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## Ben Lewy

Barrister  
Call 2018



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## Scope of Practice

• Administrative & Public Law • Arbitration • Competition • Banking and Financial Services • Civil Fraud and Economic Torts • Commercial Litigation • Company and Insolvency • Employment • Energy and Natural Resources • Group Litigation

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## Overview

**Ben specialises in high value and high profile commercial and competition litigation. He is recommended by Legal 500 and Chambers and Partners as a leading junior.**

Ben's current and recent instructions include:

- **Stasi v Microsoft** – Ben acts for the Proposed Class Representative (Dr Maria Luisa Stasi) in proposed collective proceedings against Microsoft. The claim alleges that Microsoft has abused its dominant position in the market for server operating systems in order to promote its cloud computing platform (known as “Azure”). Dr Stasi seeks damages (provisionally estimated as c.£2bn) on behalf of organisations which operate Windows Server on a cloud computing platform provided by Amazon, Google, or Alibaba (led by Sarah Ford KC).
- **Eurasian Natural Resources Corporation v Director of the Serious Fraud Office** - Ben acted for Mr John Gibson, a former Serious Fraud Office (“SFO”) prosecutor responsible for managing the SFO’s investigation into Eurasian Natural Resources Corporation (“ENRC”). ENRC sued Mr Gibson for allegedly conspiring with other SFO personnel in order to leak confidential information about the SFO’s investigation into ENRC to the press. The case was listed for a seven-week trial starting in October 2024, but settled on confidential terms on day two of trial.
- **Whistl and Bulk Mail Claim Limited v Royal Mail** – Ben acts for Royal Mail, defending substantial follow-on claims brought by Whistl UK Limited and Bulk Mail Claim Limited (a Proposed Class Representative) which arise out of pricing changes published in 2014 which OFCOM (and later the CAT and Court of Appeal) held to be unlawful. The headline value of the claims is c.£1.5bn (led by Kenneth Maclean KC).
- **Magomedov v Transneft** – Ben acted for Transneft, defending a \$5bn conspiracy claim brought by jailed

Russian oligarch Ziyavudin Magomedov. Mr Magomedov alleges that the Russian state (and entities linked to it) conspired to seize his shareholding in the Novorossiysk Commercial Sea Port (led by James MacDonald KC).

In addition to his led work, Ben frequently appears unled in significant matters. Ben has recently acted unled in a High Court jurisdiction challenge (*Seraphine Ltd v Mamarella GmbH* [2024] EWHC 425 (IPEC)), a three-day Business List (ChD) trial (*Henderson & Jones v Geo Quarries*), a 3-day Tax Tribunal appeal (*Dougan v HMRC* [2022] UKFTT 140 (TC)) and numerous applications before the High Court and Competition Appeal Tribunal.

Before coming to the Bar, Ben worked as a lawyer at the European Court of Justice and as a writer for *The Economist*. He has undergraduate and graduate degrees in economics from Oxford University and studied law as a Lord Bowen, Lord Mansfield and J.P. Warner Scholar of Lincoln's Inn.

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## Examples of Recent Cases

### Administrative & Public Law

- **Motorola v CMA**

Ben successfully defended the CMA in a challenge against its decision to impose a cap on the price which Motorola charges UK emergency services for the Airwave mobile radio network [2023] CAT 76 (led by Sarah Abram KC). Ben previously successfully defended Motorola's challenge to the CMA's decision to make a market investigation reference [2022] CAT 4 (led by Josh Holmes KC).

- **Dye & Durham v CMA**

Ben acted for Dye & Durham in judicial review proceedings ([2023] CAT 46) arising out of the CMA's refusal to permit Dye & Durham to divest its stake in TMG by listing TMG as an independent company on the London Stock Exchange (led by Kieron Beal KC).

- **Havant v OFGEM**

Ben acted for the Claimants in high value judicial review proceedings, and successfully obtained quashing orders against Ofgem [2021] EWHC 84 (Admin). The claims related to renewable energy subsidy scheme and, once built out, will involve c.£500m of investment in renewable energy projects (led by Thomas Sharpe KC).

- Advised client on potential challenge to a decision of the North Sea Transition Authority.
- Acted (unled) for government body in claim for public interest immunity from disclosure in the Competition Appeal Tribunal.
- Advised client on workings of the UK Conformity Assessment system.
- Advised client on a potential challenge to a decision of the Financial Ombudsman.

### Arbitration

- **ICC Arbitration**

Acted for a leading technology company, defending a c.€40m claim for misuse of confidential information (led by Patrick Harty).

- **LCIA Arbitration**

Advised (with Lord Neuberger of Abbotsbury) on the interpretation of various parts of an arbitral award, for use before a foreign court.

## Banking and Financial Services

- **Allianz Global Investors v Barclays Bank**

Ben acted for the Claimants in two sets of multi-billion-pound competition damages claims arising out of unlawful activity by banks on the foreign exchange market (led by Marie Demetriou KC and Colin West KC).

- **Arma v Wejo**

Ben acted for the Claimant in one of the first cases involving a special purpose acquisition company (SPAC) transaction to be heard in the English courts. The Claimant financial adviser (Arma Partners) sought a £10m success fee in respect of transactions entered into by Wejo. The case was featured as one of The Lawyer's Top 20 Cases for 2023 (led by Daniel Toledano KC).

- **Crane Bank v DFCU Bank**

Ben acted for the Claimants in high value (£200m+) litigation arising out of the resolution of a Ugandan commercial bank. The Court of Appeal allowed a jurisdiction challenge holding the Claimants' allegations fell (at least arguably) within the commercial activity and public policy exceptions to the *Act of State Doctrine* [2023] EWCA Civ 886 (led by Lord Pannick KC and Hannah Brown KC).

- **Helix Subco v Bank of Cyprus**

Ben acted for the Claimant in \$30m+ Commercial Court proceedings arising out of the purchase of a portfolio of asset-backed loans (led by Camilla Bingham KC).

## Civil Fraud

- **Eurasian Natural Resources Corporation v Director of the Serious Fraud Office**

Ben acted for Mr John Gibson, a former Serious Fraud Office ("SFO") prosecutor responsible for managing the SFO's investigation into Eurasian Natural Resources Corporation ("ENRC"). ENRC sued Mr Gibson for allegedly conspiring with other SFO personnel in order to leak confidential information about the SFO's investigation into ENRC to the press. The case was listed for a seven-week trial starting in October 2024, but settled on confidential terms on day two of trial (led by Ben Strong KC).

- **Magomedov v Transneft**

Ben acted for Transneft, defending a \$5bn conspiracy claim brought by jailed Russian oligarch Ziyavudin Magomedov. Mr Magomedov alleges that the Russian state (and entities linked to it) conspired to seize his shareholding in the Novorossiysk Commercial Sea Port (led by James MacDonald KC).

- **Biffa v Sortera**

Ben acts for Biffa (an operator of landfill sites) in ongoing proceedings against a customer which allegedly fraudulently misrepresented the nature of waste deposited at Biffa's landfill sites (led by Seb Isaac KC).

- **Crane Bank v DFCU Bank**

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## Commercial Litigation

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- **Crane Bank v DFCU Bank** [2022] EWHC 2266 (Comm) (HHJ Pelling KC); [2023] EWCA Civ 886

Ben acted for the Claimants in high value (£200m+) litigation arising out of the resolution of a Ugandan commercial bank. The Court of Appeal allowed a jurisdiction challenge holding the Claimants’ allegations fell (at least arguably) within the commercial activity and public policy exceptions to the *Act of State Doctrine* . (instructed by Greenberg Traurig and led by Lord Pannick KC and Hannah Brown KC).

- **Helix Subco v Bank of Cyprus**

Ben acted for the Claimant in \$30m+ Commercial Court proceedings arising out of the purchase of a portfolio of asset-backed loans (instructed by Clifford Chance and led by Camilla Bingham KC).

- **Countrywide Group Plc v John Bengt Moeller**

Ben acted for the Claimant in high-value Commercial Court proceedings arising out of the Defendant’s failure to complete a share purchase agreement [2021] EWHC 805 (Comm). Ben successfully obtained summary judgment against the Defendant (led by Edward Cumming KC).

- **Ocean Partners v Mr Tim Whyte et al**

Acted (with Steven Elliott QC) for the Claimant in Chancery Division application to remove a security trustee.

## Company and Insolvency

- **Lecaille v Lecaille**

Ben acts (unled) for the petitioner in an unfair prejudice petition, seeking an order that his business partner (and ex-wife) sell her shares in a car park management business. The case is listed for a three-day trial in May 2025.

- **HSRE v Crosslane**

Acted for the Claimant in Jersey proceedings arising out of a joint venture to construct purpose built student operation (led by Edmund Nourse KC)

- Advised client on rectifying articles of association

## Competition

- **Stasi v Microsoft**

Ben acts for the Proposed Class Representative (Dr Maria Luisa Stasi) in proposed collective proceedings against Microsoft. The claim alleges that Microsoft has abused its dominant position in the market for server operating systems in order to promote its cloud computing platform (known as “Azure”). Dr Stasi seeks damages (provisionally estimated as c.£2bn) on behalf of organisations which operate Windows Server on a cloud computing platform provided by Amazon, Google, or Alibaba (led by Sarah Ford KC).

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- **Motorola v CMA**

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- **On The Beach v Ryanair**

Ben acted for On the Beach Limited (“OTB”) - an online travel agent which sells package holidays over the internet - in a standalone claim against Ryanair. The claim arose out of an alleged campaign by Ryanair to put OTB (and similar companies) out of business by sabotaging its business model and making defamatory statements. The parties settled proceedings in Q1 2024 by entering into a distribution agreement which allows OTB to sell Ryanair flights (led by Robert O’Donoghue KC)

- **Dye & Durham v CMA**

Ben acted for Dye & Durham in judicial review proceedings ([2023] CAT 46) arising out of the CMA’s refusal to permit Dye & Durham to divest its stake in TMG by listing TMG as an independent company on the London Stock Exchange (led by Kieron Beal KC).

- **Allianz Global Investors v Barclays Bank**

Ben acted in two sets of multi-billion-pound competition damages claims arising out of unlawful activity by banks on the foreign exchange market (Instructed by Quinn Emmanuel and led by Marie Demetriou KC and Colin West KC).

- **Interchange Fee litigation**

Ben acted for Mastercard in the interchange fee litigation, defending multi-billion-pound claims brought by large retailers in respect of payment card interchange fees. This including in relation to the *Volvo Limitation Judgment* [2023] CAT 49 which considered the extent to which *Case C-267/20, Volvo AB and DAF Trucks NV v. RM* had materially expanded claimants' ability to bring claims that would otherwise be out of time. (led (variously) by Sonia Tolaney KC, Timothy Otty KC and Matthew Cook KC).

## Unled Work / Advocacy

- **Lecaille v Lecaille (2024)**

Ben acts (unled) for the petitioner in an unfair prejudice petition, seeking an order that his business partner (and ex-wife) sell her shares in a car park management business. The case is listed for a three-day trial in May 2025.

- **Del Bosque Limited v Shafie (2024)**

Ben acts (unled) for the claimant in Circuit Commercial Court proceedings against a former director and persons allegedly associated with him. The claim involves allegations of unlawful means conspiracy and breach of directors' duties.

- **Seraphine v Mamarella (2023/2024)**

Ben acts (unled) for Seraphine, a manufacturer of maternity clothing, in its claim against Mamarella for copying its designs. Ben acted successfully in resisting a jurisdiction challenge [2024] EWHC 425 (IPEC) and application for a stay of proceedings [2024] EWHC 1507 (IPEC).

- **Gurinov v Shaw (2023/24)**

Ben acted (unled) for the borrowers in a £7m leveraged property finance dispute litigated in the Commercial Court. The borrowers alleged that the lenders had (i) bribed their property advisor, and (ii) attempted to use personal guarantees in order to compel repayment of the projects' (non-guaranteed) mezzanine debt.

- **Henderson & Jones v Geo Quarries (2023)**

Acted (unled) for Claimant in a 3-day Business List (ChD) trial seeking payment of invoices in excess of £400,000.

- **Dougan v HMRC (2022)**. Acted (unled) for taxpayer in three-day appeal against discovery assessments for income tax and penalties. Sum in dispute c.£300,000. Issues involved sideways loss relief and limitation.

- Acted (unled) for government body in claim for public interest immunity from disclosure in the Competition Appeal Tribunal.

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## What the Directories Say

Chambers & Partners 2025 - *"Ben is very polished and smart, and quick to get down to the key issues."*

Chambers & Partners 2025 - *"Ben brings blue-sky thinking to the case, which is really helpful. He is a very good drafter and gives top-drawer input."*

Legal 500 2025 (Banking and Finance) - *"Strong advocate, builds excellent rapport with the court."*

**Legal 500 2025** (Competition) - *“Ben is very commercial and user friendly. He is very approachable, practical and makes the difficult concepts easy for clients.”*

**Legal 500 2024** (Competition) - *“Ben is very bright. He is good at analysis and putting a case together, forming a strong link with the counsel team.”*

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## Education

- BPTC, City Law School [2017-2018]
  - GDL, City Law School (Distinction) [2016-2017]
  - University of Oxford, MPhil Economics [2013-2015]
  - University of Oxford, BA Philosophy, Politics and Economics (First) [2009-2012]
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## Academic Achievements

- Stagiaire in cabinet of Advocate-General Eleanor Sharpston, ECJ [2018]
  - Lord Mansfield Scholarship, Lincoln’s Inn [2017]
  - J.P. Warner Scholar, Lincoln’s Inn [2017]
  - Winner, European Law Moot Court Competition [2017]
  - Winner, QUB-Herbert Smith Moot [2017]
  - City Law School Scholarship [2017]
  - Finalist, Maitland Advocacy Prize [2016]
  - Lord Bowen Scholarship, Lincoln’s Inn [2016]
  - HEFCE Scholarship [2014]
  - Marjorie Deane Scholarship [2013]
  - Casberd Scholarship, St John’s College [2010]
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## Languages

Good knowledge of written French.

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# Awards





# Contact Clerks



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