



Ben Lewy

Barrister
Call 2018



Scope of Practice

• Arbitration • Competition • Banking and Financial Services • Civil Fraud and Economic Torts • Commercial Litigation • Company and Insolvency • Employment • Energy and Natural Resources

Overview

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

Ben's current and recent instructions include:

- **Motorola v CMA** – Ben successfully defended the CMA in the first ever challenge to the making of a market investigation reference. The investigation concerned Motorola's Airwave network, the mobile radio network used by emergency services across Great Britain. The CMA has since imposed a price cap on Motorola, reducing its pricing by c.£200m per year. Ben continues to act for the CMA (led by Josh Holmes 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 ongoing interchange fee litigation, defending multi-billion-pound claims brought by large retailers in respect of payment card interchange fees; and 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. (Instructed by Jones Day and Freshfields and led (variously) by Sonia Tolaney KC, Timothy Otty KC and Matthew Cook 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 (instructed by Simmons & Simmons and led by Daniel Toledano KC).

- **Crane Bank v DFCU Bank** [2022] EWHC 2266 (Comm) (HHJ Pelling KC); ~~[2023] EWCA Civ 886~~ - Ben acts 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).
- **Dye & Durham v CMA** – Ben acts for Dye & Durham in judicial review proceedings 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 (instructed by Dentons and led by Kieron Beal 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).
- **Havant v OFGEM** – Ben acted for the Claimants in high value judicial review proceedings, and successfully obtained quashing orders against Ofgem. The claims related to renewable energy subsidy scheme and, once built out, will involve c.£500m of investment in renewable energy projects (instructed by Burges Salmon and led by Thomas Sharpe KC).

In addition to his led work, Ben frequently appears unled in significant matters. Ben has recently acted unled in a 3-day Business List (ChD) trial (**Henderson & Jones v Geo Quarries**), a 3-day Tax Tribunal appeal (**Dougan v HMRC**) 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.

Examples of Recent Cases

Administrative & Public Law

- **Motorola v CMA**
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- **Dye & Durham v CMA**

Ben acts for Dye & Durham in judicial review proceedings 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 (instructed by Dentons and led by Kieron Beal KC).

- 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 by the Financial Ombudsman.
- Advised a credit ratings agency on its prospects of appealing various decisions by the ECB (European Central Bank) and EBA (European Banking Authority) (with Tom Sharpe KC).

Arbitration

- **LCIA Arbitration**

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

- **DIFC-LCIA Arbitration**

During pupillage, assisted James Macdonald in defending a claim arising out of the sale of a UAE business.

- **s.103 of Arbitration Act 1996**

During pupillage, assisted Conall Patton in advising a company on its prospects of resisting enforcement of a foreign (New York Convention) arbitral award.

- **General Dynamics v Libya**

During pupillage, assisted James Ruddell in an appeal concerning the service of documents against a foreign state, for the purposes of enforcing an arbitral award.

Banking and Financial Services

- **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).

- **Arma v Wejo**

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- **Helix Subco v Bank of Cyprus**

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Civil Fraud

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

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- **Yukos v Lynch**

During pupillage, assisted Seb Isaac in defending a Russian law claim arising out of the the auctions of Yukos Oil in Russia in 2007.

- **Avonwick v Azitio**

During pupillage, assisted Seb Isaac in defending a claim arising out of one of the largest corporate transactions in Ukrainian history, which Avonwick alleged included fraudulent misrepresentations.

- **Du Pont Pension Trust v Yuksel Insaat AS (Comm)**

During pupillage, assisting Jamie Goldsmith in acting for a group of financial institutions bringing claims for fraudulent misrepresentation in relation to senior notes issued by a Turkish construction group. The case involved intricate issues of jurisdiction and governing law.

- **Danish Customs and Tax Administration v Solo Capital Partners & Ors**

During pupillage, assisted Jamie Goldsmith in high profile US\$1.5 billion claims against 98 defendants arising out of an alleged international conspiracy to deceive the Danish tax authority. Yukos v Lynch

Commercial Litigation

- **Arma v Wejo**

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- **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. Ben successfully obtained summary judgment against the Defendant (instructed by Slaughter and May and 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.

- **Cardiorentis v IQVIA**

Acting (with Neil Kitchener QC and Laurence Emmett) for the Defendants in high value Commercial Court proceedings arising out of a pharmaceutical trial.

- **SPC Aviation Limited v GAMA Plc**

Acted (with Sa'ad Hossain QC) for the Defendant in claims arising out of the alleged mismanagement of a private jet. The claim settled shortly before trial.

- **Carlyle Capital v Conway**

Assisted Steven Elliott QC in a Privy Council appeal concerning the content of a lawyer's ethical obligations towards the Court.

- **Halliburton v Chubb**

Assisted Lord Grabiner QC, Neil Kitchener QC and Owain Draper in a Supreme Court Appeal concerning apparent bias in international commercial arbitration.

- Settled Particulars of Claim for a software company claiming unpaid fees.

- Advised client on jurisdiction and service issues involved in suing a Middle Eastern defendant.

- Advised on effects of a confidentiality clause in a joint venture agreement, and whether it would prevent a large (£1bn+) corporate transaction from taking place.

- Advised on director disqualification proceedings arising out of the high-profile failure of a large UK plc.

Company and Insolvency

- **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

- **Motorola v CMA**

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- **IP Rights**

Advised client on application of EU competition law to intellectual property rights.

- **Land agreements**

Advised client on application of EU competition law to restrictive covenants in leases.

- **Sports disciplinary panel**

Acted (with Lord Grabiner QC, Matthew Cook and Owain Draper) for a leading sports team in defending claims for breach of cost control rules and challenging the legality of those rules on competition grounds.

- **Advised client on CMA fining practices.**

- **Advised client on whether an exclusivity agreement fell within the scope of the Vertical Agreements Block Exemption.**

Tax and Revenue

- **Dougan v HMRC**

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.

- **CFC legislation**

Advised (with Julian Ghosh QC) on application of Controlled Foreign Corporation legislation.

Unled Work / Advocacy

- **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.

- Ben currently acts (unled) in Commercial Court proceedings for two property developers defending multi-

million-pound claims brought under personal guarantees.

What the Directories Say

The 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."*

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.

Awards



Contact Clerks



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