
Saul Lemer

Barrister
Call 2007



Scope of Practice

• Agency • Arbitration • Banking and Financial Services • Civil Fraud • Company • Economic Torts • Energy and Natural Resources • Equity • Guarantees • Injunctions (including freezing orders and search orders, and orders for disclosure of information) • Jurisdiction and Conflict of Laws • Restitution • Sale of Goods and Supply of Goods and Services

Overview

Saul Lemer undertakes a broad range of commercial disputes including both litigation and arbitration. Saul's practice includes both un-led work, often against silks, as well as work as a senior junior in larger teams.

In litigation, Saul currently acts (with Daniel Toledano QC) for Diageo in c. US\$140 million Commercial Court proceedings against Vijay Mallya and others and (with Sonia Tolaney QC) in multi-million pound claims relating to litigation financing.

Saul's notable cases include:

- **European Real Estate Debt Fund (Cayman) Ltd v Treon [2021] EWHC 2866 (Ch)** - Saul acted (un-led) for two of the Defendants in a multimillion pound, three-week, fraud trial in the Chancery Division.
- **Surkis v Poroshenko [2021] EWHC 2512 (Comm)** – Saul acted for Igor Surkis and six English LLPs in a c.US\$250 million claim against the former President of Ukraine, Petro Poroshenko, and the former Governor of the National Bank of Ukraine, Valeria Gontareva.
- **Diageo v Mallya [2019] EWHC 2067 (Comm)** – Saul acts for Diageo in a c. US\$140 million claim against Vijay Mallya and connected parties.
- **Tsareva v Ananyev; Galagaev v Ananyev [2019] EWHC 2114** – Saul acted for the First Defendant in relation to a c. US\$100 million claim for alleged fraudulent misrepresentation in connection with the sale of Loan Notes in Russia.

- **LICT v VTBC [2016] EWHC 1891 (Comm); [2018] EWHC 169 (Comm); [2019] EWHC 1747 (Comm)** – Saul acts for the Second and Fourth Defendants in a c €100 million claim relating to the enforcement of a pledge over shares in a Bulgarian telecommunications business.
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Examples of Recent Cases

Arbitration

- **LCIA Proceedings**
Acted (with Charles Graham QC) for the claimant in LCIA proceedings for breach of an investment agreement in relation to an investment in a CIS state.
- **LCIA Proceedings**
Acted (as sole counsel) for the claimant in a claim for damages for the non-delivery of medical products in Asia.
- **LCIA Proceedings**
Acted (with Daniel Toledano QC) for the claimant in a US\$100 million claim for breach of warranty in connection with the purchase of a Turkish television business.
- **ICC Proceedings**
Acted (with Ben Strong QC) for the respondents in a claim relating to the construction of a pricing clause in a share purchase agreement and a consequential price adjustment of over €300 million.
- **ICC Proceedings**
Acted (with Ben Strong QC) for the claimant in a claim for breach of an accounting warranty. The claim was for c €35 million.
- **LCIA Proceedings**
Acted (with Alain Choo Choy QC) for the respondent in a claim for c US\$170 million relating to the financing of a metal recycling business.
- **UNCITRAL Proceedings**
Acted (with Stephen Auld QC) for the claimants in a Hong Kong arbitration relating to a HK\$195,000,000 investment in a Chinese mining company. The claim involved issues of mutual mistake, the implication of terms and the interpretation of a number of related contracts.
- **LCIA Proceedings**
Acted (with Stephen Auld QC) for the respondents in relation to a dispute concerning the purchase of an East Asian mining business from the claimant. Following the purchase, claims were brought against the respondent by a third party. The claimant sought declarations to the effect that it was not liable in respect of the claims brought by the third party.
- **LCIA Proceedings**
Acted (as sole counsel) for the respondent against whom a demand was made to invest around US\$20 million in a Dutch company with mining interests in West Africa. The claimant alleged that the respondent was required to invest the sum of US\$20 million pursuant to a shareholders' agreement. The respondent alleged that the requirements necessary to trigger the obligation to invest had not been met.

- **ICC Proceedings**

Acted (as sole counsel) in relation to a Singapore arbitration, for a BVI company that was seeking to recover around US\$2.5 million that it invested in a hydroelectric project in India. The claim involved issues relating to breaches of contract and resulting trusts.

- **LCIA Proceedings**

Acted (with Robert Miles QC and Edmund King) for a Guernsey incorporated investment company that was sued by its investors for breaches of contract and negligence in relation to its dealings with Lehman Bros.

Banking and Financial Services

- **Associated Biscuits International Limited v BNP Paribas SA**

Acts (as sole counsel) for the Claimant seeking to recover from the Defendant bank the sum of US\$2 million paid out of the Claimant's bank account as a result of a fraud carried out by a third party.

- **Romanello Financial Corp v Lars Windhorst**

Acted (both as sole counsel and with Daniel Toledano QC) in a claim to recover c. €60 million invested in shares and bonds on terms that the shares and bonds would be repurchased on a specific date.

- **Mayuli Caboose Establishment v RP&C International Ltd & Anr Case**

Acted (as sole counsel) for the First Defendant in a claim for c US\$11 million brought in relation to the placement of loan notes issued by a UK care home provider.

- **Chesterfield United Inc. & Anr v Deutsche Bank AG & Ors**

Acted (with Sonia Tolaney QC and David Foxton QC) for Deutsche Bank in c. €500 million litigation arising out of the sale of credit linked notes.

- **Fidelity Bank PLC v. Constant Capital Markets & Securities Ltd**

Acted (with Nicholas Lavender QC) for the defendant, a Nigerian financial services company, in respect of a claim by a Nigerian bank to rectify and imply terms into two repo agreements under which sums in excess of US\$80 million were lent.

- **Greenclose Ltd v National Westminster Bank Plc [2014] EWHC 1156 (Ch)**

Acted (with Stephen Auld QC) for the claimant. Following a trial in the Chancery Division, it was held that a notice to extend an interest rate collar was invalid. The interest rate collar was governed by the terms of the 1992 ISDA Master Agreement, section 12 of which deals with notices. The court held that section 12 established mandatory requirements for the effective service of a notice and that the Defendant bank had failed to comply with the mandatory requirements. The Defendant was ordered to return all of the sums paid to the Defendant during the extension period, plus interest.

Civil Fraud

- **European Real Estate Debt Fund (Cayman) Ltd v Treon [2021] EWHC 2866 (Ch)**

Acted (as sole counsel) for the Second and Third Defendant against whom the Claimant sought c. £15 million for alleged fraudulent misrepresentations in connection with the sale of certain Loan Notes. A three-week Chancery Trial was held in June/July 2021.

- **Targus Europe Ltd v Henry Acheampong**

Acted (as sole counsel) for the claimant seeking to recover c £900,000 from an employee who took the money

without consent.

- **CMC v Tyson & Ors**

Acted (as sole counsel) for CMC Spreadbet plc in a claim to recover over £3 million paid to customers of CMC Spreadbet in circumstances which CMC Spreadbet alleged amounted to conspiracy and breach of contract.

- **Avrahami & Ors v. Biran & Ors [2013] EWHC 1776 (Ch)**

Acted (as sole counsel) for the defendant in a three-week Chancery Division trial in which the Defendant was accused of fraudulent misrepresentation and breaches of fiduciary duty, and against whom damages in excess of £1.5m were claimed.

- **JSC BTA Bank v Mukhtar Ablyazov and 11 Ors [2011] EWHC 2506 (Comm)**

Acted (as sole counsel) for a number of Defendants against whom the claimant, Kazakhstan's largest bank, was seeking damages of over US\$ 1 billion on the basis of the defendants' purported involvement in a fraud carried out by the Claimant's former managing director and majority shareholder.

Commercial Litigation

- **Diageo v Mallya [2019] EWHC 2067 (Comm)**

Saul acts (with Daniel Toledano QC) for Diageo in a c. US\$150 million claim against Vijay Mallya and connected parties.

- **Sukris and Ors v Poroshenko and Gontareva [2021] EWHC 2512 (Comm)**

Acted (with Alain Choo-Choy QC) for Igor Surkis and six English LLPs in a c.US\$250 million claim against the former President of Ukraine, Petro Poroshenko, and the former Governor of the National Bank of Ukraine, Valeria Gontareva

- **LICT v VTBC 2016] EWHC 1891 (Comm); [2018] EWHC 169 (Comm); [2019] EWHC 1747 (Comm)**

Acted (with Craig Orr QC) in Commercial Court proceedings for the former finance minister of Bulgaria and a company he owns defending a claim for over €100 million in relation to the purchase of a Bulgarian telecommunications business.

- **CMC v Khan**

Acted (as sole counsel) for CMC Spreadbet plc in a claim to recover c. £300,000 which a customer refused to pay. The claim raises issues relating to the formation of online contracts, the Unfair Terms in Consumer Contract Regulations 1999, COBS and misrepresentation.

- **Ardila Investment NV v ENRC NV**

Acted (both as sole counsel and with Sonia Tolaney QC) for a claimant seeking the payment of US\$220,000,000 owed under an agreement for the sale of a Brazilian mining business.

- **William Hill Organisation Limited v Playtech [2011] EWHC 836 (Comm)**

Acted (with Craig Orr QC) on behalf of William Hill in a dispute arising out of its online gambling joint venture with Playtech, raising issues of construction and implication of terms into the joint venture agreement.

- **R H Ashcroft & sons ltd v Robert Daniel Macer Ashcroft & James Angus Ashcroft [2011] EWHC 1997 (Ch)**

Acted (as sole counsel) for the Defendant in respect of a dispute about the basis on which the Defendant was entitled to farm land owned by the Claimant. The Claimant alleged that it was able to remove the Defendant from the land at will. The Defendant successfully established that he had a contractual right to farm the land until the contract was properly terminated.

Company

- **Chesterfield United Inc. v Deutsche Bank AG**

Acted (with Sonia Tolaney QC and David Foxton QC) for a Defendant against whom claims were made under s 213 of the Insolvency Act 1986 and the Cross-Border Insolvency Regulations 2006.

- **Avrahami v Biran [2013] EWHC 1776 (Ch)**

Acted (as sole counsel) for a Defendant against whom claims were made under s 423 of the Insolvency Act 1986

- **Jenmark v Healthcare Management Services**

Acted (a sole counsel) for the directors and shareholders of a group of companies that owned care homes across the UK and against whom derivative actions were brought for alleged breaches of fiduciary duties and against whom actions were brought for alleged breaches of various shareholder agreements.

Injunctions (including freezing orders and orders for disclosure of information)

- **Romanello Financial Corp v Lars Windhorst**

Acted (both as sole counsel and with Daniel Toledano QC) for a claimant who obtained a freezing injunction, asset disclosure orders and permission to enforce the freezing injunction in multiple foreign jurisdictions.

- **Targus Europe Ltd v Henry Acheampong**

Acted (as sole counsel) for a Claimant who obtained a freezing injunction, proprietary injunction and an asset disclosure order.

- **Imtech Process v O'Connor**

Acted (with John McCaughran QC) in an application to obtain an injunction preventing an individual associated with the Claimant in arbitral proceedings from taking steps to intimidate the respondent's witnesses.

- **Sinocare v Biran**

Acted (as sole counsel) for a defendant against whom a freezing order and a proprietary injunction were obtained in support of Hong Kong proceedings. The Defendant sought to vary the freezing order and the proprietary injunction to allow for payment of certain business debts.

- **Mann v Piper**

Acted (with Stephen Auld QC) on behalf of a Defendant against whom a freezing order was obtained in the context of a US\$10million claim made against the Defendant in New York.

Jurisdiction and Conflict of Laws

- **Галагеев v Ananyev; Galagaev v Ananyev [2019] EWHC 2114 (Comm)**

Acted (with Alain Choo Choy QC and Marcos Dracos) for the First Defendant in relation to a c US\$100 million claim for alleged fraudulent misrepresentation in connection with the sale of Loan Notes in Russia in which the First Defendant challenged the jurisdiction of the English Court, in particular in relation to the Claimants' reliance on Art 8(1) of the Brussels Regulation (Recast).

- **Jong v HSBC**

Acted (with Alain Choo Choy QC) for a claimant who sought permission to serve proceedings against a

Monegasque bank in respect of claims for breach of contract and negligence.

- **Moneyexpert v Shovlin**

Acted (as sole counsel) for parties seeking to prevent the enforceability, in England, of judgments obtained from the US Federal court and the Californian court in circumstances in which the defendant to the US proceedings contested the jurisdiction of the US federal and Californian courts.

- **Bird & Bird v Ministry of Mines, Republic of Guinea**

Acted (as sole counsel) for a UK entity seeking permission to serve proceedings against the Government of the Republic of Guinea in respect of a debt claim.

What the directories say

"Saul Lemer is very good on complex international disputes." (Chambers & Partners, Commercial Litigation, 2024)

"Very diligent and enthusiastic." (Chambers & Partners, Commercial Litigation, 2024)

"Saul is really down to earth, close to the detail and someone who takes a commercial view on matters." (Chambers & Partners, Commercial Litigation, 2024)

Education

[2001 - 2004] Trinity Hall, Cambridge BA (Hons), Law (Double First)

[2004 - 2005] University College, Oxford, BCL

[2005 - 2006] University of Pennsylvania, LLM

[2006 - 2007] Inns of Court School of Law, BVC

Other Academic Achievements

[2003] Elected as a Scholar of Trinity Hall, Cambridge

[2004] Trinity Hall Bateman Scholarship

[2005] Thouron Scholarship

[2006] Prince of Wales Scholarship (Gray's Inn)

[2006 - 2007] Tutored contract law at King's College London

Awards



Contact Clerks



Jackie Ginty

First Deputy Senior Clerk

+44 (0)20 7520 4608

jginty@oeclaw.co.uk



Adam Wheeler

Clerk

+44 (0)20 7520 4616

awheeler@oeclaw.co.uk

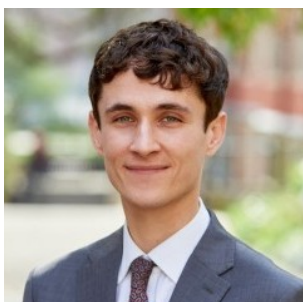


Jordan Foley

Clerk

+44 (0) 20 7520 4613

jfoley@oeclaw.co.uk



Max Tonkinson

Clerk

+44 (0)20 7520 4695

mtonkinson@oeclaw.co.uk