E-mail: clerks@oeclaw.co.uk

Maximilian Schlote

Barrister
Call 2013



Scope of Practice

• Agency • Arbitration • Art and Antiques • Asset Tracing and Recovery • Banking and Financial Services • Civil Fraud and Investigations • Commercial Litigation • Company and Insolvency • Competition and EU Law • Economic Torts • Energy and Natural Resources • Equity • Injunctions • Jurisdiction and Conflict of Laws • Professional Liability • Restitution • Sale of Goods and Supply of Goods and Services • Tax and Revenue • Trusts

Overview

Max Schlote undertakes a broad range of commercial work. His practice covers both litigation and international arbitration. Max is often engaged in complex, high value and profile disputes. Max has appeared in the Court of Appeal, and in the Supreme Court and Privy Council.

Max is ranked by Chambers UK (Commercial Dispute Resolution and Group Litigation); Chambers Global (Dispute Resolution: Commercial); and by Legal 500 (Commercial Litigation).

Current highlights of Max's practice include:

- his work in large group litigation, e.g., the *Fundão Dam Litigation*, the largest group litigation in England and Wales, where Max acted for BHP in the 14-week liability trial in 2024-2025.
- outside group litigation, in 2025, Max acted for the Claimant in the high-profile 7-week trial in the Technology and Construction Court of TNLC's challenge to the award of the 4th National Lottery License (*The New National Lottery Co* v *The Gambling Commission*).

Further recent cases include *Virgin Enterprises Limited* v *Brightline Holdings LLC* [2023] EWHC 2240 (Comm) (a 3-week Commercial Court trial arising out of the early termination of a 20+ year licensing agreement) where Max acted for the Claimant. Also in 2023, Max acted for the Claimant in *SKAT v Solo Capital Partners* [2023] EWHC 590 (Comm) (a 4-week preliminary issues trial relating to a multi-billion dollar alleged tax fraud).

Max also has considerable experience in the energy sector (e.g., an ICC Arbitration concerning a major gas pipeline infrastructure project (2019), and an LCIA Arbitration concerning a major energy construction project (2017-2019); and in the banking/finance sector, for example, the *RBS Rights Issue Litigation*; *Dana Gas PJSC v Dana Gas Sukuk Limited*; and his work in three Madoff-related cases (each in the Privy Council, e.g., *Pearson v Primeo Fund (No 2)* [2020] UKPC 3.

Max is fluent in German.

Prior to transferring to the bar in 2012, Max worked for two years at Slaughter and May.

Examples of Recent Cases

Agency

- **Copley Motorcars Corporation & Anr v Bonhams 1793 Limited & Ors** *(Comm) (2015-16)*
  For Claimant buyers of a vintage Ferrari in multi-party proceedings before the Commercial Court involving, inter alia, claims for fraud and misrepresentation. The case also raised issues concerning the agency relationship between the auction house and the vendor. (With Neil Kitchener QC)
- Acted for recruitment agencies on several cases involving the placement of individuals with employers. (Sole Counsel).
- Successfully resisted the setting aside of summary judgment in favour of the defendant in a claim brought by an estate agency for a minimum fee under an agency agreement. (Sole Counsel).

Arbitration (As Counsel)

- **ICC Proceedings (2019)**
  For South Stream (a Gazprom subsidiary) in major, complex and technical arbitration proceedings brought by Italian energy services company Saipem in connection with the termination of c. €2 billion contract for the construction of a 900km gas pipeline from Russia to Bulgaria across the Black Sea. (With Alexander Gunning QC)
- **LCIA Proceedings (2017-19)**
  For Claimant, joint-venture contractor, in major, complex and technical arbitration proceedings relating to a construction project in the energy sector. The claim raised, amongst other things, a difficult issue concerning the interpretation of a construction sub-contract viewed in its relevant factual matrix. (With Charles Graham QC)

Art and Antiques

- **Copley Motorcars Corporation & Anr v Bonhams 1793 Limited & Ors** (Comm) (2015-16)
  For Claimant buyers of a vintage Ferrari in multi-party proceedings before the Commercial Court involving, inter alia, claims for fraud and misrepresentation. The case also raised issues concerning the agency relationship between the auction house and the vendor. (With Neil Kitchener QC)
- For a successful bidder for a vintage Jaguar in potential fraud and misrepresentation claims and claims under the Sale of Goods Act. (Sole Counsel).
- For the owner of a painting in a potential claim against an auction house. The painting had been consigned to an auction house for auction where it became the subject of a rival claim to title and a Holocaust restitution claim. (Sole Counsel).
- For the owner of a different painting in a potential claim against an art dealer and an auction house. The painting had been consigned to an auction house for auction but then became the subject of a rival claim to title by an art dealer. (Sole Counsel).
- For the purchaser of a luxury vintage car in a claim concerning the failure by the dealer to repay a deposit when the purchase could not be completed because of quality/mis-description issues. (Sole Counsel).

Asset Tracing and Recovery

- **Cruz City 1 Mauritius Holdings v Arsanovia Ltd & Ors** (Comm) (2018)
  For the Claimant in arbitration award enforcement proceedings before the Commercial Court involving, inter alia, world-wide freezing injunctions and the appointment of equitable receivers. (With Daniel Toledano QC)

Banking and Financial Services

- **Herald Fund SPC (in official liquidation) v Primeo Fund** [2020] UKPC 3
  For the Additional Liquidator of Herald in his appeal before the Privy Council in the long-running dispute between Herald and Primeo (Herald's largest shareholder) concerning the rectification of Herald's register of shareholders. This case, like the Reichmuth and Fairfield cases, arose out of the Madoff Ponzi scheme. (With Francis Tregear QC)
- **RBS Rights Issue Litigation** (ChD) (2015-16)
  For the (UK) financial institutions in their high profile s90 FSMA claim against RBS for misstatements in respect of its £12bn rights issue in 2008. (With Laurence Rabinowitz KC).
- **PCP Capital Partners LLP v Barclays Bank PLC** [2017] EWHC 2897
  For the bank, defending high profile claims in damages in connection with PCP's alleged role in the Bank's 2008 capital raisings. The trial of this matter was scheduled to commence on 15 January 2018 and was listed for eight weeks. On Barclays' successful application to the Commercial Court, this trial was adjourned until the conclusion of related criminal proceedings. (With Laurence Rabinowitz KC).
- **Dana Gas PJSC v Dana Gas Sukuk Ltd & Ors** [2018] EWHC 278 (Comm); [2018] EWHC 277 (Comm); [2017] EWHC 2928 (Comm); [2017] EWHC 2605 (Comm); [2017] EWHC 2340 (Comm); [2017] EWHC 1896 (Comm)
  For the Claimant in Commercial Court proceedings which sought to declare various transaction documents governing its US$700 million 'sukuk' financing invalid on account of the fact that those documents do not comply with certain fundamental principles of Shariah and are contrary to UAE law (the law governing one of the main transaction documents). The case raises questions of contractual construction, the (English) law of common mistake and conflict of laws (in particular, the impact of the fact that certain obligations are unlawful under a foreign law on transaction documents governed by English law). The Claimant obtained an injunction from the English Court preventing the exercise of certain (purported) rights of the holders of the 'sukuk' (or bonds). The case was then listed for a 5-day speedy trial in September 2018.This claim also gave rise to several difficult procedural issues, in particular because Dana Gas (the Claimant) was prevented from attending the trial as a result of an anti-suit injunction having been obtained against it in the UAE. The Claimant obtained two adjournments of the English trial, but ultimately the trial took place in its absence. The Claimant then applied to have the judgment set aside pursuant to CPR 39.3(3). Difficult issues also arose as a result of there being parallel proceedings in Sharjah, UAE. (With Richard Gillis KC).
- ***PCP v. Barclays Bank PLC*** [2017] EWHC 2897 (Comm)
  Appeared (alongside Laurence Rabinowitz KC and Alexander Polley) for Barclays in its high profile and susccesful stay application - news item linked .
- **Pearson v Primeo Fund** [2017] UKPC 19
  For Reichmuth & Co, a Swiss private bank,, intervening in Privy Council appeal proceedings arisingout of the winding-up of Herald Fund, one of the 'feeder funds' of Bernard L Madoff Investment Securities LLC. Reichmuth, a shareholder in Herald, argued that its claim to redemption proceeds had priority over the claims of certain other shareholders. (With Laurence Rabinowitz KC).
- **Fairfield Sentry Ltd v Migani** [2014] UKPC 9; Times, May 1, 2014
  For Credit Suisse in Fairfield Sentry's appeal to the Privy Council. The case concerned Fairfield's claim to recover redemption payments made to investors in Fairfield, a 'feeder fund' of Bernard L Madoff Investment Securities LLC, and raised issues relating to the construction of a company's articles of association and the interaction between those articles and restitutionary remedies. (With Laurence Rabinowitz KC)
- **Sabre v Standard Bank** (Comm) (2014-15)
  For the Claimant in an (ultimately settled) £50 million Commercial Court claim (relating to the banking of an oil and gas project. (With Laurence Rabinowitz KC).
- Advised an insurance company on an issue relating to the Life Assurance Act 1774 and the conflict of laws. (With Ian Glick KC).

Civil Fraud and Investigations

- **SKAT v Solo Capital Partners**, a multi-billion claim in the Commercial Court against over 100 defendants arising out of a fraud on SKAT, the Danish revenue authority. Max acted for SKAT in the recent four-week Commercial Court trial of preliminary issues
- For the Claimant, a company in liquidation, in proceedings in the Chancery division against a former director and related parties for fraudulent breach of duty and dishonest assistance (with Neil Kitchener KC).
- **Copley Motorcars Corporation & Anr v Bonhams 1793 Ltd & Ors** (Comm) (2015-16)
  For Claimant buyers of a vintage Ferrari in multi-party proceedings before the Commercial Court involving, inter alia, claims for fraud and misrepresentation. The case also raised issues concerning the agency

relationship between the auction house and the vendor. (With Neil Kitchener QC)

- Currently advising the successful bidder for a different vintage car in potential fraud and misrepresentation claims and claims under the Sale of Goods Act. (Sole Counsel).
- Advised insurance company on a potential claim for fraud against an insured. (Sole Counsel).

Commercial Litigation

- **The New National Lottery Co v The Gambling Commission**

  For the Claimant, TNLC, in a 7-week trial in 2025 of TNLC's challenge to the Defendant's award of the 4th National Lottery License to Allwyn.

- **Virgin Enterprises Limited v Brightline Holdings LLC**
  A ca. US$125m claim in the Commercial Court arising out of the early termination by Brightline of a 20+ year licensing agreement. Max acted for Virgin in the three-week Commercial Court trial of this matter in July 2023.

- **SKAT v Solo Capital Partners**
  Multi-billion claim in the Commercial Court against over 100 defendants arising out of a fraud on SKAT, the Danish revenue authority. Max acted for SKAT in the recent four-week Commercial Court trial of preliminary issues.

- For the Claimant, a company in liquidation, in proceedings in the Chancery division against a former director and related parties for fraudulent breach of duty and dishonest assistance (with Neil Kitchener KC).

- **Herald Fund SPC (in official liquidation) v Primeo Fund** (PC) (2018-19)
  For the Additional Liquidator of Herald in his (upcoming) appeal before the Privy Council in the long-running dispute between Herald and Primeo (Herald's largest shareholder) concerning the rectification of Herald's register of shareholders. This case, like the Reichmuth and Fairfield cases, arises out the Madoff Ponzi scheme. (With Laurence Rabinowitz QC)

- **Oleg Kolyada v Ilya Yurov** (Comm) (2014)
  For the Defendant, in Commercial Court proceedings which settled during its 6-week trial. The parties were formerly co-owners of a Russian bank. The dispute arose out of the transfer of Mr Kolyada's shares to Mr Yurov. Mr Kolyada brought claims for rectification, breach of trust, breach of fiduciary duties and undue influence. (With Neil Kitchener QC)

- **Copley Motorcars Corporation & Anr v Bonhams 1793 Ltd & Ors** (Comm) (2015-16)
  For claimant buyers of a vintage Ferrari in multi-party proceedings in the Commercial Court involving, inter alia, claims for fraud and misrepresentation. (With Neil Kitchener QC).

- **RBS Rights Issue Litigation** (ChD) (2015-16)
  For the (UK) financial institutions in their high profile s90 FSMA claim against RBS for misstatements in respect of its £12bn rights issue in 2008. (With Laurence Rabinowitz QC).

- **PCP Capital Partners LLP v Barclays Bank PLC** [2017] EWHC 2897
  For the bank, defending high profile claims in damages in connection with PCP's alleged role in the Bank's 2008 capital raisings. The Commercial Court trial of this matter was scheduled to commence on 15 January 2018, for 8-weeks. On the bank'ss' successful application , the trial was adjourned until the conclusion of related criminal proceedings. [link to]. (With Laurence Rabinowitz QC).

- **Dana Gas PJSC v Dana Gas Sukuk Ltd & Ors** [2018] EWHC 278 (Comm); [2018] EWHC 277 (Comm); [2017] EWHC 2928 (Comm); [2017] EWHC 2605 (Comm); [2017] EWHC 2340 (Comm); [2017] EWHC 1896 (Comm)
  For the Claimant, in Commercial Court proceedings which sought to declare various transaction documents governing its US$700 million 'sukuk' financing invalid on account of the fact that those documents do not comply with certain fundamental principles of Shariah and are contrary to UAE law (the law governing one of the main transaction documents). The case raises questions of contractual construction, the (English) law of common mistake and conflict of laws (in particular, the impact of the fact that certain obligations are unlawful under a foreign law on transaction documents governed by English law). The Claimant obtained an injunction from the English Court preventing the exercise of certain (purported) rights of the holders of the 'sukuk' (or bonds). The case was then listed for a 5-day speedy trial in September 2018. This claim also gave rise to several difficult procedural issues, in particular because Dana Gas (the Claimant) was prevented from attending the trial as a result of an anti-suit injunction having been obtained against it in the UAE. The Claimant obtained two adjournments of the English trial, but ultimately the trial took place in its absence. The Claimant then applied to have the judgment set aside pursuant to CPR 39.3(3). Difficult issues also arose as a result of there being parallel proceedings in Sharjah, UAE. (With Richard Gillis QC).

- **Pearson v Primeo Fund** [2017] UKPC 19
  For Reichmuth & Co, a Swiss private bank, intervening in Privy Council appeal proceedings arising out of the winding-up of Herald Fund, one of the 'feeder funds' of Bernard L Madoff Investment Securities LLC. Reichmuth, a shareholder in Herald, argued that its claim to redemption proceeds had priority over the claims of certain other shareholders. (With Laurence Rabinowitz QC).
- **Fairfield Sentry Ltd v Migani** [2014] UKPC 9; Times, May 1, 2014
  For Credit Suisse, in Fairfield Sentry's appeal to the Privy Council. The case concerned Fairfield's claim to recover redemption payments made to investors in Fairfield, a 'feeder fund' of Bernard L Madoff Investment Securities LLC, and raised issues relating to the construction of a company's articles of association and the interaction between those articles and restitutionary remedies. (With Laurence Rabinowitz QC).
- **Sabre v Standard Bank** (Comm) (2014-15)
  For the Claimant, in an (ultimately settled) £50 million Commercial Court claim relating to the banking of an oil and gas project. (With Laurence Rabinowitz QC).

Company and Insolvency

- **Herald Fund SPC (in official liquidation) v Primeo Fund** (PC) (2018-19)
  For the Additional Liquidator of Herald in his (upcoming) appeal before the Privy Council in the long-running dispute between Herald and Primeo (Herald's largest shareholder) concerning the rectification of Herald's register of shareholders. This case, like the Reichmuth and Fairfield cases, arises out the Madoff Ponzi scheme. (With Laurence Rabinowitz QC)
- **RBS Rights Issue Litigation** (ChD) (2015-16)
  For the (UK) financial institutions in their high profile s90 FSMA claim against RBS for misstatements in respect of its £12bn rights issue in 2008. (With Laurence Rabinowitz QC).
- **Pearson v Primeo Fund** [2017] UKPC 19
  For Reichmuth & Co, a Swiss private bank, intervening in Privy Council appeal proceedings arising out of the winding-up of Herald Fund, one of the 'feeder funds' of Bernard L Madoff Investment Securities LLC. Reichmuth, a shareholder in Herald, argued that its claim to redemption proceeds had priority over the claims of certain other shareholders. (With Laurence Rabinowitz QC).
- **Fairfield Sentry Ltd v Migani** [2014] UKPC 9; Times, May 1, 2014
  For Credit Suisse, in Fairfield Sentry's appeal to the Privy Council. The case concerned Fairfield's claim to recover redemption payments made to investors in Fairfield, a 'feeder fund' of Bernard L Madoff Investment Securities LLC, and raised issues relating to the construction of a company's articles of association and the interaction between those articles and restitutionary remedies. (With Laurence Rabinowitz QC).
- Advised the beneficial owner of a group of companies on the extent of his powers to remove the directors of the relevant companies and to transfer legal title to the shares to himself. This concerned principally the proper scope of the Duomatic principle. (Sole Counsel).
- For a company in the commodities trading sector in a dispute concerning the validity and priority of certain share mortgages/charges securing liabilities of about US$4 million. (Sole Counsel).
- Companies Court applications, e.g. rectification of the register of charges. (Sole Counsel).
- Winding-up petitions. (Sole Counsel).

Construction and Engineering

- **ICC Proceedings (2019)**
  For South Stream (a Gazprom subsidiary) in major, complex and technical arbitration proceedings brought by Italian energy services company Saipem in connection with the termination of c. €2 billion contract for the construction of a 900km gas pipeline from Russia to Bulgaria across the Black Sea. (With Alexander Gunning QC)
- **LCIA Proceedings (2017-19)**
  For Claimant joint-venture contractor, in major, complex and technical arbitration proceedings relating to a construction project in the energy sector. The claim raised, amongst other things, a difficult issue concerning the interpretation of a construction sub-contract viewed in its relevant factual matrix. (With Charles Graham QC)

Economic Torts

- For the Defendants in a substantial claim in the High Court brought by a former supplier alleging conspiracy and other economic torts. (With Anthony de Garr Robinson QC).

Energy and Natural Resources

- **Municipio de Mariana and others v BHP Group PLC and BHP Group Ltd**
  For the defendant, BHP, in the high-profile claim brought by ca. 200,000 Brazilian Claimants in relation to the collapse of the Fundão dam in Mariana, Brazil. This is the largest (by number of Claimants) group litigation in England ever. Max has acted for BHP in its jurisdiction challenges in the High Court and Court of Appeal and is instructed to act for BHP on the trial which is currently listed for autumn 2024.
- **ICC Proceedings (2019)**
  For South Stream (a Gazprom subsidiary) in major, complex and technical arbitration proceedings brought by Italian energy services company Saipem in connection with the termination of c. €2 billion contract for the construction of a 900km gas pipeline from Russia to Bulgaria across the Black Sea. (With Alexander Gunning QC)
- **LCIA Proceedings (2017-19)**
  For Claimant joint-venture contractor, in major, complex and technical arbitration proceedings relating to a construction project in the energy sector. The claim raised, amongst other things, a difficult issue concerning the interpretation of a construction sub-contract viewed in its relevant factual matrix. (With Charles Graham QC)

Equity

- Acting, as sole counsel, for a company in the commodities trading sector in a dispute concerning the validity and priority of certain share mortgages/charges securing liabilities of about US$4 million.

Group Litigation

- **Municipio de Mariana and others v BHP Group PLC and BHP Group Ltd**
  For the defendant, BHP, in the high-profile claim brought by ca. 200,000 Brazilian Claimants in relation to the collapse of the Fundão dam in Mariana, Brazil. This is the largest (by number of Claimants) group litigation in England ever. Max has acted for BHP in its jurisdiction challenges in the High Court and Court of Appeal . Max acted for BHP in the 14-week 2024/2025 stage 1 liability trial . Max is also instructed on the 27-week stage 2 (causation and damages) trial listed for 2026.
- **Milasi Josiya & Ors v British American Tobacco PLC, British American Tobacco (GLP) Limited & Ors**
  For the BAT Defendants, in a claim by over 7,000 Malawian tobacco farmers for compensation under three causes of action.
- For a FTSE 250 company in claims brought by tens of thousands of claimants who claim to have been affected by a cyber-attack on the company.
- **The RBS Rights Issue Litigation**
  For the institutional investor Claimants in claims arising out RBS's 2008 rights issue.

Injunctions

- **Dana Gas PJSC v Dana Gas Sukuk Ltd & Ors** [2018] EWHC 278 (Comm); [2018] EWHC 277 (Comm); [2017] EWHC 2928 (Comm); [2017] EWHC 2605 (Comm); [2017] EWHC 2340 (Comm); [2017] EWHC 1896 (Comm)
  For the Claimant, in Commercial Court proceedings which sought to declare various transaction documents governing its US$700 million 'sukuk' financing invalid on account of the fact that those documents do not comply with certain fundamental principles of Shariah and are contrary to UAE law (the law governing one of the main transaction documents). The case raises questions of contractual construction, the (English) law of common mistake and conflict of laws (in particular, the impact of the fact that certain obligations are unlawful under a foreign law on transaction documents governed by English law). The Claimant obtained an injunction from the English Court preventing the exercise of certain (purported) rights of the holders of the 'sukuk' (or bonds). The case was then listed for a 5-day speedy trial in September 2018.This claim also gave rise to several difficult procedural issues, in particular because Dana Gas (the Claimant) was prevented from attending the trial as a result of an anti-suit injunction having been obtained against it in the UAE. The Claimant obtained two adjournments of the English trial, but ultimately the trial took place in its absence. The Claimant then applied to have the judgment set aside pursuant to CPR 39.3(3). Difficult issues also arose as a result of there

being parallel proceedings in Sharjah, UAE.Difficult issues also arose as a result of there being parallel proceedings in Sharjah, UAE. (With Richard Gillis QC).

Jurisdiction and Conflict of Laws

- **Municipio de Mariana and others v BHP Group PLC and BHP Group Ltd**
  For the defendant, BHP, in the high-profile claim brought by ca. 200,000 Brazilian Claimants in relation to the collapse of the Fundão dam in Mariana, Brazil. This is the largest (by number of Claimants) group litigation in England ever. Max has acted for BHP in its jurisdiction challenges in the High Court and Court of Appeal and is instructed to act for BHP on the trial which is currently listed for autumn 2024.
- **Dana Gas PJSC v Dana Gas Sukuk Ltd & Ors** [2018] EWHC 278 (Comm); [2018] EWHC 277 (Comm); [2017] EWHC 2928 (Comm); [2017] EWHC 2605 (Comm); [2017] EWHC 2340 (Comm); [2017] EWHC 1896 (Comm)
  For the Claimant, in Commercial Courtproceedings which sought to declare various transaction documents governing its US$700 million 'sukuk' financing invalid on account of the fact that those documents do not comply with certain fundamental principles of Shariah and are contrary to UAE law (the law governing one of the main transaction documents). The case raises questions of contractual construction, the (English) law of common mistake and conflict of laws (in particular, the impact of the fact that certain obligations are unlawful under a foreign law on transaction documents governed by English law). The Claimant obtained an injunction from the English Court preventing the exercise of certain (purported) rights of the holders of the 'sukuk' (or bonds). The case was then listed for a 5-day speedy trial in September 2018. This claim also gave rise to several difficult procedural issues, in particular because Dana Gas (the Claimant) was prevented from attending the trial as a result of an anti-suit injunction having been obtained against it in the UAE. The Claimant obtained two adjournments of the English trial, but ultimately the trial took place in its absence. The Claimant then applied to have the judgment set aside pursuant to CPR 39.3(3). Difficult issues also arose as a result of there being parallel proceedings in Sharjah, UAE. Difficult issues also arose as a result of there being parallel proceedings in Sharjah, UAE. (With Richard Gillis QC).

Recent Advocacy Experience

- Cross-examination in the High Court (in the TNLC case)
- Applications in the High Court, including recent disclosure application (in the TNLC case).
- Trials and applications in the County Court.
- Various interim applications in the High Courts, for example, a recent appearance in front of the Chief Chancery Master on an application in a multi-million £ fraud claim.
- Appearances in trials and on applications in the County Court.

Restitution

Max has a particular academic interest in this area of law and has, over many years, lectured on, contributed to and published work in its respect:

- The San Giorgio "cause of action" [2014] 2 BTR 103
- The Principle of Effectiveness and Restitution of Overpaid Tax, Restitution of Overpaid Tax, S Elliott, B Häcker, C Mitchell (eds) (Hart, 2013)
- Test Claimants in the FII Group Litigation v IRC and Littlewoods Retail Limited v HMRC: concurrency of remedies and compound interest in recovering overpaid tax [2012] 4 BTR 500
- Littlewoods v HMRC: compound interest as a matter of EU law [2012] 2 BTR 144

In terms of practical application of his expertise, Max has also appeared in the following cases:

- **Littlewoods Ltd v Revenue and Customs Commissioners** [2014] EWHC 868 (Ch); [2014] STC 1761 and [2015] EWCA Civ 515; and [2017] UKSC 70
  For Littlewoods, in its high profile restitution claims for £1.2 billion of compound interest in respect of overpaid VAT dating back to 1973. The case raised important issues of EU law and the English law of unjust enrichment. More information can be found here: ; (With Laurence Rabinowitz QC).
- For a charitable organisation in a High Court claim for restitution of overpaid VAT. The claim raised the difficult question of what remedy a consumer has against HMRC in circumstances where it had paid VAT

(that was not due) to a contractor which then goes out of business so that the consumer cannot recover from the contractor. The claimant charitable organisation pursued a claim directly against HMRC for the overpaid VAT. (Sole Counsel).

- **Fairfield Sentry Ltd v Migani** [2014] UKPC 9; Times, May 1, 2014
  For Credit Suisse, in Fairfield Sentry's appeal to the Privy Council. The case concerned Fairfield's claim to recover redemption payments made to investors in Fairfield, a 'feeder fund' of Bernard L Madoff Investment Securities LLC, and raised issues relating to the construction of a company's articles of association and the interaction between those articles and restitutionary remedies. (With Laurence Rabinowitz QC).
- **Veolia & Ors v Viridor & Ors** (Comm & ChD) (2014-15)
  For Veolia in Commercial Court and Chancery proceedings for restitution of overpaid landfill tax. (Sole Counsel).
- Advised a financial institution on a potential claim for the recovery of overpaid VAT. (With Laurence Rabinowitz QC).

Sale of Goods and Supply of Services

- **Copley Motorcars Corporation & Anr v Bonhams 1793 Limited & Ors** (Comm) (2015-16)
  For Claimant buyers of a vintage Ferrari in multi-party proceedings before the Commercial Court involving, inter alia, claims for fraud and misrepresentation. The case also raised issues concerning the agency relationship between the auction house and the vendor. (With Neil Kitchener QC)
- For a successful bidder for a vintage Jaguar in potential fraud and misrepresentation claims and claims under the Sale of Goods Act. (Sole Counsel).
- For the owner of a painting in a potential claim against an auction house. The painting had been consigned to an auction house for auction where it became the subject of a rival claim to title and a Holocaust restitution claim. (Sole Counsel).
- For the owner of a different painting in a potential claim against an art dealer and an auction house. The painting had been consigned to an auction house for auction but then became the subject of a rival claim to title by an art dealer. (Sole Counsel).
- For the purchaser of a luxury vintage car in a claim concerning the failure by the dealer to repay a deposit when the purchase could not be completed because of quality/mis-description issues.
- For the purchaser of a luxury yacht against the dealer and manufacturer in breach of contract claims arising out of manufacturing defects. (Sole Counsel).

Tax and Revenue

- **SKAT v Solo Capital Partners**
  A multi-billion claim in the Commercial Court against over 100 defendants arising out of a fraud on SKAT, the Danish revenue authority. Max acted for SKAT in the recent four-week Commercial Court trial of preliminary issues
- **Littlewoods Ltd v Revenue and Customs Commissioners** [2014] EWHC 868 (Ch); [2014] STC 1761 and [2015] EWCA Civ 515; and [2017] UKSC 70
  For Littlewoods, in its high profile restitution claims for £1.2 billion of compound interest in respect of overpaid VAT dating back to 1973. The case raised important issues of EU law and the English law of unjust enrichment. More information can be found here: ; (With Laurence Rabinowitz QC).
- For a charitable organisation in a High Court claim for restitution of overpaid VAT. The claim raised the difficult question of what remedy a consumer has against HMRC in circumstances where it had paid VAT (that was not due) to a contractor which then goes out of business so that the consumer cannot recover from the contractor. The claimant charitable organisation pursued a claim directly against HMRC for the overpaid VAT. (Sole Counsel).

Trusts

- **Oleg Kolyada v Ilya Yurov** (Comm) (2014)
  For the Defendant, in Commercial Court proceedings which settled during its 6-week trial. The parties were formerly co-owners of a Russian bank. The dispute arose out of the transfer of Mr Kolyada's shares to Mr Yurov. Mr Kolyada brought claims for rectification, breach of trust, breach of fiduciary duties and undue influence. (With Neil Kitchener QC)

What the Directories Say

Chambers and Partners 2026 (Group Litigation) *“He is absolutely outstanding. We call him Max the Machine because of the astonishing amount of work he gets through. He will go a long way.” “Max is very bright and works through the weeds to find a clear and coherent strategy.” “He is excellent.”*

Chambers and Partners 2026 (Commercial Dispute Resolution) *“Max is a go-to senior junior. He is extremely hard-working and always across the detail.” “Max is an extremely capable and technical lawyer who has become the backbone of the counsel team. He is a calm presence during busy periods and responds quickly and clearly with helpful advice.” “Maximilian was extremely good and responsible for developing important parts of the defence.”*

Chambers and Partners 2026*"Maximilian Schlote possesses notable experience in the group litigation field. He acted in the RBS Rights Issue Litigation and has more recently represented defendants in major human rights cases such as Municipio de Mariana v BHP Group"*

Legal 500 2026 (Commercial Litigation) *“Extremely hard-working and the quality of his work is always excellent.”*

Legal 500 2025 (Commercial Litigation) *"Really developing well as he has become more senior – clever, works ferociously hard, and makes sure things get done.”*

Legal 500 2024 (Commercial Litigation) *“"A go-to junior and he is exceptional. He quickly gets to grip with complex matters, and is extremely hardworking, practical and incredibly intelligent. His input is always well thought through and his drafting is very good indeed."*

Chambers and Partners 2024 (Commercial Dispute Resolution) *"Maximilian is incredibly bright and has a good sense of what the key issues in a case are. He takes a pragmatic and user-friendly approach."*

Chambers and Partners 2024 (Group Litigation) *"Maximilian Schlote is incredibly hard-working and has excellent judgement."*

Chambers and Partners 2023 (Commercial Dispute Resolution; Group Litigation) *"Max has excellent judgement and a prodigious work ethic. He is always on top of the detail and provides clear and commercial advice." "Max is a brilliant barrister. He is always on top of the detail, and provides clear and commercial advice." "Max provides very good analysis and written work. He is a thoughtful and considered junior*."

Legal 500 2022 (Commercial Litigation) "*Max is a much in-demand senior junior, with a startling ability to turn his hand to developing areas of law while also remaining strong on mainstream commercial matters.*"

Legal 500 2020 ranked Max as a 'rising star' in Commercial Litigation - *"Max is super bright; super committed and super easy to deal with."*

Legal 500 2019 ranked Max as one of the top ten juniors under eight years call describing him as *"very, very clever and one to watch"*.

Academic Achievements

Peter Birks Prize in Restitution, Oxford University [2009]
Slaughter and May Prize for Best Overall Perfromance in Tripos, Cambridge University [2008]
George Leung Prize for Best Performance in Jurisprudence, Cambridge University [2008]
Rapaport Prize for Outstanding Academic Performance, Christ's College [2008]
de Hart Prize in Law, Christ's College [2006-2008]

Experience

Slaughter and May, Trainee Solicitor in UK & US Tax Law, Corporate Law, Finance & Litigation [2010-2012]
Wachtell, Lipton, Rosen & Katz, Foreign Attorney in Tax Department [2011-2012]
Oxford University Centre for Business Taxation, Research Assistant [2010]

Languages

German (native)

Education

University of Oxford, Lady Margaret Hall: BCL (Distinction) [2008-2009]
University of Cambridge, Christ's College: BA Law Hons (Starred First) [2005-2008]

Awards





Contact Clerks



Adam Wheeler
Clerk Team Leader
+44 (0)20 7520 4616
awheeler@oeclaw.co.uk



Jordan Foley
Deputy Team Leader
+44 (0) 20 7520 4613
jfoley@oeclaw.co.uk



Max Tonkinson

Clerk
+44 (0)20 7520 4695
mtonkinson@oeclaw.co.uk