

Andrew Feld

CALL: 2013

✉ enquiries@twentyessex.com

☎ +44 (0)20 7842 1200



Overview

Andrew has an eclectic practice encompassing the full spectrum of commercial litigation, with particular specialisms in private international law, civil fraud, and shipping international trade. His recent caseload covers an unusually broad range of practice areas – from marine insurance to privacy injunctions – including energy and natural resources, banking and finance, tech and IP, and insolvency and restructuring.

Andrew has appeared recently in the large-scale litigation in *Deutsche Bank v Sebastian Holdings* and *Sabbagh v Khoury*. He also has extensive experience of cases involving jurisdictional and conflicts of laws issues, including anti-suit injunctions, cross-border insolvency cases, and disputes involving the interaction between courts and arbitral tribunals.

Before coming to the Bar, Andrew worked for several years as a competition and regulatory economist. He enjoys bringing his fluency with numerical data and analysis to his commercial cases.

Publications

- 'Directors' Liabilities: Exemption, Indemnification, and Ratification' in Simon Mortimer QC (ed), *Company Directors Duties, Liabilities, and Remedies* (3rd edn, Oxford University Press, 2017) (co-author).

Professional memberships

- Commercial Bar Association
- Insolvency Lawyers' Association
- Young Fraud Lawyers Association

Education

- BPP University Law School: Bar Professional Training Course, Outstanding (2013)
- City University: Graduate Diploma in Law, Distinction (2012)
- University College London: MSc in Economics, Distinction (2009)
- University of Oxford, Brasenose College: BA (Hons) in Philosophy, Politics and Economics (2007)

Example cases

- *Deutsche Bank AG v (1) Sebastian Holdings (2) Alexander Vik* (ongoing) – acting for Alexander Vik in substantial committal proceedings brought against him by Deutsche Bank against the backdrop of litigation brought by Deutsche Bank in multiple jurisdictions seeking to enforce a US\$ 250m judgment (with Duncan Matthews QC and Tony Beswetherick).
- *Mercuria v Deutsche Bank* (ongoing) – acting for Mercuria in a US\$ 23.5m commercial court claim against Deutsche Bank in relation to aluminum repo contracts arising from an alleged large-scale warehousing fraud in Qingdao.
- *Dell Emerging Markets (EMEA) Ltd v Systems Equipment Telecommunications Services SAL* [2020] EWHC 561 (Comm), [2020] EWHC 1384 (Comm) – successful committal application resulting in orders for the imprisonment of the directors of a Lebanese company for breach of an anti-suit injunction against the company (with Sara Masters QC and as sole counsel).
- *Sabbagh v Khoury* [2019] EWCA Civ 1219, [2020] 1 All ER (Comm) 485, [2019] 2 Lloyd’s Rep 178 – acting for the defendants in a US\$ 500m conspiracy claim in the Commercial Court. Also appeared for the Defendants in their successful appeal to the Court of Appeal setting discharging an anti-arbitration injunction granted in respect of a foreign-seated arbitration. The case is the leading authority on the power of the English courts to injunct pursuit of foreign-seated arbitrations on vexatious and oppressive grounds (with Philip Edey QC and Andrew Fulton).
- *Glencore Energy v Freeport Holdings (“the Lady M”)* [2019] EWCA Civ 388, [2019] 2 All ER (Comm) 73, [2019] 2 Lloyd’s Rep 109; [2017] EWHC 3348 (Comm); [2018] 2 All ER (Comm) 219 – appeared successfully (in substantial part) for the owners of the Lady M on an appeal from the judgement of Popplewell J regarding the scope of the fire exception in the Hague/Hague-Visby Rules and the role of barratry in relation to the exception (with Timothy Hill QC).
- *Qingdao Huiquan Shipping v Shanghai Dong He Xin Industry Group* [2018] EWHC 3009 (Comm), [2019] 1 Lloyd’s Rep 520 – acting on a successful application for anti-suit injunction restraining Chinese proceedings in favour of arbitration. An important case on the scope of the “quasi-contractual” anti-suit injunction, as well as the role of delay (with Philip Riches QC).
- *Dell Emerging Markets (EMEA) Ltd v Systems Equipment Telecommunications Services* [2018] EWHC 702 (Comm) – acting for Dell on a successful application for a contractual anti-suit injunction by a non-contracting party (a so-called “quasi-contractual” anti-suit injunction) under an international distribution agreement for IT hardware. Involved an issue as to the application of the illegality principle in *Ralli Bros* to exclusive forum clauses (with Sara Masters QC).
- *Seatrade Group v Hakan Agro (“the Aconcagua Bay”)* [2018] EWHC 654 (Comm) [2018] 2 All ER (Comm) 843, [2018] Lloyd’s Rep 381 – appeal under s.69 Arbitration Act 1996 on the meaning of the warranty in a voyage charterparty that a berth be “always accessible”. Determines that the warranty relates to the ability of the vessel to depart from as well as enter the berth (sole counsel).
- *C21 London Estates v Maurice MacNeill Iona* [2018] EWCA Civ 1823; [2017] EWHC 998 – acted for a franchisee successfully resisting an appeal to the Court of Appeal from the Chancery Division (Leeds District Registry) on the issue of whether a term in a franchise agreement was a condition or an innominate term, and therefore whether the franchise was lawfully terminated.
- *Dell Emerging Markets (EMEA) v IB Maroc.com* [2017] EWHC 2397 (Comm) – acted for Dell in a dispute arising out of a contract to deliver an integrated public cloud computing solution to a telecoms provider in Morocco. Also appeared on a successful application for an anti-suit injunction. The latter is a significant authority on the scope of the court’s power to grant contractual anti-suit injunctions to or against non-contracting parties (with Sara Masters QC).