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## Daniel Benedyk

Barrister

Call 2016



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## Scope of Practice

• Arbitration • Asset Tracing and Recovery • Banking and Financial Services • Civil Fraud and Economic Torts • Commercial Litigation • Construction and Energy • Group Actions • Injunctions and Interim Applications • Investment Treaty Arbitrations • Jurisdiction, Conflict of Laws and Sovereign Immunity • Regulation • Restitution and Unjust Enrichment • Administrative & Public Law • Trusts and Equity

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## Overview

**Daniel Benedyk has extensive experience of substantial and high-value commercial litigation and arbitration disputes. He has a wide-ranging practice which includes civil fraud, energy and natural resources, international commercial arbitration and banking and financial services litigation. He acts both led and unled, appearing regularly as sole counsel in the High Court.**

In addition to a broad spectrum of commercial disputes, Daniel has considerable experience in large-scale civil fraud cases and he has been instructed in many of the most significant disputes in the sector. Daniel has appeared in several recent high-profile and high-value cases in this field, including in deceit and conspiracy claims arising out of the acquisition of media rights to Italian Serie A football matches and the 2022/2026 FIFA World Cup, the alleged expropriation of an international airport in Eastern Europe, deceit and bad faith in the Saudi Arabian energy sector, international art fraud and claims arising out of the Grenfell Tower fire. Daniel's recent work includes disputes requiring the determination of complex jurisdiction, conflict of laws and state immunity issues.

Daniel also has substantial experience in banking and financial services litigation. He is instructed in several of the largest claims currently before the English courts, such as (for the defendants) in the *Merricks v MasterCard* litigation brought on behalf of c.45.5m individuals and worth in excess of £16.7bn, and in wide-ranging claims arising out of the collapse of the Greensill group of companies.

In arbitration, Daniel's recent work includes disputes administered under a variety of rules (e.g., SCC, SIAC, UNCITRAL) and in challenges before the High Court.

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Drawing on his practice as a qualified solicitor at a Magic Circle law firm, and secondment as an associate within the Enforcement Division of the FCA, Daniel brings a specialist understanding to complex and high-value commercial litigation as well as a practical and team-orientated approach.

Current and recent instructions include:

- **The Grenfell Tower Litigation**

Acting (with Craig Orr KC) for a product manufacturer in high-profile civil proceedings arising out of the Grenfell Tower fire. Daniel is also representing the manufacturer in the Grenfell Tower Public Inquiry.

- **Walter Hugh Merricks v MasterCard Inc**

Acting (with Sonia Tolaney KC, Matthew Cook KC and Hugo Leith) for MasterCard in a class action lawsuit brought by c.45.5m consumers and worth in excess of £16.7bn; the largest civil damages claim ever filed in the UK.

- **Jinxin Inc v Aser Media Pte Ltd**

Acting (with Lawrence Rabinowitz KC, Simon Colton KC and Sophie Weber) for two defendants in deceit and conspiracy claims worth in excess of US\$ 660m following the sale of a majority holding in a global sports media agency, whose primary business was the acquisition and international resale of media rights for sporting events. The claims concern alleged bribery, corruption and similar misconduct in the acquisition of media rights to Italian Serie A football matches and the 2022/2026 FIFA World Cup.

- **Dynasty Company for Oil & Gas Trading Limited v (1) The Kurdistan Regional Government of Iraq; and (2) Dr Ashti Hawrami**

Acting (with Charles Kimmins KC and Richard Waller KC) for an oil and gas company in a USD\$1.6bn economic torts claim against the Kurdistan Regional Government and its former Minister for Natural Resources. The case involves the determination of the entitlement to state immunity of a regional government under the fiercely-disputed Iraqi Constitution, including its authority unilaterally to exploit the area's most valuable natural resources. The case featured in The Lawyer's "Top 20 Cases" for 2021.

- **Credit Suisse Asset Management (Schweiz AG) vs (1) Dr Michael C. Frege (2) Greensill Bank AG**

Acting (with Sonia Tolaney KC and Douglas Paine) in proceedings brought by investment funds in connection with the collapse of the Greensill group of companies.

- **LCIA Arbitration**

Acting (with Neil Kitchener KC) for an international construction consortium in a USD120m arbitration involving allegations of deceit and bad faith in the Saudi Arabian energy sector.

- **SCC Arbitration**

Acting (with James Ramsden KC) for an aviation investor in an EUR900m bilateral investment treaty arbitration arising out of the alleged expropriation of an international airport in Eastern Europe.

- **The Mayor Gallery v Herta Wittgenstein**

Acting for the claimant art gallery in large-scale international art fraud. The case concerns several pieces of valuable artwork purported to have been painted by a renowned expressionist artist, but allegedly forged by her former associate.

# Examples of Recent Cases

## Commercial Litigation

- **Abdel-Kader & Others v Royal Borough of Kensington and Chelsea & Others**  
Acting (with Craig Orr KC) for a product manufacturer in high-profile civil proceedings arising out of the Grenfell Tower fire. The issues include allegations of professional negligence, product liability and the liability of public authorities under the Human Rights Act. Daniel is also representing the manufacturer in the Grenfell Tower Public Inquiry.
- **Walter Hugh Merricks v MasterCard Inc**  
Acting (with Sonia Tolaney KC, Matthew Cook KC and Hugo Leith) for MasterCard in a class action lawsuit brought by c.45.5m consumers and worth in excess of £16.7bn; the largest civil damages claim ever filed in the UK.
- **Jinxin Inc v Aser Media Pte Ltd**  
Acting (with Lawrence Rabinowitz KC, Simon Colton KC and Sophie Weber) for two defendants in claims for fraudulent misrepresentation and deceit following the sale of a majority holding in a global sports media agency, whose primary business was the acquisition and international resale of media rights for sporting events. The claims concern alleged bribery, corruption and similar misconduct in the acquisition of media rights to Italian Serie A football matches and the 2022/2026 FIFA World Cup.
- **Dynasty Company for Oil & Gas Trading Limited v (1) The Kurdistan Regional Government of Iraq; and (2) Dr Ashti Hawrami**  
Acting (with Charles Kimmins QC and Richard Waller QC) for an oil and gas company in a USD\$1.6bn economic torts claim against the Kurdistan Regional Government and its former Minister for Natural Resources. The case featured in The Lawyer's "Top 20 Cases" for 2021, and involves the determination of several matters of legal significance including: (a) the lawful exercise of the sovereign authority of Iraq; (b) validity of personal service on a former minister; and (c) whether a fair trial can be obtained in Kurdistan.
- **Credit Suisse Asset Management (Schweiz AG) vs (1) Dr Michael C. Frege (2) Greensill Bank AG**  
Acting (with Sonia Tolaney KC and Douglas Paine) in proceedings brought by investment funds in connection with the collapse of the Greensill group of companies.
- **UK building crisis**  
Acting (with Lord Grabiner KC and Alexander Nissen KC) in proceedings arising out of the UK building crisis; in particular, in claims envisaged under the new Building Safety Act 2022.
- **International energy crisis**  
Acting (as sole counsel) for numerous companies in claims arising out of the international energy crisis; for instance, in claims concerning the gas hedging sector. Daniel brings particular knowledge and expertise to the wholesale and retail gas and electricity markets following a secondment at Ofgem, during which he worked on matters such as the retail price restriction for domestic customers supplied under default tariffs, smart metering, back-billing and warrants.
- **International sanctions**  
Advising (with Lord Wolfson KC) on the application and effect of international sanctions. Prior to the commercial Bar, Daniel gained significant experience advising on sanctions from a Magic Circle law firm's

overseas office. This required a detailed and practical understanding of the nature and effect of sanctions and involved (for example) advising on international capital markets, contractual and IPO matters in a distressed sanctions-driven environment.

- Acting (with James Ramsden KC) for a large group of Russian citizens and investors in civil fraud claims worth USD137m following the dishonest asset-stripping and collapse of a major Russian bank.
- **The Mayor Gallery v Herta Wittgenstein**  
Acting for the claimant art gallery in a large-scale international art fraud. The case concerns several pieces of valuable artwork purported to have been painted by a renowned expressionist artist, but allegedly forged by her former associate.
- **GFH Capital Limited v David Lawrence Haigh and Others**  
Acting (including as sole counsel) for a Dubai-based bank in proceedings to enforce a judgment of the Dubai International Financial Centre Courts against the former managing director of Leeds United Football Club. The DIFC courts found that Mr Haigh expropriated multi-million-pound sums in a sustained and sophisticated campaign of dishonesty. The case includes a detailed analysis of the common law requirements for the enforcement of a foreign judgment.
- **Taylor v (1) Mohammed Khodabakhsh; (2) New Beginnings Technologies LLC; and (3) Rhino Overseas Inc**  
Acting (with Richard Lissack KC) for an ultra-high-net-worth businessman in long-running proceedings to set aside a High Court judgment for having been procured by fraud. The litigation arises out of admissions of a witness that he and his co-conspirators gave perjured evidence and forged critical documents at trial. The underlying claim includes the first detailed consideration of the rule in *Kendall v Hamilton* (1879) 4 App. Cas. 504
- **Smart Practice Expert Ltd -v- Ixcellerate Limited**  
Acting (as sole counsel) for the defendant in complex commercial proceedings concerning the delivery of specialist equipment to the Russian Federation.
- **Dr Salim Satir v (1) Gatehub Limited; and (2) Bitstamp Limited**  
Acting (as sole counsel) for a cryptocurrency exchange in proceedings raising a range of novel issues including the legal consequences of the transfer of cryptocurrency “bonds” on the secondary market.
- Acting (as sole counsel) for a cryptocurrency exchange in several different proceedings arising out of the “hard fork” by which Bitcoin Cash was credited to cryptocurrency investors.
- **First Boston Global Custody and Trust Company v Bacavalley Energy Pte Ltd**  
Acting for an industrial group based in Singapore and the Philippines in proceedings arising out of the allegedly unlawful termination of a joint venture agreement for the development of a waste-to-energy facility.
- Acting as an advisor on English banking law (with Dame Elizabeth Gloster DBE, PC) for a financial institution incorporated in Singapore in a USD43m claim for mis-delivery of gasoil which a carrier was transporting from Taiwan. This case arises out of the bankruptcy of a major Singaporean entity caused by oil price speculation during the COVID-19 pandemic.
- Acting as an advisor on English insolvency law (with Dame Elizabeth Gloster DBE, PC) for an international financial institution in long-running proceedings worth c.USD440m arising out of the collapse of the Greensill group of companies.
- Junior for the claimants in a multi-million-pound fraud claim, involving complex multi-jurisdictional transactions (the UK, Netherlands and Moldova) where it is alleged that the UBO was unlawfully deprived of

assets valued at hundreds of millions of dollars.

- Sole counsel for the claimant in proceedings arising out of the theft of a large quantity of expensive wine. The case raises issues in bailment, wrongful interference with goods and fraudulent misrepresentation.
- Acting for the defendant contesting allegations of serious breaches of warranties and misrepresentation following the Icelandic banking crisis.

## Arbitration

- **ICSID Proceedings**

Acting for an Estonian investor in an arbitration concerning the alleged expropriation of significant real estate assets.

- **SCC Proceedings**

Acting for an aviation investor in a high-profile and long-running EUR900 million bilateral investment treaty arbitration against a state following the alleged expropriation of an international airport.

- **SIAC Proceedings**

Acting for the contractor in a SIAC arbitration concerning the design and construction of a road of national significance in the Islamic Republic of Afghanistan.

- Rail infrastructure arbitration concerning disputes between rail network operators and electricity cable maintenance providers.

- **LCIA Proceedings**

Acting (with Neil Kitchener KC) for an international construction consortium in a USD120m arbitration concerning the Saudi Arabian gas and renewable energy sectors.

## Banking and Financial Services

Daniel has extensive experience of banking and financial services disputes having worked in the Enforcement Division of the Financial Conduct Authority, during which he advised on a range of high-profile financial services disputes and conducted enforcement cases.

Recent instructions include:

- **Walter Hugh Merricks v MasterCard Inc**

Acting (with Sonia Tolaney KC, Matthew Cook KC and Hugo Leith) for MasterCard in a class action lawsuit brought by c.45.5m consumers and worth in excess of £16.7bn; the largest civil damages claim ever filed in the UK.

- **Credit Suisse Asset Management (Schweiz AG) vs (1) Dr Michael C. Frege (2) Greensill Bank AG**

Acting (with Sonia Tolaney KC and Douglas Paine) in proceedings brought by investment funds in connection with the collapse of the Greensill group of companies.

- Acting as an advisor on English banking law (with Dame Elizabeth Gloster DBE, PC) for a financial institution incorporated in Singapore in a USD43m claim for mis-delivery of gasoil which a carrier was transporting from Taiwan. This case arises out of the bankruptcy of a major Singaporean entity caused by oil price speculation during the COVID-19 pandemic.

- Acting as an advisor on English insolvency law (with Dame Elizabeth Gloster DBE, PC) for an international financial institution in long-running proceedings worth c.USD440m arising out of the collapse of the Greensill group of companies.
- Acting (with James Ramsden KC) for a large group of Russian citizens and investors in civil fraud claims worth USD137m arising out of the dishonest asset-stripping and collapse of a major Russian bank.
- **GFH Capital Limited v David Lawrence Haigh and Others**  
Acting for a Dubai-based bank in proceedings to enforce a judgment of the Dubai International Financial Centre Courts against the former managing director of Leeds United Football Club. The DIFC courts found that Mr Haigh expropriated multi-million-pound sums in a sustained and sophisticated campaign of dishonesty. The case includes a detailed analysis of the common law requirements for the enforcement of a foreign judgment.
- Sole counsel for the Financial Conduct Authority advising on the regulation and authorisation of peer-to-peer lending, with a particular focus on Article 36H of the Regulated Activities Order, collective investment schemes and alternative investment funds.
- Advising the Prudential Regulation Authority in an investigation arising out of a major financial institution's regulatory reporting.
- Advising the Financial Ombudsman Service frequently as sole counsel across the scope of its jurisdiction.
- Acting for the defendant contesting allegations of serious breaches of warranties and misrepresentation during the Icelandic banking crisis.
- **R. (on the application of THL Insurance Services Limited) v The Financial Ombudsman Service**  
Sole counsel for the Financial Ombudsman Service in the judicial review of a decision of its Ombudsman.

## Construction and Energy

- **Abdel-Kader & Others v Royal Borough of Kensington and Chelsea & Others**  
Acting (with Craig Orr KC) for a product manufacturer in high-profile civil proceedings following the Grenfell Tower fire. The issues include allegations of professional negligence, product liability and the liability of public authorities in negligence and under the Human Rights Act. Daniel is also representing the manufacturer in the Grenfell Tower Public Inquiry. This matter has unprecedented significance for the construction, manufacturing, regulatory and fire-fighting industries.
- **LCIA Proceedings**  
Acting (with Neil Kitchener KC) for an international construction consortium in a USD120m arbitration concerning the Saudi Arabian gas and renewable energy sectors.
- **UK building crisis**  
Acting (with Lord Grabiner KC) in proceedings arising out of the UK building crisis; in particular, in claims envisaged under the new Building Safety Act 2022.
- **International energy crisis**  
Acting (as sole counsel) for numerous companies in claims arising out of the international energy crisis; for instance, in claims concerning the gas hedging sector. Daniel brings particular knowledge and expertise to the wholesale and retail gas and electricity markets following a secondment at Ofgem, during which he worked on matters such as the retail price restriction for domestic customers supplied under default tariffs,



smart metering, back-billing and warrants.

- **SIAC Proceedings**

Acting for the contractor in a SIAC arbitration concerning the design and construction of a road of national significance in the Islamic Republic of Afghanistan (FIDIC Pink Book).

- Acting (with Richard Wilmot-Smith KC) for the contractor in final account adjudication proceedings, raising a broad spectrum of issues including practical completion, partial possession, extensions of time and liquidated damages (JCT 2011 Standard Building Contract Without Quantities).
- Acting (with Jess Connors) for the contractor in an extension of time dispute arising out of the construction and refurbishment of a major food manufacturing facility (JCT 2011 Standard Building Contract Without Quantities).
- Sole counsel for the employer in TCC proceedings involving the delayed and defective construction of an education college and offices.
- Sole counsel for the contractor in adjudication proceedings concerning multiple variations, forced phasing of construction works and the imposition of various impediments during the course of a lengthy project (JCT 2011 Standard Building Contract Without Quantities).
- Sole counsel for the main contractor in adjudication proceedings against a sub-contractor involving issues of repudiatory breach, contractual termination and the submission of the sub-contractor's final account (JCT 2011 Design and Build Sub-Contract).
- Sole counsel for the defendant in a claim concerning the allegedly defective construction of luxury accommodation, raising complex issues of contractual interpretation and rectification.
- Sole counsel in various claims for the defective and dangerous construction of new-build residential developments.
- Advising on a complex suite of rail contracts (in particular performance regimes) following an incident causing significant damage to infrastructure, delays and cancellations.

## Regulation

Daniel frequently advises and represents a diverse range of regulators, including as sole counsel in judicial review proceedings. He has a particular experience in disputes with a commercial or financial element, and his recent instructions extend to matters involving the Financial Conduct Authority, the Financial Ombudsman Service, Ofgem, the Solicitors Regulation Authority, the Bar Standards Board and the Prudential Regulation Authority.

Recent matters include:

- Advising the Financial Conduct Authority on the regulation and authorisation of peer-to-peer lending.
- Advising Ofgem on the retail price restriction for domestic customers supplied under default tariffs, smart metering, back-billing and warrants.
- Representing the Financial Ombudsman Service as sole counsel in judicial review proceedings before the High Court, and advising it regularly across the scope of its jurisdiction.
- Advising the Prudential Regulation Authority in an investigation arising out of a major financial institution's regulatory reporting.
- **Ekperigin v Bar Standards Board**

Sole counsel for the Bar Standards Board in an appeal concerning the regulation of pupillage.

- **R. (on the application of Ogun) v Solicitors Regulation Authority**  
Sole counsel for the Solicitors Regulation Authority in judicial review proceedings concerning the regulation of higher rights of audience.
- Sole counsel for the Solicitors Regulation Authority in long-running BVI trust litigation.
- Sole counsel for the Solicitors Regulation Authority in its investigation into the “ground rent scandal” (i.e., exponentially increasing charges levied by freeholders on long-term leaseholders causing purchasers to become unable to re-mortgage or move home).
- Advising the Office for Students on decisions to refuse the registration of higher education providers.

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## What the Directories Say

**Legal 500 2024 (Fraud: Civil and Group Litigation)** *‘A star of his generation. An extraordinarily hardworking, legally-gifted, self-starter, whose work is of the highest quality.’*

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## Qualifications

2015: Solicitor (England and Wales)

2013: Legal Practice Course (Distinction)

2011: De Hart Prize in Law (Christ’s College, University of Cambridge)

2011: BA, Law, Christ’s College, University of Cambridge (First Class)

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## Awards





# Contact Clerks



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