



Anna Boase KC

Barrister

Call 2002 Silk 2019



Scope of Practice

• Agency & Commercial Agents Regulations • Arbitration • Asset Tracing and Recovery • Banking and Financial Services • Breach of Confidence • Civil Fraud • Company and Insolvency • Directors' Duties • Energy and Natural Resources • Group Litigation • Injunctions (including freezing orders and search orders, and orders for disclosure of information) • Jurisdiction and Conflict of Laws • Regulatory and Disciplinary Breaches • Restrictive Covenants, Non-Compete and Team Moves

Overview

With a busy practice across a number of specialist areas in commercial disputes, Anna is a team player, who prides herself on careful attention to legal and factual detail. Her caseload includes high profile and high value cases in which she is instructed as a member of a large team, as well as a broad range of matters in which she appears as sole counsel or with a junior. Anna's cases commonly have an international element and she is at home both in the English Courts and before arbitral tribunals.

Anna works in a range of industries, including financial services, technology, media, mining and energy. In her banking and finance practice, Anna has acted for a number of leading global banks and financial institutions, including Commerzbank, Citigroup, Lloyds, Goldman Sachs and JP Morgan.

Anna has particular experience of large scale, group and test case litigation. She is familiar with the special challenges of acting in the interests of or against a large body of litigants, the importance of co-operating effectively with other counsel teams, and innovative case management that is likely to be required.

Recently, Anna has enjoyed a series of trial wins for international mining clients, both as trial advocate (bringing a successful claim against Atalaya Mining Plc and advancing a successful defence for Bushveld Minerals Limited), and as part of a big team (securing a high-profile victory for ENRC in its dispute with Dechert LLP and the SFO).

As well as her work as counsel, Anna sits as an arbitrator, having accepted appointments (variously as sole arbitrator,

co-arbitrator and chair) in ICC and LCIA arbitrations in recent years. She also acts as an expert in English law for the purposes of foreign proceedings.

Examples of Recent Cases

Commercial Litigation

- **Eurasian Natural Resources Corporation v Dechert LLP and Neil Gerrard, and v Serious Fraud Office [2022] EWHC 1138 (Comm)**

Acted for ENRC in the 12-week Commercial Court trial of a pair of high value, high profile claims tried together: (1) in professional negligence against ENRC's former solicitors and the partner with conduct of matter (an internal bribery and corruption investigation); and (2) in inducing breach of contract and misfeasance in public office against the SFO. ENRC successfully proved that Mr Gerrard had an inappropriately cosy relationship with the SFO, that he made unauthorised disclosures to the SFO about his own client and that he leaked his client's confidential documents to the press to justify an expansion of his own firm's mandate. ENRC also demonstrated that officers of the SFO induced a raft of contractual breaches by Mr Gerrard. Anna was part of a team of nine counsel, led by Clare Montgomery KC. Anna was the advocate in most of the interlocutory hearings in the claim against Dechert (including multiple disclosure and security for costs applications) and conducted cross examination of two Dechert partners and various SFO witnesses at trial.

- **Garnet Commerce Limited v VRFB Holdings Limited (and others) [2022] EWHC 481 (Ch)**

Acted for VRFB at a 6-day Chancery Division trial. Successfully defending a claim brought by Garnet, a joint venture partner and co-shareholder in Enerox, an Austrian manufacturer of industrial batteries. VRFB, a company majority owned by the AIM-listed South African vanadium mining company Bushveld Minerals Limited, subscribed for additional shares in Enerox. In order to fund that investment, it raised capital from Mustang, a Special Purpose Acquisition Vehicle listed on the LSE. The Court rejected Garnet's claim that VRFB's actions in raising such funds were in breach of a joint venture agreement and that the involvement of Mustang was detrimental to Enerox's ability to become publicly listed. Anna led Patrick Harty. The trial involved the cross examination of investment banking experts by video link, as well as witnesses of fact.

- **Astor Management AG v Atalaya Mining Plc (and others) [2022] EWHC 628 (Comm)**

Acted for Astor in a 6-day Commercial Court trial. Successfully bringing a claim to enforce multi-million Euro interest payments due to Astor under an agreement relating to the ownership of the Rio Tinto mine in southern Spain. Atalaya had agreed to pay Astor €53m for its stake in the mine on the occurrence of certain conditions and had agreed to an "Excess Cash Clause" by which all or part of that sum might be paid early. The Court heard from experts in mine financing and forensic accounting. The Court accepted Astor's construction of that clause and rejected Atalaya's contention that it was entitled to use the cash available to it for unlimited expansion of the mine, before paying Astor the €53m debt. Anna led Veena Srirangam.

- **Financial Reporting Council v KPMG and David Costley-Wood**

Defended KPMG in disciplinary proceedings in connection with KPMG's work for the bed manufacturer Silentnight which went into administration in 2011. The regulator contended that KPMG had a conflict of interest because of a prior and ongoing relationship with a hedge fund which acquired Silentnight (minus its pension liabilities) in a pre-pack administration. The regulator also alleged that a partner of KPMG knowingly misled the Pension Protection Fund, which took over Silentnight's pension liabilities. The allegations of misconduct were serious, both for KPMG and the relevant partner of the firm. Anna was led by Mark Phillips KC and assisted by Matthew Abraham. Anna did some of the advocacy during the proceedings, including some cross examination during the five-week remote trial.

- **Carphone Warehouse v Telefonica**

Acted for Telefonica (owner of O2) in defending substantial claims for brought by one of its commercial distributors. Carphone Warehouse claimed that Telefonica had acted in breach of contract in ceasing to give it special offer tariffs for "SIM only" deals, causing it to suffer lost profits and incur liquidated damages. Carphone Warehouse also contended that Telefonica had failed to comply with its obligations to share data about customers eligible to renew their contracts, which inhibited its ability to approach such customers with tailored upgrade offers. Both claims gave rise to issues of contractual construction of a highly complex trading agreement which had been amended multiple times over many years. Anna led Emma Jones and was the advocate in a number of hearings for Telefonica before the dispute was settled.

- **City East Recruitment v British Gas**

Defended British Gas against £15m claims brought by a recruitment agency for transfer fees relating to the engagement by British Gas of engineers and other staff. The agent claimed that, upon the introduction of workers, British Gas employed them directly in order to avoid paying commission and without paying a "transfer fee" to the agency. The agent claimed this practice persisted over many years and in relation to thousands of workers. In a claim with some features akin to group litigation, the agent claimed commission and a transfer fee in respect of thousands of workers. Anna led Veena Srirangam and was the advocate in several hearings before the dispute was settled.

- **Old Mutual v Fewtrell**

Acted for Old Mutual in seeking to enforce loans made to a distributor of its products. Facing defences based upon the Singapore Moneylenders Act and the English Consumer Credit Act. Advising on strategy in light of related foreign proceedings.

- **Cuboxal v ICS**

Acted for a UK wholesaler of food packaging in dispute with an Italian manufacturer about whether packaging supplied was within contractual specification and complied with relevant European Regulations.

- **Avonwick v (1) Castle, (2) Vi Holding NV, (3) Globoid, (4) Mr Machitski and (5) Mr Shlosberg**

Represented one of three oligarchs (Gayduk, Machitski and Shlosberg) in high value (US\$200m), multi-party Chancery Division proceedings involving claims of unlawful means conspiracy and claims under the Insolvency Act. The case raised expert issues of share valuation, Dutch law, Liechtenstein law and the law of St Vincent and the Grenadines. Anna was the advocate and had principal conduct of the matter until it settled shortly before a 5-week trial. She was led by Lord Grabiner KC and assisted by Joshua Crow.

- **AAI Consulting Limited v The Financial Conduct Authority [2016] EWHC 2812 (Comm)**
Acted for the FCA in successfully striking out a claim against the regulator for £462 million in conspiracy and misfeasance in public office. Obtained various consequential orders, including a non-party costs order against an individual held to be the “real party” to the litigation.
- **Gamatronic (UK) Limited v Robert Hamilton and Jayne Mansfield [2016] EWHC 2225 (QB)**
Acted for the claimant Israeli technology company in a seven-day High Court trial against two former CEO’s who had set up a competing business whilst directors and employees. During the trial, Anna cross examined factual witnesses over three days and marshalled expert evidence on share valuation. During the course of the litigation, Anna defended a strike out application and successfully obtained an “unless order”.
- **Endeavour Energy UK Limited v Hess Limited**
Acted on behalf of Endeavour in a substantial dispute between North Sea oil joint venture parties. The dispute concerned liability to pay the costs of hiring an oil rig to carry out decommissioning works and whether Hess, as operator, obtained the necessary approval for such expenditure. During the litigation, Anna successfully opposed an application for security for costs.
- **Sir Owen Glenn and Kea Investments Limited v (1) Eric Watson, (2) Novatrust Limited, (3) Miles Leahy, (4) Nucopia Partners Limited (5) Spartan Capital Limited**
Acted on behalf of Miles Leahy and Nucopia Partners Limited in defending claims brought in the Chancery Division arising out of a failed £129m joint investment venture, Project Spartan. The claims involved serious allegations of fraud against Mr Leahy and others. Facing a five strong counsel team for the Claimants and cooperating with two other teams of Defendants, Anna appeared in several highly contentious three-day CMC’s during the litigation.
- **(1) Agate Assets SA (2) Commerzbank and Anor v Banque Privee Edmond de Rothschild Europe SA & Ors**
Acted for Commerzbank in defending claims for over US\$30m brought by Italian investors who acquired notes structured and sold by Commerzbank. The Italian investors brought claims in unlawful means conspiracy, deceit, dishonest assistance and negligence. The case involved allegations of fraud against employees of the bank, as well as expert issues of Luxembourg law and banking practice.
- **Formula One World Championship Limited v Jaiprakash Associates Limited**
Acted on behalf of the defendant Indian company, which staged and promoted the first ever Formula One motor races in India, in a Commercial Court claim for US\$51m brought by Bernie Ecclestone’s company. Formula One is pressing for payment under a contract, notwithstanding the existence of a court order in India (imposed by the tax authorities) which renders it illegal for payment to be made. The claim gave rise to issues of Indian law and UK tax law.

Agency

- Advising a major energy company on the meaning and effect of its contractual obligations to a recruitment agency.

- Advising the UK agent of a motorbike manufacturer on whether the agency was terminated and, if so, with what financial consequences.
- Advising the German agent of a major aluminium producer on the applicability of the Commercial Agents Regulations and on the quantum of compensation payable on termination of the agency.
- Advising a well-known designer of luxury handbags in a dispute with her former sales agent about the level of compensation due under the Commercial Agents Regulations. The issues involved whether the Regulations apply to non-domestic sales, and how to value the agency on the date of termination, including disputes about the time period over which to assess income, the allocation of agency costs and the appropriate multiplier.
- Advising a major distributor of nail lacquer on whether a former sales agent should be entitled to pipeline commission and compensation under the Commercial Agents Regulations and, if so, how to calculate an appropriate level of compensation.

Arbitration

- **Section 67 challenge to arbitration award on jurisdiction: Schenker (Thai) Limited v The Shell Company of Thailand Limited [2021] EWHC 1730 (TCC)**

Acted for Shell in successfully defending an arbitration claim under s.67 Arbitration Act 1996 to challenge an award on jurisdiction rendered by an arbitral tribunal in Shell's favour. The issue was whether customs services performed by Schenker in respect of a particular shipment of gasoline were carried out pursuant to a detailed framework contract providing for LCIA arbitration or an ad hoc contract arising from acceptance of a quotation. The argument involved complex contractual interpretation of a series of related agreements, some governed by English law and some by Thai law, as to which there was expert evidence. The TCC ruled in favour of Anna's client following a two-day hearing.

- **Section 68 challenge to arbitration award: SP v MT [2016] EWHC 3034 (Comm)**

Appeared (with Helen Davies KC) for a successful arbitral claimant in Commercial Court proceedings brought by the unsuccessful respondent. In an application by the award debtor under s.68 Arbitration Act 1996, it was alleged that there had been a serious procedural irregularity in the way in which the arbitral award was procured. The application involved the novel argument that alleged misconduct by a solicitor amounted to a breach of public policy. Anna's team obtained security for costs in a contested application and, after a two-day hearing, successfully resisted the s.68 application, which was duly dismissed with costs.

- **Ad hoc proceedings (adopting UNCITRAL rules)**

Appeared on behalf of the committee of a club which operates a timeshare scheme in Tenerife, in an arbitral claim brought by a member of the club who objected to certain amendments to the club's constitution which were proposed to permit the financial survival of the club and passed by a majority of members. Anna acted as sole advocate in a two-day trial of preliminary issues before Sir Maurice Kay, including half a day of cross examination of a foreign law expert.

- **LCIA proceedings**

Acted (with Helen Davies KC) successfully for a Middle Eastern telecoms company in an arbitration to enforce a US\$520 million debt against a prominent Saudi individual whose defence turned on his attempt to prove the existence and enforceability (as a matter of foreign law) of an oral agreement. Appeared in a seven-day trial,

with a successful outcome.

- **LCIA proceedings**

Acted for an African telecoms company in a dispute with several individual shareholders over the operation of rights of pre-emption under the shareholders' agreement.

- **LCIA proceedings**

Acted for a County Council as a respondent to contractual claims brought by a waste management company. It was alleged that the Council had acted in breach of a duty of good faith and various other contractual obligations which were said to arise from that requirement.

Banking and Financial Services

- Acted for Commerzbank in defending claims for over US\$30m brought by Italian investors who acquired notes structured and sold by Commerzbank. The Italian investors brought claims in unlawful means conspiracy, deceit, dishonest assistance and negligence. Allegations of fraud against employees of the bank, issues of Luxembourg law and expert issues of banking practice.
- Represented Citigroup in a claim for recovery of fees for work as a financial adviser in relation to the disposal of a company and its subsidiaries. The dispute focussed on whether a "transaction" as defined in the contract had occurred and what the "transaction value" should be.
- Acted for Lloyds in claims brought by over 6,000 shareholders in connection with its acquisition of HBOS.
- Appeared for the FCA in striking out a claim for £462 million in conspiracy and misfeasance in public office. Allegations that the FCA had investigated a regulated firm in bad faith, improperly motivated by a desire to prove that it was a robust regulator in the wake of the 2008 financial crisis, were struck out.
- In connection with a high value bond issue, advised the Administrator and Security Trustee which had misstated redemption values, as to its potential liabilities to bondholders and to the bond issuer.
- In connection with a transaction involving residential mortgage-based securities, advised the Trustee in a dispute concerning calculation of amounts due to different classes of noteholders.
- Acted for a contractor in dispute with a Panamanian state entity in connection with advance payment guarantees which were alleged to be unconditional demand bonds.
- Acted for Old Mutual, a provider of investment products, in claims against a financial adviser for recovery under loan agreements alleged to be unenforceable under the Singapore Moneylenders Act or the English Consumer Credit Act.

- Appointed on a series of occasions an Examiner in Foreign Proceedings in a series of Letters of Request made in connection with FX litigation in New York.
- Represented Capita Financial Managers in defending a group action brought by 1,040 individuals who invested, via a fund, in offshore cell companies which in turn invested in a range of alternative assets. The investors claimed compensation for breach of COLL rules and in negligence. The allegations included conflicts of interest, failure to manage risk, prudent spread of risk failure and omissions from the prospectus. Complex valuation and quantum issues.
- Acted (with Mark Howard KC) for Goldman Sachs in defending claims brought by a major Dutch pension fund. Claims arose out of a recommendation to invest in mortgage backed securities shortly before the US sub-prime crisis, and out of the appointment of asset managers too late to make market gains in an unusual asset class.
- Acted (with Lord Grabiner KC) for Goldman Sachs in proceedings to determine whether credit default swaps were validly terminated.
- Acted for JPMorgan in a dispute relating to tripartite repo arrangements and agency services in the context of the devaluation of securities following the collapse of Lehman Brothers.
- Advised Lloyds in relation to Payment Protection Insurance claims. Giving strategic advice on the orderly management of high volumes of claims in accordance with FCA guidance.
- Advised a bank which was the minority shareholder in an offshore company in a dispute with the majority shareholder. The dispute concerned whether or not certain “right of first refusal” provisions had been triggered by the bank’s entry into total return swaps, by which third parties acquired a derivative exposure to the economic return on the bank’s holdings.
- Acted for a firm of solicitors on an application for a “Banker’s Trust” order, requiring disclosure of information about a customer’s account. The firm had transferred the proceeds of the sale of a property to the account which it understood was held by the firm’s client. In fact, the firm and its client were the victims of a “Friday afternoon fraud”. By the time the relevant account was frozen, most of the money had gone. The purpose of the application was to establish the timing of the transfer and the identity of the transferee.

Breach of Confidence

- Acted on behalf of a recruitment agency in seeking a “springboard injunction” against a former employee to restrain him from benefiting from breaches of confidence committed whilst an employee.
- Advised the former manager of a recruitment consultancy against whom orders were sought for delivery up of allegedly confidential information.

- Acted for a financial services recruitment agency in obtaining without notice an injunction against a current employee who had used sophisticated IT techniques to steal confidential information with an apparent view to setting up in competition.
- Acted for a newspaper facing numerous claims of breach of confidence and privacy breaches.

Civil Fraud

- Successfully represented ENRC in high value, high profile claims against Dechert LLP (including claims for serious breach of fiduciary duty) and against the SFO (including a claim for inducing breach of contract). The factual context in which the claims arose was an ENRC internal investigation into allegations of bribery and corruption, and a threatened SFO investigation. ENRC proved that Dechert made unauthorised disclosures to the SFO about its own client and leaked confidential client documents to the press to justify an expansion of the firm's mandate. Anna was the advocate in most of the interlocutory hearings in the claim against Dechert (including multiple disclosure and security for costs applications) and conducted cross examination of two Dechert partners and various SFO witnesses at trial.
- Represented Vitaly Machitski, one of three oligarchs involved in high value, multi-party Chancery Division proceedings (*Avonwick v Castle*), involving claims of unlawful means conspiracy and various claims under the Insolvency Act (transaction at an undervalue, defrauding creditors and preference). Allegations of document forgery, share valuation and foreign law (Dutch, Liechtenstein, St Vincent and Grenadines).
- Acted for the FCA in successfully striking out a claim against the regulator for £462 million in conspiracy and misfeasance in public office (*AAI v FCA*). Obtained various consequential orders, including a non-party costs order against an individual held to be the "real party" to the litigation.
- Acted for Commerzbank in defending claims for over US\$30m brought by Italian investors who acquired notes structured and sold by Commerzbank. The Italian investors brought claims in unlawful means conspiracy, deceit, dishonest assistance and negligence. Allegations of fraud against employees of the bank, issues of Luxembourg law and expert issues of banking practice.
- Acted for two of the Defendants to claims brought in the Chancery Division arising out of a failed £129m joint investment venture, Project Spartan. The claims involved serious allegations of fraud.
- In professional disciplinary proceedings, acted for KPMG in defending serious allegations of misconduct in relation to the collapse of bed manufacturer Silentnight. Allegations included conflicts of interest and the making of false statements to the pensions regulator.
- Acted for an elderly individual who was the victim of a fraud, in which significant sums were appropriated from Swiss bank accounts.
- Represented Clyde & Co, former solicitors to Ablyazov, in a disclosure application made by JSC BTA Bank as

part of its attempts to enforce its judgments against Ablyazov worth US\$4.3 billion. JSC BTA Bank invoked the fraud exception to contend that there was no legal professional privilege in documents still held by Clyde & Co which related to Ablyazov's assets.

- Acted for a Croatian businessman who was persuaded by a fraudster to pay €4m as a deposit for the purchase of a Belgian hotel. The €4m was channelled through a number of corporate bank accounts and into the hands of various third parties, including a firm of solicitors. Successfully applied to the Commercial Court for a Norwich Pharmacal order against the firm and obtained disclosure of information about the missing funds.
- Acted for the owner of a Boeing 727 aircraft situated in the UK in resisting an application for interim relief (orders for inspection of the aircraft and its records) in support of foreign proceedings.

Company, Partnership and Insolvency

- Acted for KPMG in defending professional disciplinary proceedings in which the actions of an insolvency practitioner were challenged and in which key issues included whether a company was insolvent and the prospects of it avoiding administration.
- Represented Vitaly Machitski against whom allegations of transaction at an undervalue and defrauding creditors were made in high value, long running Chancery Division proceedings.
- Acted for a former director of a company in defending an action by the liquidators for misfeasance under s.212 Insolvency Act 1986.
- Represented at trial a company on claims against its former directors for breach of fiduciary duties, including trading in competition with the company whilst still its employees, shareholders and directors.
- Advised a majority shareholder of an AIM listed mining company on whether a proposed acquisition of an additional shareholding based upon information acquired in its capacity as existing shareholder would breach insider trading rules.
- Advised a bank which was the minority shareholder in an offshore company in a dispute with the majority shareholder. The dispute concerned whether or not certain "right of first refusal" provisions had been triggered by the bank's entry into total return swaps, by which third parties acquired a derivative exposure to the economic return on the bank's holdings.
- Acted for a company in dispute with Companies House about allegedly misleading information provided for the purposes of registering a new company name.
- Acted for one of two brothers in the taking of an account following dissolution of a partnership to operate a news agency.

- Advised a partner in a law firm in relation to her expulsion from the partnership.

Directors' Duties

- **Gamatronic (UK) Limited and Gamatronic Electronic Industries Limited v Robert Hamilton and Jayne Mansfield [2016] EWHC 2225 (QB)**
 Appeared (alone) in a seven-day trial on behalf of an Israeli technology company and its UK subsidiary which brought claims against its two former CEO's. The CEO's had set up a competing business whilst directors and employees of the UK company. The claims were for breach of a range of fiduciary and contractual duties. During the trial, Anna cross examined factual witnesses over three days and marshalled expert evidence on share valuation. During the litigation, Anna defended a strike out application and successfully obtained an "unless order".
- Acted for a former company director facing allegations of breach of fiduciary duty in relation to various transactions entered into prior to a sale of the business.
- Advised a major airline facing claims for share options from a former senior employee.

Group Litigation

- **Lloyds/ HBOS**
 Acted for Lloyds in claims brought by over 6,000 shareholders in connection with its acquisition of HBOS, with particular focus on the costs and costs budgeting in group litigation.
- **Emma Rowntree Frost & others v. Capita Financial Managers Limited**
 Represented (with Craig Orr KC) Capita in defending a group action brought by 1,040 individuals who invested in the CF Arch Cru Funds, of which Capita was the Authorised Corporate Director. The Funds invested in offshore cell companies which in turn invested in a range of alternative assets. Trading in the Funds was suspended in March 2009 and investors recovered less than the capital they invested. The investors claimed compensation for breach of COLL rules and in negligence. The allegations included conflicts of interest, failure to manage risk, prudent spread of risk failure and omissions from the prospectus. The case also involved complex valuation and quantum issues.
- **Mobile Telephone Voicemail Interception Litigation: News Group Newspapers**
 Acted for News Group Newspapers (led by Antony White KC) in the group litigation being managed in the High Court. Applying successfully to strike out, on grounds including res judicata, fresh claims made by two victims of phone hacking who had already made and settled claims within the group litigation.
- **Bank charges litigation [2009] UKSC 6**
 The FSA granted a waiver of the obligations of the banks to handle consumer complaints about allegedly unfair bank charges pending resolution of the test case (described above). Advised the FSA (with Ian Glick KC), liaising between hearings with counsel for the parties and appearing alone at hearings to intervene on case management issues.

- **‘The Accident Group’ (‘TAG’) litigation**

The Accident Group offered a personal injury claims scheme on a conditional fee basis backed by insurance policies. Following the collapse of the group, subrogated claims for recovery of an allegedly illegal referral fee were brought against solicitors who had acted for personal injury claimants by three insurers in the names of c.19,000 participants in the scheme. Acting (with Stephen Auld KC) for 150 defendant firms.

Energy and Natural Resources

- **Eurasian Natural Resources Corporation v Dechert LLP and Neil Gerrard, and v SFO [2022] EWHC 1138 (Comm)**

Acted successfully for ENRC, a natural resources company with mining operations in Kazakhstan and the Democratic Republic of Congo, in a claim against its former solicitors in relation to an internal bribery and corruption investigation, and in a parallel claim against the SFO. Anna was part of a team of nine counsel, led by Clare Montgomery KC. Anna was the advocate in most of the interlocutory hearings in the claim against Dechert (including multiple disclosure and security for costs applications) and conducted cross examination of two Dechert partners and various SFO witnesses at trial.

- **Garnet Commerce Limited v VRFB Holdings Limited (and others) [2022] EWHC 481 (Ch)**

Acted for VRFB, a company majority owned by the AIM-listed South African vanadium mining company Bushveld Minerals Limited. Successfully defending at trial a claim brought by Garnet, a joint venture partner and co-shareholder in Enerox, an Austrian manufacturer of industrial batteries. VRFB subscribed for additional shares in Enerox. In order to fund that investment, it raised capital from Mustang, a Special Purpose Acquisition Vehicle listed on the LSE. The Court rejected Garnet’s claim that VRFB’s actions in raising such funds were in breach of a joint venture agreement and that the involvement of Mustang was detrimental to Enerox’s ability to become publicly listed. Anna led Patrick Harty. The 6 day trial involved the cross examination of investment banking experts by video link, as well as witnesses of fact.

- **Astor Management AG v Atalaya Mining Plc (and others) [2022] EWHC 628 (Comm)**

Acted for Astor in a claim against the AIM listed owner of the Rio Tinto copper mine in southern Spain. Successfully bringing a claim to enforce multi-million Euro interest payments due to Astor under an agreement relating to the ownership of the Rio Tinto mine in southern Spain. Atalaya had agreed to pay Astor €53m for its stake in the mine on the occurrence of certain conditions and had agreed to an “Excess Cash Clause” by which all or part of that sum might be paid early. During a 6 day Commercial Court trial, the Court heard from experts in mine financing and forensic accounting. The Court accepted Astor’s construction of that clause and rejected Atalaya’s contention that it was entitled to use the cash available to it for unlimited expansion of the mine, before paying Astor the €53m debt. Anna led Veena Srirangam.

- **Schenker (Thai) Limited v The Shell Company of Thailand Limited [2021] EWHC 1730 (TCC)**

Acted for Shell in successfully defending an arbitration claim under s.67 Arbitration Act 1996 to challenge an award on jurisdiction rendered by an arbitral tribunal in Shell’s favour. The issue was whether customs services performed by Schenker in respect of a particular shipment of gasoline were carried out pursuant to a detailed framework contract providing for LCIA arbitration or an ad hoc contract arising from acceptance of

a quotation. The argument involved complex contractual interpretation of a series of related agreements, some governed by English law and some by Thai law, as to which there was expert evidence. The TCC ruled in favour of Anna's client following a two-day hearing.

- **Endeavour Energy UK Limited v Hess Limited**

Acted on behalf of Endeavour in a substantial dispute between North Sea oil joint venture parties. The dispute concerned liability to pay the costs of hiring an oil rig to carry out decommissioning works and whether Hess, as operator, obtained the necessary approval for such expenditure. During the litigation, Anna successfully opposed an application for security for costs.

- Acting for an oil field operator and its joint venture partners against a manufacturer of defective tubing installed in a series of water injection wells.
- Acting for a major retailer of gas and associated services in dispute with an agency as to contractual terms.
- Advised an oil rig owner in a dispute as to the terms of a rig hire contract in circumstances where there had been an early termination and unexpected demobilisation costs.
- Acted on behalf of the owner of a wind farm in a breach of warranty claim against the previous owners, relating to compliance with voltage control requirements.
- Acted on behalf of an industrial energy user in a dispute over supply and payment terms in a take or pay gas contract.
- Advised a manufacturing company in a dispute involving the construction of an agreement for the forward purchasing of electricity as part of consortium.
- Advised a global oil company in dispute with South American landowners who claimed to have suffered losses as a result of a pipeline laid on or near their land.
- Secondment to the legal department of BP, based in Hong Kong, Beijing and Shanghai. Looking at contractual issues arising in the context of the production of liquefied natural gas in Indonesia and its supply into the Chinese market, and the operation of joint ventures in Korea.

Media, Entertainment and Broadcasting

- **Leveson Inquiry: News International**

Represented News International (led by Rhodri Davies KC and Antony White KC) in its capacity as a Core Participant in the Leveson Inquiry into the culture, practices and ethics of the press. Attended hearings on behalf of the media organisation which publishes The Times, The Sunday Times and The Sun, and which (until July 2011) published The News of the World. Responded to allegations by the victims of phone hacking and other press practices and allegations of inappropriate relations between NI and the police and politicians

respectively. Responded to proposals about the future regulation of the press.

- **Voicemail Interception Compensation Scheme: News Group Newspapers**

Acted for News Group Newspapers (led by Dinah Rose KC), publisher of The Sun and former publisher of The News of the World, in numerous claims brought by alleged victims of phone hacking and other unlawful practices, being resolved within a voluntary Compensation Scheme set up by NGN. The Compensation Scheme ran in parallel to the group litigation managed in the High Court.

- **Mobile Telephone Voicemail Interception Litigation: News Group Newspapers**

Acted for News Group Newspapers (led by Antony White KC) in the group litigation managed in the High Court. Applied successfully to strike out, on grounds including res judicata, fresh claims made by two victims of phone hacking who had already made and settled claims within the group litigation.

Professional Liability

- **Eurasian Natural Resources Corporation v Dechert LLP and Neil Gerrard, and v Serious Fraud Office**

Acted for ENRC in the 12-week Commercial Court trial of a pair of high value, high profile claims tried together: (1) in professional negligence against ENRC's former solicitors and the partner with conduct of matter (an internal bribery and corruption investigation); and (2) in misfeasance in public office against the SFO. ENRC alleged that Mr Gerrard had an inappropriately cosy relationship with the SFO, that he made unauthorised disclosures to the SFO about his own client and that he leaked his client's confidential documents to the press to justify an expansion of his own firm's mandate.

- **Financial Reporting Council v KPMG and David Costley-Wood**

Defended KPMG in disciplinary proceedings in connection with KPMG's work for the bed manufacturer Silentnight which went into administration in 2011. The regulator contended that KPMG had a conflict of interest because of a prior and ongoing relationship with a hedge fund which acquired Silentnight (minus its pension liabilities) in a pre-pack administration. The regulator also alleged that a partner of KPMG knowingly misled the Pension Protection Fund, which took over Silentnight's pension liabilities. The allegations of misconduct were serious, both for KPMG and the relevant partner of the firm.

What the Directories Say

"A superstar - razor sharp and fights hard when it really matters, but extremely personable and easy to work with."

(Chambers UK Bar 2024 - Commercial Dispute Resolution)

"Anna is a very clear thinker, who is organised with her time and very versatile." (Chambers UK Bar 2024 - Commercial Dispute Resolution)

"very bright, responsive, capable and diligent." She has recently been identified in a Legal Business article on *"the Legal Elite"*

as a “genuine rising star”. (Chambers UK Bar 2022)

“Anna’s strengths are her acute attention to detail, her user friendliness and her excellent advocacy skills. In numerous interlocutory hearings, Anna was head and shoulders above her opponent: better prepared, steely calm and razor sharp.” (Legal 500 2022)

Of her work since taking silk, clients say she has “a superb grasp of the law and is very good on the factual details” (The Legal 500).

“She’s indefatigable and someone who provides consistently high-quality analysis.” “Anna Boase is very relaxed and confident, and she’s good on her feet.” (Chambers UK Bar)

Before becoming a KC, she was described as “very bright, hardworking junior and approachable” (The Legal 500) and as “a hard-working and technically accomplished junior who peers say is “unflappable” when on her feet” (Chambers UK Bar).

Other Experience

Before coming to the Bar, Anna worked in the External Relations D.G at the European Commission and as a legal advisor on human rights and European free movement issues.

In 2005, she worked in Hong Kong as a Pegasus Scholar where she was seconded to BP Asia, Linklaters and the Hong Kong Court of Appeal.

Anna has served on the Executive Committee of the Financial Services Lawyers Association, as a member of the International Committee of the Bar Council and on the Executive Committee of COMBAR.

Anna takes a particular interest in diversity of recruitment to the Bar. She leads the “Women at the Commercial Bar” programme within One Essex Court.

Education

BA History, Downing College, Cambridge (1st class)

Post Graduate Diploma in Law, City University (Commendation)

Bar Vocational Course, Inns of Court School of Law (Outstanding. Top of year)

Other Academic Achievements

Baron Dr Ver Heyden de Lancey Prize (Middle Temple, 2003)

Du Cann Memorial Prize for Advocacy (3 Raymond Buildings, 2002)

Scarman Scholarship and Sibel Dedazde Pro Bono Award (both Inns of Court School of Law, 2002)

Queen Mother Scholarships (Middle Temple 2001 and 2000)

Piley Scholarship and R.J. White Prize (Downing College, 1999 and 1997)

Buchanan Scholarship (Cambridge University, 1997)

Awards



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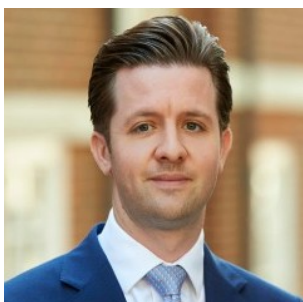


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