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Matthew Barry

Barrister
Call 2021

Scope of Practice

• Arbitration • Commercial Litigation • Competition • Civil Fraud and Economic Torts • Financial Sanctions • Injunctions • Jurisdiction and Conflict of Laws • Restitution

Overview

Matthew has a broad practice covering all areas of Chambers' work. To date, he has been instructed on several high profile cases, including the s90 and s90A FSMA claims brought against Glencore (*Aabar & Ors v Glencore Plc*) and the first set of collective proceedings to proceed to trial in the CAT (*Le Patourel v BT*). He also has experience of arbitration under the UNCITRAL, LCIA and LMAA Rules. He welcomes instructions as sole counsel, and has appeared unled in the High Court.

Recent highlights of Matthew's led work include:

- **Glencore s90 FSMA Proceedings (Comm., Financial List)**
  Acting (with Sonia Tolaney KC, Peter de Verneuil Smith KC, and Henry Hoskins) in a s90 FSMA claim against Glencore arising from alleged misstatements and omissions in Glencore's prospectuses concerning its involvement in bribery and corruption.
- **Alcimos v Citi (Comm)**
  Acting (with Sa'ad Hossain KC) for Citi defending claims in contract and tort in connection with Citi's role as Sole Global Coordinator of a proposed IPO of a Greek property investment firm.
- **LCIA Arbitration**
  Acted (with James MacDonald KC) for a state-owned company defending a claim of c.US$100m for loss of profits arising from its alleged failure to provide third party access to critical natural gas infrastructure in south Asia.
- **LCIA Arbitration**
  Acted (with Jeffery Onions KC) in a claim to enforce a US$500m loan purportedly written down under a foreign bankruptcy law.
- **LMAA Arbitration**
  Acted (with Neil Kitchener KC) for the claimant in a c.US$50m claim involving allegations of fraud, bribery and want of authority in connection with four-time charters.
- **Baupost Group LLC v DPK Management Limited (Comm)**
  Acted (with Lord Wolfson KC and Douglas Paine) in a claim for damages in excess of £100m arising from the breach of an exclusivity agreement in connection with a joint venture.

Matthew's work as sole counsel has included:

- Advising a professional football club in relation to a c.£2m unjust enrichment dispute with a third-party property developer.
- Advising a former partner of an AI investment firm as to his financial entitlements under an LLP Agreement and Exit Deed.
- **Del Monte v Europa Bank (Circuit Comm. Court)**

  Acted for Del Monte and successfully obtained summary judgment on its c.€2m claim for the payment of demands under a demand guarantee, as well as costs on the indemnity basis.
- **Britannia v TCBC EURL (Comm)**
  Acting for an execution-only financial brokerage firm in a c.£1.1m claim against a commodity derivatives trader in respect of a liquidation amount due under a brokerage contract.
- **Miller v EDF**
  Acted for an energy supplier in claims arising from secret commissions paid to third party intermediaries for the brokerage of energy supply contracts.
- **Malik v Google Ireland**
  Acting for Google Ireland in defending a c.£2m claim for breach of contract arising from the cancellation of the claimant's ads pursuant to Google's advertising policies.
- **Mok v The Lansdowne Club (ChD)**
  Acted for an individual claiming damages and an injunction in respect of her alleged unlawful expulsion as a member of The Lansdowne Club. Matthew appeared against leading counsel at a heavily contested CCMC, dealing with disclosure issues and costs budgeting.
- **2M Networks Limited v Registrar of Companies**
  Appeared for the claimant and successfully applied, over the Registrar's objection, for an order directing the Registrar to remove a set of accounts from the register on the ground that they were factually inaccurate.

Examples of Recent Cases

Arbitration

- **L v S (Comm)**
  Acting (with David Wolfson KC) in a s.68 challenge against an arbitral award on the ground that the award is contrary to the public policy of the UK sanctions regime.
- **Lyondellbasell Industries Holdings B.V. v Orlen S.A (Comm)**
  Acted (with Sa'ad Hossain KC) for the claimant seeking urgent injunctive relief under s.44 of the Arbitration Act 1996 to restrain the defendant's proposed acquisition of a competing business in breach of a joint venture agreement.
- **UNCITRAL Arbitration**
  Acting (with Lord Grabiner KC and Andrew McLeod) in a multi-billion-dollar trust arbitration arising from distributions made by the trustee of Bahamian trusts to the settlor and beneficiary.
- **LCIA Arbitration**
  Acting (with Jeffery Onions KC) in a claim to enforce a US$500m loan purportedly written down under a foreign bankruptcy law.
- **LCIA Arbitration**
  Acted (with James MacDonald KC) for a state-owned company defending a claim of c.US$100m for loss of profits arising from its alleged failure to provide third party access to critical natural gas infrastructure in south Asia.
- **LMAA Arbitration**
  Acting (with Neil Kitchener KC) for the claimant in a c.US$50m claim involving allegations of fraud, bribery and want of authority in connection with four-time charters.

Commercial Litigation

- **Glencore s90 FSMA Proceedings (Comm)**
  Acting (with Sonia Tolaney KC, Peter de Verneuil Smith KC, and Henry Hoskins) in a s.90 FSMA claim against Glencore arising from alleged misstatements and omissions in Glencore's prospectuses concerning its involvement in bribery and corruption.
- **African Export Import Bank v AFG Bank Gabon (Comm)**
  Acting (with James MacDonald KC) for an African bank in its c.£25m claim for reimbursement against an issuing bank under a letter of credit. The dispute concerns the application and scope of the 'fraud exception' in the context of letters of credit.
- **Onecom v Eve Connect & Ors (Comm)**
  Acting (with Edmund Nourse KC) for Onecom in its c.£20m claim for damages for unlawful means conspiracy arising out of the sale and purchase of a telecoms business.
- **Crapper & Sons Ltd v Duarte Energy Limited (ChD)**
  Acting (with Anna Boase KC) for the defendant in proceedings claiming c.£30m arising from an alleged breach of a joint venture agreement and commercial lease.
- **In the matter of 51Job (Cayman Islands)**
  Assisted Sonia Tolaney KC and Henry Hoskins in an appeal against the judgment of the Grand Court of the Cayman Islands concerning the fair value appraisal of a major Chinese human resource services company.
- **Confidential Advice**
  Advising (with Sonia Tolaney KC) on the proper interpretation of business leakage and expert determination clauses under a sale and purchase agreement.
  Confidential Advice
  Advising (with Lord Wolfson KC) on the proper interpretation of security release provisions in a suite of complex financing documents.
- **Alcimos v Citi (Comm)**
  Acting (with Sa'ad Hossain KC) for Citi defending claims in contract and tort in connection with its role as Sole Global Coordinator of a proposed IPO of a Greek property investment vehicle.
- **Cancrie v Haider (Comm)**
  Appeared (with Sa'ad Hossain KC) for the defendant on an application to discharge a worldwide freezing order in proceedings to enforce a UAE judgment worth c.£80m.
- **Baupost Group LLC v DPK Management Limited (Comm)**
  Acted (with Lord Wolfson KC and Douglas Paine) in a claim for damages in excess of £100m arising from the breach of an exclusivity agreement in connection with a joint venture.
- **Invest Bank PSC v El-Husseini (Comm)**
  Acted (with Niranjan Venkatesan) for the defendant in a trial of a preliminary issue on whether a UAE judgment was enforceable in England and Wales: [2023] EWHC 2302 (Comm).
- **MyBucks v Leighlinbridge & Finsbury Investments (Comm)**
  Acted (with Michael D'Arcy) for BVI and Zambian companies claiming millions of pounds in damages against a Luxembourgish company and its receiver in connection with an alleged breach of contract involving the disposal of shares in a Malawian bank.

Competition

- **Le Patourel v BT Group plc (CAT)**
  Appeared (with Ronit Kreisberger KC, Derek Spitz, Michael Armitage and Jack Williams) for the class representative in an 8-week trial of collective proceedings worth approximately £1b against BT arising from alleged excessive pricing in the market for standalone landline services. The case was one of *The Lawyer's* Top 20 cases for 2024.
- **Stellantis v Autoliv (CAT)**
  Assisted David Scannell KC and Derek Spitz in a 5-week trial of a c.£771m claim arising from an alleged cartel in the supply of Occupant Safety Systems. Matthew was heavily involved in preparing cross-examination of the claimant's factual witnesses.
- **Churchill Gowns v Ede & Ravenscroft**
  Assisted Derek Spitz (during pupillage) with Competition Appeal Tribunal proceedings concerning alleged anti-competitive behaviour in the market for the supply of academic dress to students.

Civil Fraud and Economic Torts

- **Onecom v Eve Connect & Ors (Comm)**
  Acting (with Edmund Nourse KC) for Onecom in its c.£20m claim for damages for unlawful means conspiracy arising out of the sale and purchase of a telecoms business.
- **DBLP Sea Cow v Steffensen (ChD)**
  Acted (with Nicholas Sloboda KC) for the defendant in a c.US$100m claim arising from the purchase by the defendant of 2.5m shares in a publicly listed AI company pursuant to an allegedly forged and/or sham agreement.
- **LMAA Arbitration**
  Acting (with Neil Kitchener KC) for the claimant in a c.US$50m claim involving allegations of fraud, bribery and want of authority in connection with four-time charters.
- **Xenfin v GFG**
  Acted (with Patrick Harty) for the claimant in a c.£11m claim by a Guernsey non-cellular company against its former directors for breaches of fiduciary duty arising out of failed property investments in Germany.
- **Excalibur Almaz v Takafumi Horie (Isle of Man)**
  Acted (with Andrew McLeod) for a prominent Japanese businessman in proceedings arising out of a defunct commercial space-tourism venture involving a US$50m claim for deceit and breach of fiduciary duty.

Financial Sanctions

- **L v S (Comm)**
  Acting (with David Wolfson KC) in a s.68 challenge against an arbitral award on the ground that the award is contrary to the public policy of the UK sanctions regime.
- Assisted Stephen Auld QC (during pupillage) with advising an English company in relation to its risk of exposure to financial sanctions as a result of the designation of one of its indirect shareholders under EU and UK sanctions laws.

Injunctions

- **Lyondellbasell Industries Holdings B.V. v Orlen S.A (Comm)**
  Acted (with Sa'ad Hossain KC) for the claimant seeking urgent injunctive relief under s.44 of the Arbitration Act 1996 to restrain the defendant's proposed acquisition of a competing business in breach of a joint venture agreement.
- **DBLP Sea Cow v Steffensen (ChD)**
  Appeared (with Nicholas Sloboda KC) at a hearing of an application for an interim proprietary injunction over 2.5m shares in a publicly listed AI company allegedly transferred pursuant to a forged and/or sham agreement.
- **Cancrie v Haider (Comm)**
  Acting (with Sa'ad Hossain KC) for the defendant on an application to discharge a worldwide freezing order in proceedings to enforce a UAE judgment worth c.£80m.
- **UGC v Petropavlovsk plc**
  Assisted Sa'ad Hossain QC and Sam O'Leary (during pupillage) with resisting an application for an injunction to restrain a FTSE 250 company from completing a transaction under a share sale and purchase agreement.

Jurisdiction and Conflict of Laws

- **Confidential advice**
  Advised a Delaware company on whether it was prevented by *lis alibi pendens* from bringing contractual claims in England which overlapped with pending claims in Delaware.
- **Cancrie v Haider (Comm)**
  Acting (with Sa'ad Hossain KC) for the defendant on an application to discharge a worldwide freezing order in proceedings to enforce a UAE judgment worth c.£80m, on the ground that the UAE judgment was obtained contrary to principles of natural justice and was therefore unenforceable in England and Wales under English conflict of law rules.
- **Xenfin v GFG**
  Acted (with Patrick Harty) for the claimant in a c.£11m claim by a Guernsey non-cellular company against its former directors for breaches of fiduciary duty arising out of failed property investments in Germany.

Matthew was heavily involved in preparing the application to serve the Defendants out of the jurisdiction.

- Assisted Eleanor Campbell (during pupillage) with an application to serve a claim form out of the jurisdiction in the context of a dispute under a distributorship and agency agreement, where the putative defendant was a German company subject to German insolvency proceedings.

Restitution and Unjust Enrichment

- Advised a professional football club in relation to an unjust enrichment dispute with a third party property developer.
- **Trafiki v Angel Champagne**
  Acted for a champagne retailer in defending claims for breach of contract and unjust enrichment arising from its receipt of digital marketing services from the claimant.
- Assisted Eleanor Campbell (during pupillage) with drafting statements of case in a claim for unjust enrichment arising out of mistaken payments made by a bank.

What the Directories Say

"Matt is an incredibly hard worker and someone who can deliver under pressure." **Legal 500 2027 (Commercial Litigation)**

Education

- University of Cambridge, Master of Law (First Class) [2019]
- University of Sydney, Bachelor of Laws (First Class Honours) [2014]
- University of Sydney, Bachelor of Arts (First Class Honours) [2012]

Academic Achievements

- Foundation Scholarship, Queens' College Cambridge [2019]
- John George Dalley Prize for Most Proficient Student in Final Year Law, Sydney Law School [2014]
- Sydney Law School Exchange Scholarship [2014]
- Dean's List of Excellence in Academic Performance, University of Sydney [2011]
- LexisNexis Prize for Most Proficient Student in Second Year Law, Sydney Law School [2010]
- Walter Reid Memorial Prize for Proficient Performance in the BA/LLB degree program, University of Sydney [2009; 2010; 2011; 2012]
- Lithgow Scholarship No III for Most Proficient Student in First Year Philosophy, University of Sydney [2009]
- University of Sydney Outstanding Academic Achievement Scholarship [2009-2014]

Publications

- Matthew is the author of two Practice Notes on Practical Law on the law of unjust enrichment: "Remedies: Restitution" and "Restitution: Change of Position".
- Matthew has also published articles in the *Journal of International Arbitration* and the *Australian Journal of*

Competition and Consumer Law.

Previous Employment

- Research Assistant, Commercial and Common Law Team, Law Commission of England and Wales [2019-2021]
- Solicitor, Commercial Litigation and Competition and Regulation, Gilbert + Tobin [2017-2018]
- Judicial Assistant, Supreme Court of NSW [2016]

Awards

2027 Chambers Top Ranked UK Bar
One Essex Court

Legal500
2023

Contact Clerks



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