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## Joshua Crow

Barrister

Call 2016



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## Scope of Practice

• Arbitration • Banking and Financial Services • Civil Fraud • Commercial Litigation • Costs • Energy and Natural Resources • Judicial Review • Professional Liability

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## Overview

Joshua Crow has a broad commercial practice across the full range of Chambers' work. He has experience in complex litigation across a wide range of Chambers' practice areas, in particular civil fraud, energy disputes and financial services litigation. He has worked on a number of large commercial cases, in both High Court litigation and in arbitrations.

He frequently works as part of larger counsel teams but is also experienced in conducting hearings in the High Court and County Courts as sole counsel. Joshua has a particular interest in jurisdiction disputes.

Recent notable instructions have included:

- *Tugushev v. Orlov & Ors* (CL-2018-00498)  
For Magnus Roth (with Daniel Toledano QC, Emma Jones and Emily Wood), defendant and part 20 claimant in claims of unlawful conspiracy and misappropriation in the context of a bitter dispute between Russian billionaires over interests in an international fishing business owned and operated worldwide by the Norebo Group of companies (including those currently owned and controlled by Hong Kong based, Three Towns Capital Limited).
- *The ECU Group v. HSBC* (CL-2019-000068)  
For HSBC (with Sonia Tolaney QC and latterly, Ken MacLean QC and Sandy Phipps), defending claims by a currency trading alleging dishonest currency rate manipulation by 'front running' currency transactions, and for significant damages. The case was complex and gives rise to many important legal and factual issues, including in particular the distinction between the legitimate 'pre-hedging' of client FX orders and illegitimate order 'front running.' HSBC succeeded at trial and all claims were dismissed.

- *Virgin Aviation TM Limited and Virgin Enterprises Limited v Alaska Airlines Inc* (CL-2019-000742)  
For Virgin, (with Daniel Toledano KC) in post-merger proceedings concerning a trade mark licensing agreement.
- *Manek & ors v IIFL Wealth (UK) Limited & others* (CL-2017-000625)  
For the claimants in substantial claims in fraud relating to the sale of an Indian payments company.
- *Rihan v Ernst & Young Global Ltd* (QB-2017-005208; A2/2020/0972)  
For EY (with Daniel Toledano QC and Nehali Shah) defending well documented ‘whistle-blower’ proceedings brought by a former partner in negligence and conspiracy. The claim concerns an audit which EY was engaged to carry out for a Dubai gold refiner.
- *Avonwick Holdings Limited & Ors v. Castle Investment Fund Limited & Ors* (HC-2014-001398)  
For the Machitski Defendants (with Lord Grabiner QC and Anna Boase) in a claim brought by Ukrainian oligarch, Vitali Gayduk alleging Matchitski and another party (Shlosberg) to separate ICC proceedings had conspired to settle in a manner which deprived Gayduk from his ability to recover a payment of USD200m from Shlosberg pursuant to an earlier Judgment (Sales J) in the English High Court between Shlosberg and Gayduk. A 25-day Chancery Division (Business List) trial was ultimately settled.
- *SIAC Proceedings*  
A multi-billion dollar dispute between multinational energy groups involving claims for deceit and breach of warranty (with Laurence Rabinowitz KC, Daniel Toledano KC, Nicholas Sloboda and others).

Josh has a wealth of advocacy experience, appearing in his own right before the High Court and County Courts and in arbitral proceedings under a variety of rule in the below:

- *Ivy Technology Limited v. AXL Media Limited (t/a Premier Punt) & Ors* (CL-2019-000477)  
Defending a post-acquisition claim on profits, as sole counsel, arising from allegations of diversion of gaming accounts, to AXL (DIs daughter's company).
- *Cawood v. Sedgwick & Ors (Sunningdale Golf Club)*  
Appeared for the successful Claimant, against leading counsel, in a 3-day trial before the Central London County Court. See linked news item [here](#).

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## Examples of Recent Cases

### Arbitration

- **SIAC Arbitration**  
Instructed with Laurence Rabinowitz KC, Nicholas Sloboda and others in a multi-billion dollar oil and gas dispute regarding alleged fraud and breach of warranty under an SPA.
- **ICC Arbitration**  
Instructed with Alex Brown in an oil and gas dispute between companies operating in Nigeria.
- Assisted (during pupillage) Simon Colton QC in a substantial contractual dispute between a contractor and the government.

- Assisted (during pupillage) Simon Colton QC in relation to arbitration involving a high value dispute between father and son, in particular in relation to enforcement of the arbitral award.

## Commercial Litigation

- **Actegy v Distec International Limited**  
Instructed as sole counsel in a jurisdiction dispute between an English company and a Belgian company. Successfully challenged the jurisdiction of the High Court on behalf of the Belgian company.
- **Avonwick Holdings Ltd v Castle Investment Fund Limited (Ch)**  
Instructed with Anthony Grabiner QC and Anna Boase in a major piece of commercial litigation arising out of the settlement of an arbitration.
- **Banco Santander Totta v Companhia Carris de Ferro de Lisboa**  
Assisted (during pupillage) Simon Colton QC in relation to the appeal arising out of the first decision of the Financial List. The case concerned the correct interpretation of Article 3(3) of the Rome Convention.
- **Commerzbank v Rothschild & Ors (Comm)**  
Assisted (during pupillage) Sonia Tolaney QC and Anna Boase in complex financial litigation involving major financial institutions and a UCITS investment company. The case raised issues of conspiracy, deceit, negligence, dishonest assistance, restitution, agency and the conflict of laws.
- **Endeavour Energy UK Ltd v Hess Ltd (Comm)**  
Assisted (during pupillage) Anna Boase in relation to an oil and gas dispute arising out of the contract for use of an oil rig for the decommissioning of North Sea field.
- **Gagosian Gallery v Romain**  
Instructed in a Norwich Pharmacal application arising out of the sale of a piece of art.
- **ICC Arbitration**  
Instructed with Alex Brown in an oil and gas dispute between companies operating in Nigeria.
- **Lindner v Wax**  
Instructed with Jeffrey Onions QC in a claim by a company against its former director, in which jurisdiction was disputed. The issues included the validity of service and the application of the Brussels I Recast Regulation.
- **McGraw-Hill International v Deutsche Apotheker & Ors**  
Assisted (during pupillage) Daniel Toledano QC and Jamie Goldsmith in a claim by investors arising out of alleged negligence and fraudulent or negligent misrepresentations by a leading rating agency (S&P) and a bank (RBS).
- **Planport GmbH v Alysons Design Studio Limited**  
Instructed to advise on the jurisdiction of the English court
- **Sabbagh v Khoury**  
Assisted (during pupillage) Laurence Rabinowitz QC, Simon Colton QC, and others in a \$600m claim in conspiracy concerning the shares in the Consolidated Contractors group, a major Lebanese construction group. Assisted in the 4-day Court of Appeal hearing arising from the jurisdiction challenge, where the Court decided issues as to the interpretation of Article 6(1) of the Brussels Regulation and the applicability and scope of an arbitration clause. Joshua was later instructed, led by Tony Peto QC, in seeking an interim anti-suit

injunction following the Court of Appeal's judgment.

- **Sharpsmart Ltd v Healthcare Environmental Services Ltd**

Assisted (during pupillage) Anna Boase in a CCMC arising from contractual claim, where costs management was the central issue.

- **Sinosure v Emerald**

Assisted (during pupillage) Jamie Goldsmith in relation to a jurisdiction challenge in a claim against a Nigerian company relating to the operation of oil and gas fields in Nigeria.

- **Sir Owen Glenn v Watson & Ors (Ch)**

Assisted (during pupillage) Sa'ad Hossain QC and Jamie Goldsmith acting for the second defendant in complex claims arising out of a failed joint venture. There were issues involving fraudulent misrepresentation, knowing receipt, tracing and constructive trusts. Also assisted at the CMC involving complex disclosure and confidentiality issues.

- **SIAC Arbitration**

Instructed alongside Laurence Rabinowitz KC and Nicholas Sloboda in a multi-billion dollar oil and gas dispute regarding alleged fraud and breach of warranty under an SPA.

- Assisted (during pupillage) Sa'ad Hossain QC in relation to a derivatives contract dispute on ISDA 2002 terms, relating to the interpretation and application of close-out provisions.
- Assisted (during pupillage) Jeffrey Onions QC and Anna Boase in advising a major oil and gas company regarding an expert determination process and a possible urgent injunction application.
- Assisted (during pupillage) Conall Patton in advising a church regarding its entitlement to Feed-in Tariff payments from its energy supplier.

## Jurisdiction and Conflict of Laws

- **Actegy v Distec International Limited**

Instructed as sole counsel in a jurisdiction dispute between an English company and a Belgian company. Successfully challenged the jurisdiction of the High Court on behalf of the Belgian company.

- **Lindner v Wax**

Instructed with Jeffrey Onions QC in a claim by a company against its former director, in which jurisdiction was disputed. The issues included the validity of service and the application of the Brussels I Recast Regulation.

- **Planport GmbH v Alysons Design Studio Limited**

Instructed to advise on the jurisdiction of the English court in a dispute between a Swiss and an English company.

- **Sabbagh v Khoury**

Assisted (during pupillage) Laurence Rabinowitz QC, Simon Colton QC, and others in a \$600m claim in conspiracy concerning the shares in the Consolidated Contractors group, a major Lebanese construction group. Assisted in the 4-day Court of Appeal hearing arising from the jurisdiction challenge, where the Court decided issues as to the interpretation of Article 6(1) of the Brussels Regulation and the applicability and scope of an arbitration clause. Joshua was later instructed, led by Tony Peto QC, in seeking an interim anti-suit injunction following the Court of Appeal's judgment.

- **Sinosure v Emerald**

Assisted (during pupillage) Jamie Goldsmith in relation to a jurisdiction challenge in a claim against a Nigerian company relating to the operation of oil and gas fields in Nigeria.

## Banking and Financial Services

- **Banco Santander Totta v Companhia Carris de Ferro de Lisboa**

Assisted (during pupillage) Simon Colton QC in relation to the appeal arising out of the first decision of the Financial List. The case concerned the correct interpretation of Article 3(3) of the Rome Convention in five related actions against Portuguese transport companies, arising out of swaps concluded between 2005 and 2007, with mark-to-market values at trial of approximately €1.3 billion.

- **Commerzbank v Rothschild & Ors (Comm)**

Assisted (during pupillage) Sonia Tolaney QC and Anna Boase in complex financial litigation involving major financial institutions and a UCITS investment company. The case raised issues of conspiracy, deceit, negligence, dishonest assistance, restitution, agency and the conflict of laws.

- **Goldman Sachs**

Assisted (during pupillage) Sa'ad Hossain QC in relation to a dispute arising out of the ISDA 2002 contract.

- **McGraw-Hill International v Deutsche Apotheker & Ors**

Assisted (during pupillage) Daniel Toledano QC and Jamie Goldsmith in a claim by investors arising out of alleged negligence and fraudulent or negligent misrepresentations by a leading rating agency (S&P) and a bank (RBS).

## Energy and Natural Resources

- **ICC Arbitration**

Instructed alongside Alex Brown in an oil and gas dispute between companies operating in Nigeria.

- **Endeavour Energy UK Ltd v Hess Ltd (Comm)**

Assisted (during pupillage) Anna Boase in relation to an oil and gas dispute arising out of the contract for use of an oil rig.

- Assisted (during pupillage) Jeffrey Onions QC and Anna Boase in advising a major oil and gas company regarding an expert determination process and a possible urgent injunction application.

- **SIAC Arbitration**

Instructed alongside Laurence Rabinowitz KC and Nicholas Sloboda in a multi-billion dollar oil and gas dispute regarding alleged fraud and breach of warranty under an SPA.

- Assisted (during pupillage) Conall Patton in advising a Methodist church regarding its entitlement to Feed-in Tariff payments from its energy supplier.

## Civil Fraud

- **Commerzbank v Rothschild & Ors (Comm)**

Assisted (during pupillage) Sonia Tolaney QC and Anna Boase and in complex financial litigation involving major financial institutions and a UCITS investment company. The case raised issues of conspiracy, deceit,

negligence, dishonest assistance, restitution, agency and the conflict of laws.

- **Johnson v Basha & Ors**

Assisted (during pupillage) Alexander Brown in obtaining search and freezing orders against a group of fraudsters. Also assisted with drafting the particulars of claim in the proceedings.

- **Sabbagh v Khoury**

Assisted (during pupillage) Laurence Rabinowitz QC, Simon Colton QC, and others in a \$600m claim in conspiracy concerning the shares in the Consolidated Contractors group, a major Lebanese construction group. Assisted in the 4-day Court of Appeal hearing arising from the jurisdiction challenge, where the Court decided issues as to the interpretation of Article 6(1) of the Brussels Regulation and the applicability and scope of an arbitration clause. Joshua was later instructed, led by Tony Peto QC, in seeking an anti-suit injunction following the Court of Appeal's judgment.

- **Sir Owen Glenn v Watson & Ors (Ch)**

Assisted (during pupillage) Sa'ad Hossain QC and Jamie Goldsmith QC acting for the second defendant in complex claims arising out of a failed joint venture. There were issues involving fraudulent misrepresentation, knowing receipt, tracing and constructive trusts. Also assisted at the CMC involving complex disclosure and confidentiality issues.

## Professional Liability

- **AssetCo**

Assisted (during pupillage) Simon Colton QC in an audit negligence case. Significant issues arose as to the quantum of the claim.

- Assisted (during pupillage) Anna Boase in advising one of the major four accountancy firms as to their position in regulatory proceedings against them.

- Assisted (during pupillage) Laurence Rabinowitz QC in giving advice to a major financial institution in respect of possible disciplinary and criminal action.

## Judicial Review

- **R (on the application of Sustainable Development Capital LLP) v Secretary of State for Business & Ors**

Assisted (during pupillage) Simon Colton QC in successfully defending a judicial review of the £2.3bn sale of the Green Investment Bank.

## Costs

- **HBOS/Lloyd's Litigation**

Assisted (during pupillage) Anna Boase in the costs management conference relating to the HBOS/Lloyd's group litigation.

- **Sharpsmart Ltd v Healthcare Environmental Services Ltd**

Assisted (during pupillage) Anna Boase in a CCMC arising from contractual claim, where costs management was the central issue.

# What the Directories Say

**Chambers & Partners 2024 (Commercial Dispute Resolution)** *"Josh is a very responsive, user-friendly barrister, who gives practical and considered advice. He is excellent on his feet." "Joshua Crow is very good at capturing the key points in a case and discussing the major legal issues." "Joshua is very persistent and always has one more idea up his sleeve which he can pull out to solve a tricky problem."*

**Legal 500 2024 (Fraud: Civil)** *'Works incredibly hard and is incredibly bright. He is also pragmatic and strategically aware, far more than is ordinarily the case for someone of his call.'*

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## Education

- City Law School: BPTC (Outstanding) [2015-2016]
  - City University London: GDL (Distinction) [2014-2015]
  - University of Oxford: BA (Philosophy, Politics and Economics) (First Class Honours) [2011-2014]
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## Academic Achievements

- Duke of Edinburgh Entrance Award, Inner Temple [2015]
  - Major Scholarship, Inner Temple [2015]
  - Telders International Law Moot, Inner Temple Team (National Final) [2015]
  - City GDL Internal Moot (Semi-Final) [2014/2015]
  - GDL Exhibition, Inner Temple [2014]
  - Future Lawyer Excellence Award, City University [2014]
  - Maitland Advocacy Competition (Penultimate Round) [2014]
  - Academic Scholarship, New College, Oxford [2012]
  - Burden-Griffiths Award for Prelims Results [2012]
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## Awards

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# Contact Clerks



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