all, adding a great legal brain to a superb client friendly way of dealing and presenting information. Top marks" Legal 500 2023 (Civil Fraud)

"A very diligent and hard working barrister who has a growing reputation in civil fraud", and "an excellent team player and has a great eye for detail, his oral advocacy is superb and he can pick open an argument with ease." Legal 500 2022 (Civil Fraud).

Academic Achievements

Levitt Scholarship, Lincoln's Inn [2009]

Buchanan Prize, Lincoln's Inn [2009]

Lord Denning Scholarship, Lincoln's Inn [2008 - 2009]

Hardwicke Entrance Award, Lincoln's Inn [2008]

Warwick Graduates' Association Full Scholarship, University of Warwick [2003 - 2006]

Exceptional Scholarship, Haberdashers' Aske's School [2001 - 2002]

Other Achievements

Winner, Incorporate Council of Law Reporting (ICLR) National Mooting Competition [2008]

Chairperson, BPP Mooting and Advocacy Society [2007 - 2008]

Financial, Democracy, and Strategy Officer and Chair of the Board of Directors, University of Warwick Students' Union [2006 - 2007]

Education

BPP Law School: BVC (Outstanding) [2008 - 2009]

BPP Law School: CPE/GDL (Distinction) [2007 - 2008]

University of Warwick: BA (Hons) Philosophy and Politics (First, Top in Year) [2003 - 2006]

Awards



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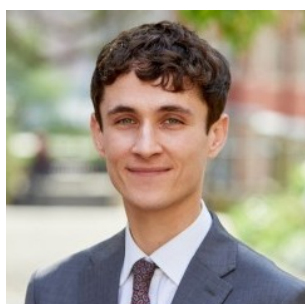


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