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Michelle Menashy KC

Barrister
Call 2003 Silk 2025

Scope of Practice

• Arbitration • Banking and Financial Services • Commercial Litigation • Energy and Natural Resources • Injunctions • Jurisdiction and Conflict of Laws • Professional Negligence and Liability • Restitution

Overview

Michelle has been described as *"undoubtedly one of the next generation of leading advocates"*. She is frequently instructed by magic circle law firms in high profile and high value cases. Michelle's recent work includes acting for Motorola in the worldwide Motorola v Ericsson patent litigation; for Zurich in the landmark business interruption insurance test case, *Financial Conduct Authority v Arch Insurance (UK) Limited & Others [2020] EWHC 2448 (Comm);* in an ICC arbitration involving sale of a bank with deceit claims estimated at over USD330m; in three sets of parallel proceedings (ICC and UNCITRAL) concerning substantial £150m+ disputes relating to force majeure defences to the lack of gas supply to chemical plants; in a €120million dispute concerning a major gas pipeline running under the Black Sea; in a $4billion telecoms shareholder dispute; and sole counsel in a dispute concerning the acquisition of a portfolio of non-performing loans for in excess of £1billion.

Examples of Recent Cases

Arbitration

- **ICC Proceedings**
  Acting (with Anna Boase KC) in proceedings concerning the sale of shares in a bank and alleging breach of contract, deceit and unlawful means conspiracy claims estimated over USD330m.
- **ICC, UNCITRAL and Ad Hoc Arbitrations**
  Acting (with Claire Blanchard QC) for a state owned midstream gas aggregator in three sets of parallel proceedings concerning substantial £150m+ disputes relating to the lack of gas supply to chemical plants. Then acting in another two sets of parallel proceedings involving similar issues.
- **ICC Arbitration**
  Acting (with Charles Graham QC) in a substantial international arbitration between a major Russian manufacturer and its supplier of defective metal for use in a gas pipeline.
- **UNCITRAL Arbitration**
  Acting (with Ian Glick QC and then Charles Graham QC) regarding a claim brought by the Claimant on the basis that it had been deprived of pre-emption rights. By the time of the quantum hearing the Claimant was

seeking almost US$5bn in damages. The seat of Arbitration was Lagos, Nigeria.

- LCIA Arbitration
  Acting (with Daniel Toledano QC) in a dispute concerning the misselling of two interest rate swap transactions and resulting damages.
- SCC Arbitration and Commercial Court
  Acting in SEB v Interamerican Assurance Company Limited & Ors (with Nicholas Strauss QC, Duncan Matthews QC and Sa'ad Hossain QC), which began as an arbitration under the rules of the Stockholm Chamber of Commerce, from which a Commercial Court action arose. The dispute arises from a share purchase agreement concerning allegations of pensions mis-selling and relating to PIA/FSA Pensions Review of opt outs, non joiners, and transfers from occupational pensions scheme.
- ICC Arbitration
  Acting (with Andrew Lenon QC) in a dispute involving the sale of alumina.
- LCIA Arbitration
  Acting (with Daniel Toledano QC) for an oil and gas exploration and drilling company in Ghana.
- LCIA Arbitration
  Acting (with Peter Leaver QC) in a dispute involving the sale of alumina.
- LCIA Arbitration and Commercial Court
  Advising (with David Wolfson QC) on a worldwide freezing order to support of arbitration proceedings where the substantive claim involved issues of fraud.
- Acting, as sole counsel, in a case involving the acquisition of a digital pay TV platform for just under US$1billion.

Banking and Financial Services

- ITS v Pitcher, Cordell and others
  Acting for two individuals, who are ex directors of a trustee company, in a claim for dishonest assistance in breach of trust concerning nine UK occupational pension schemes with a trust fund of £52m.
- Defending a claim for restitution as a result of unjust enrichment in relation to a gas supply agreement.
- Acting for a firm of solicitors in relation to a claim for restitution and misrepresentation in relation to the sale of a property.

Commercial Disputes

- Motorola v Ericsson [2024] EWHC 2027 (Pat), [2024] EWHC 3149 (Pat), [2024] EWHC 3148 (Pat), [2025] EWHC 539 (Pat)
  Appearing (with Rebecca Sabben-Clare KC and Edward Cronan) for Motorola in the fast-paced worldwide dispute against Ericsson concerning the scope of a 2011 smartphone patent licence.
- Interglobe Aircraft Management Services (UK) Private Limited v ACL and others
  Acting (with Rosalind Phelps KC) for Defendants in a claim for almost USD30m for fraudulent misrepresentation and conspiracy.
- Hungry Panda and others v EASI Global and others
  Appearing (with Sa'ad Hossain KC) for HungryPanda in a AUS$45m claim against the Sellers of the EASI food delivery business (primarily based in Australia), alleging fraudulent conspiracy and breach of contract. The claim started as an urgent injunction application to compel the Sellers to transfer critical assets which had been withheld, following which HungryPanda discovered widespread fraudulent conspiracy.
- The Financial Conduct Authority v Arch Insurance (UK) Limited & Others [2020] EWHC 2448 (Comm)
  Appearing (with Craig Orr QC) for Zurich Insurance Plc in the landmark business interruption test case to determine issues of principle in relation to policy coverage under various specimen wordings underwritten by eight defendant insurers in respect of business interruption claims by policyholders arising out of the COVID-19 pandemic and the advice of and restrictions imposed by the UK government in consequence. The case was expedited and, given its importance was heard by a specially convened Court comprising a Financial List judge and a Lord Justice of Appeal. Zurich was one of only two insurers who were wholly successful on coverage, and therefore successful overall. The case leapfrogged to the Supreme Court and was heard in November 2020.
- DNANudge Ltd v Jabil Inc [2023] EWHC 1255 (Ch)
  Appearing for a major US manufacturer in a claim against a biotech start up company arising out of a

manufacturing dispute valued at around €7m. Successfully resisted an injunction for delivery up of equipment and components in circumstances where the defendant would lose its security and the claimant was unable to give any meaningful cross-undertaking in damages.

- **Jordan Gustave and others v Aave Limited**
  Acting for founder of decentralised finance protocol facilitating lending and borrowing of cryptographic tokens in a claim by former employees who claim an equity entitlement.
- **Otello Corporation v Moore Freres & Company [2018] EWHC 2347 (Ch)**
  Appearing (with Craig Orr QC) for a New York venture capital firm in expedited proceedings (a section 994 unfair prejudice petition) arising out of the disputed sale of a 25% shareholding in an international software business. Decision considers Lord Sumption's analysis of section 171 (b) of the Companies Act 2006 in *Eclairs Group Ltd v Glengary Overseas Ltd* [2016] All ER (Comm) 413.
- **Allergy Therapeutics (UK) Ltd v Inflamax Research Inc [2019] EWHC 2526 (Comm)**
  Appearing for an application for disclosure of documents and information further to a WFO made against him and to vary the freezing order, in the context of a claim against a clinical research organisation which had dishonestly concealed defects in its clinical trial.
- **Dr Reichart v Ian Osbourne and others**
  Acting (with Daniel Toledano QC) in a claim concerning the exchange of multiple draft contracts which were never executed and misrepresentation.
- **BG Global Energy Ltd & ors v Talisman Sinopec Energy UK Limited & ors**
  Acting (with John McCaughran QC) in a £35m claim for overpayments made pursuant to a Transportation Processing & Operating Services Agreement between the Blake Field Owners and the Ross Field Owners.
- **BPM v Thames Water Utilities Limited**
  Acting in a claim involving recovery of payments made by mistake of law, alternatively under economic duress.
- Acting, as sole counsel, in a dispute about an acquisition of a portfolio of non-performing loans for in excess of £1 billion.
- Acting, as sole counsel, in relation to a £100m breach of warranty claim in relation to a Share Purchase Agreement.
- Acting (with Charles Graham QC) in a substantial dispute between a major Russian manufacturer and its supplier of defective metal for use in a gas pipeline, involving complex construction and sale of goods issues.
- **Formula One v Grand Prix F1 du Canada**
  Acting for Formula One in dispute with Grand Prix F1 du Canada. The claim was for failure to pay promotion fees amounting to $20m, which resulted in the annual race in Montreal no longer being a Formula One event.

Energy and Natural Resources

- Acting (with Claire Blanchard QC) for a state owned midstream gas aggregator in three sets of parallel proceedings (ICC and UNCITRAL) concerning substantial £150m+ disputes relating to the lack of gas supply to chemical plants. Then acting in another two sets of parallel proceedings involving similar issues.
- Acting (with Charles Graham QC) in a substantial ICC dispute between a major Russian manufacturer and its supplier of defective metal for use in a gas pipeline.
- Advising a world-leading seabed-to-surface engineering, construction and services contractor on the interpretation of an engineering, procurement, construction and installation contract for a wind farm.
- **BG Global Energy Ltd & ors v Talisman Sinopec Energy UK Limited & ors**
  Acting (with John McCaughran QC) in a £35m claim for overpayments made pursuant to a Transportation Processing & Operating Services Agreement between the Blake Field Owners and the Ross Field Owners.
- **Niche Products Ltd -v- MacDermid Offshore Solutions LLC [2013] EWHC 1493 (Ch)**
  Acting for MacDermid in a dispute between rival suppliers of specialist hydraulic fluids to the offshore oil and gas industry.
- **Grizzly Business Limited -v- Stena Drilling Limited**
  Acting for Stena, which provides drilling platforms for oil and gas exploration, in relation to a claim for breach of contract arising out of an alleged oral agreement.
- Acting (with Andrew Lenon QC) in an ICC dispute involving the sale of alumina.
- Acting (with Daniel Toledano QC) in an LCIA dispute for an oil and gas exploration and drilling company in

Ghana.

- Acting (with Peter Leaver QC) in an LCIA dispute involving the sale of alumina.

Injunctions

Appearing and advising on a broad range of applications including security for costs, Norwich Pharmacal orders, anti-suit injunctions, summary judgments, and service out of the jurisdiction.

- **Allergy Therapeutics (UK) Ltd v Inflamax Research Inc [2019] EWHC 2526 (Comm)**
  Appearing for an application for disclosure of documents and information further to a WFO made against him and to vary the freezing order, in the context of a claim against a clinical research organisation which had dishonestly concealed defects in its clinical trial.
- Acting (with Jeffrey Onions QC) for a Nigerian company to obtain a worldwide freezing order against a former MD.
- Advising (with David Wolfson QC) on a worldwide freezing order to support LCIA arbitration proceedings where the substantive claim involved issues of fraud.

Jurisdiction and Conflict of Laws

- **Cecil and others v Bayat and others [2011] EWCA Civ 523, [2010] EWHC 641 (Comm); [2010] All ER (D) 25 (April)**
  Acting (with Nicholas Strauss QC) for the Claimants in complex jurisdiction hearing with claims in contract, quantum meruit, conspiracy and constructive trust in respect of a disputed shareholding in a telecommunications company (worth approximately $200 million).
- **MacDermid Offshore Solutions LLV v Niche Products Limited [2013] EWHC 1493 (Ch)**
  Acting in a malicious falsehood claim in which the law on forum conveniens and lis alibi pendens was reviewed, including The Abidin Daver, The Spiliada and The Olympic Galaxy.
- **Rimpacific Navigation Inc v Daehan Shipbuilding Co Ltd [2009] EWHC 2941 (Comm), [2009] All ER (D) 277 (Nov)**
  Acting (with David Wolfson QC) for the Defendant in two claims each for approximately $20m, concerning the alleged breach of two guarantees. The main issue in dispute is the ability of a director to bind an overseas company as a matter of actual and ostensible authority. Complex application to contest jurisdiction involving whether separability affects claims to be served out of the jurisdiction pursuant to 6BPD3.1.
- Instructed on numerous other cases involving service out of the jurisdiction and related issues, including a claim alleging breach of an agreement set out in ISDA forms and against a bank for payment pursuant to an advisory agreement.

Professional Liability

- Acting (as sole counsel) against a firm of solicitors in a claim for misrepresentation and negligence for over £20m arising out of the acquisition of a large portfolio of non-performing loans.
- Representing individuals in claim against their financial advisor who had caused them to enter into "loan agreements" on terms disadvantageous to them. The claim was to rescind the loans on the basis of undue influence and to claim damages in negligence, breach of contract and pursuant to FSMA.
- Advising a London district council on its claims for professional negligence (i) against a law firm and (ii) against consultants, in relation to advice it took on a housing project.
- **(1) Gillian Wade (2) Gillian Wade (Executrix of Andrew Wade, Deceased) v Active Navigation Limited [2008] EWHC 2858 (Ch)**
  Successfully acting for the Claimant, the widow of an employee, against her late husband's employer for failure to arrange the full amount of death in service benefits. The claim was made in tort, successfully alleging a duty of care in a novel situation, in contract pursuant to the Contract (Rights of Third Parties) Act 1999 and in breach of trust

Restitution

- **ITS v Pitcher, Cordell and others**
  Acting for two individuals, who are ex directors of a trustee company, in a claim for dishonest assistance in breach of trust concerning nine UK occupational pension schemes with a trust fund of £52m.

- Defending a claim for restitution as a result of unjust enrichment in relation to a gas supply agreement.
- Acting for a firm of solicitors in relation to a claim for restitution and misrepresentation in relation to the sale of a property.

What the Directories Say

Recommended in the Legal 500 as a leading junior in International Arbitration (and has been since 2008)

'Michelle is a very good team player. She has an impressive ability to stay calm when faced with lots of documents and short deadlines. She keeps things in clear and simple terms.'

“Michelle is a superb advocate. Her strengths are attention to detail, a client-friendly style working incredibly well with associates of all levels and outstanding cross-examination skills."

“An outstanding junior counsel and a devastating cross-examiner with a flair for tactics.”

“A star junior barrister.”

"An exceptional tactician and undoubtedly one of the next generation of leading advocates."

"She has a quiver full of different arrows and she knows exactly which of them to deploy in any given situation. Above all, Michelle well demonstrates that you cannot be an effective cross-examiner unless you have complete mastery of the details in the papers - and Michelle is an advocate who is always incredibly well prepared.'"

“An exceptional junior barrister who has total mastery of the detail in any case.”

"Has impeccable attention to detail, coupled with a deep strategic and tactical thinking."

“Michelle has a strong, broad international arbitration practice, and is very popular with City firms"

“An excellent lawyer but even more critically she is a fantastic team player.”

"Does a superb job – highly recommended."

Education

BA Law, St. John’s College, Cambridge
Bar Vocational Course, Nottingham Law School (Top of year)

Other Academic Achievements

Taylor Prize (Nottingham Law School 2003)
Bedingfield Scholarship (Gray's Inn 2001)
Falcon Chambers Land Law Prize (2000)
Winner of Intercollegiate Mooting Competition (2000)
Whytehead Scholarship (St John's College 1999)
Winfield Prize (St John’s College 1999)

Awards

INCLUDED NEW SILK
Legal500
UNITED KINGDOM
2026

Chambers
TOP RANKED
UK
Bar
2026
One Essex Court

ONE ESSEX COURT

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