E-mail: clerks@oeclaw.co.uk



Tamara Kagan

Barrister
Call 2011

Scope of Practice

• Arbitration • Asset Tracing and Recovery • Banking and Financial Services • Breach of Fiduciary Duty • Breach of Trust • Civil Fraud and Investigations • Company and Insolvency • Cross Border Disputes • Economic Torts • Energy and Natural Resources • Equity • Group Actions • Guarantees • Injunctions and Urgent Relief • Jurisdiction and Conflict of Laws • Restitution • Sale of Goods and Supply of Goods and Services • Trusts • Unjust Enrichment

Overview

Tamara Kagan is ranked as a leading junior in both commercial litigation and international arbitration. Legal 500 notes that she *"excels at everything"* and Chambers & Partners describes her as *"outstanding and a robust, no-nonsense advocate"*. She has extensive experience, both led and unled, in heavy, complex and high value claims before both the High Court and Court of Appeal. She also has significant experience of international arbitrations under the LCIA, ICC, SIAC and ICDR rules.

Tamara's areas of expertise include commercial litigation, commercial fraud, freezing injunctions, arbitration, banking, energy and natural resources, group actions, jurisdiction and choice of law and company law.

Notable recent cases include: acting for the BHP defendants with Daniel Toledano KC and Shaheed Fatima KC in ***Municipio de Mariana v BHP***, defending claims exceeding £36 billion made by over 700,000 Brazilian claimants in the largest group action ever in the English courts (one of The Lawyer's Top 20 cases of 2024 and described by The Lawyer as a *"landmark trial"*); acting, with Lord Falconer KC and Sebastian Isaac KC, for Credit Suisse Life (Bermuda) defending a claim of some US$600 million advanced by the former Prime Minister of Georgia in connection with the long-running fraud committed by an employee of Credit Suisse AG; acting in ***SIAC Proceedings*** with Laurence Rabinowitz KC for the defendant in a US$5.5 billion fraud and breach of warranty claim arising out of the claimant's investment into certain oil assets (one of the world's largest energy arbitrations to date by value); for the claimant Dutch social housing association in ***Stichting Vestia Groep v BNP Paribas SA*** in a claim for over €300 million in relation to complex derivative products sold under an ISDA Master Agreement on the basis of allegations of bribery and capacity (one of The Lawyer's Top 20 Cases of 2023); acting with Daniel Toledano KC in ***ICC Proceedings*** for the defendant in a multi-billion US dollar claim arising out of the construction of an electric generation plant; and, in High Court Proceedings, obtaining an order for a freezing injunction described by The Wall Street Journal as *"among the biggest"* ever granted by the English Court.

Historical involvements have included: acting for the Pictet group of defendants in ***The Public Institution for Social Security v Al Rajaan and others*** (one of The Lawyer's Top 20 Cases of 2020), successfully challenging jurisdiction, a result upheld by the Court of Appeal; for the second defendant in ***Bilta (UK) Limited v Natwest Markets plc and***

Mercuria Energy Europe Trading Limited, successfully obtaining an (exceptional) order for a re-trial from the Court of Appeal following a five-week trial in which claims for dishonest assistance were allowed; for the claimant Dutch social housing association in ***Stichting Vestia Groep v Deutsche Bank AG*** in a claim for over €800 million in relation to complex derivative products sold under an ISDA Master Agreement on the basis of allegations of bribery and capacity in the widely publicised Commercial Court (Financial List) trial that took place over 10 weeks in 2019; the well-known ***Blue v Ashley*** case, in which Tamara acted for Mike Ashley, successfully defending the very widely publicised claim brought by a consultant investment banker appointed by Sports Direct for a bonus of £14m which he claimed was payable pursuant to an oral agreement said to have been reached with Mr Ashley in a London pub; the high profile Russian oligarch dispute ***Berezovsky v Abramovich***; and appearing in month-long ***LCIA Proceedings*** in a claim for £350m concerning high profile allegations of fraud against an Indian real estate developer and in related proceedings in the Isle of Man involving a first instance jurisdiction challenge and subsequent appeal.

Tamara also has extensive experience as sole counsel, including appearing for an affiliate of the large asset management company ***Oaktree*** in Commercial Court proceedings relating to the redevelopment of a large property in Canary Wharf, for ***Galasys plc*** before the Commercial Court in a multi-jurisdictional dispute (Malaysia, Jersey and England) and obtaining (as sole counsel, against leader and junior opposition) an interim injunction concerning the composition of the company's board pending the resolution of related, expedited proceedings in Jersey; for ***Flash Entertainment*** in its challenge to the jurisdiction of the English court before both the High Court and Court of Appeal; and in a number of other trials and proceedings concerning freezing relief, summary judgment and the like.

Prior to coming to the Bar, Tamara practiced commercial litigation at Sullivan & Cromwell LLP in New York. Her New York practice focused on complex and multi-jurisdictional disputes and her experience included representing Goldman Sachs in litigation arising out of the Delphi plan of reorganisation and Philips in its long-running contractual and IP disputes with Imation (formerly 3M). Tamara has a keen interest in multi-jurisdictional disputes, particularly those with US law elements to them, and she advises on issues of New York law.

Tamara is a member of the Bar of New York.

Examples of Recent Cases

Arbitration

- SIAC Proceedings
  Acted (with Laurence Rabinowitz KC and Nicholas Sloboda, among others) defending US$5.5 billion fraud and breach of warranty claims arising out of the claimant's investment into certain oil assets. One of the world's largest energy arbitrations to date (by value), heard over six weeks, the case raised the full panoply of upstream oil & gas issues, including maintenance, decommissioning, reserves and production, and involved two challenges before the Singapore International Commercial Court and appeals to the Singapore Court of Appeal.
- ICC Proceedings
  Acting (with Daniel Toledano KC and Nicholas Sloboda, among others) defending a multi-billion US dollar claim arising out of the construction of an electric generation plant in the Middle East in ICC proceedings, heard over three weeks in January-February 2023.
- ICC Proceedings
  Acted (with Daniel Toledano QC) in ICC proceedings concerning the distribution of prize revenues for an international sporting competition.
- Commercial Court Proceedings (section 67 challenge to ICC award)
  Acted (with Laurence Rabinowitz QC) defending a challenge under section 67 of the Arbitration Act 1996 to an ICC award holding that the Tribunal did not have jurisdiction over the claims in question.
- ICDR (New York seated) Proceedings
  Acted (with Christopher Harris QC and Calum Mulderrig) in New York law governed and New York seated ICDR proceedings for the claimant in a claim for the recovery of US$100 million under a political risk insurance policy concerning a mine operated by the claimant in the former USSR.

- **High Court Proceedings (application for recognition and enforcement of an ICC award, Commercial Court)**
  Acted (as sole counsel) for the claimant in an application for recognition and enforcement of a US$617 million ICC award arising out of the defendant's breaches of an agreement governing rights to discover and exploit natural resources.
- **Hirco Holdings Limited v Niranjan Hiranandani (LCIA Proceedings, Singapore seat); Hirco v Hiranandani (Isle of Man)**
  Acted (with Neil Kitchener QC and Steven Elliott) for the Hirco claimant companies in a claim for £350 million arising out of Hirco plc's admission to AIM and alleging fraudulent misrepresentation, unlawful means conspiracy and unlawful inference against Niranjan Hiranandani and Priya Hiranandani-Vandrevala.
- Appeared (with Neil Kitchener QC, Steven Elliott and Andrew Lodder) for Hirco Holdings Limited in LCIA proceedings, seated in Singapore and heard over four weeks.
- **LCIA Proceedings**
  Acted (with Conall Patton) in an arbitration concerning claims for payments due under a services agreement.
- **Confidential**
  Advised (as sole counsel) on the enforceability of interim awards issued by a Singapore-seated SIAC Tribunal and the ability to obtain equivalent relief in England.
- **Confidential (foreign proceedings)**
  Acted (as sole counsel) advising an international energy company in relation to claims pending before a foreign court to unitise adjacent offshore oil and gas fields, including on the possibility of freezing injunctions and related arbitral claims.
- **Confidential**
  Advised (with Daniel Toledano QC and Nicholas Sloboda) on the confidentiality of arbitral disclosure and evidence obtained in ICC proceedings before the English court.
- **Confidential**
  Advised (as sole counsel) on complex issues concerning the scope of an ad hoc arbitration agreement and the doctrines of cause of action estoppel, issue estoppel, privity and abuse of process.

Banking and Financial Services

- **Ivanishvili and others v Credit Suisse Life (Bermuda) Ltd (Bermuda Court of Appeal)**
  Acted (with Lord Falconer KC and Sebastian Isaac KC) defending a claim of some USD600 million advanced by the former Prime Minister of Georgia in connection with the long-running fraud of an employee of Credit Suisse AG on the former Prime Minister. Related proceedings are afoot in Singapore and Switzerland.
- **Stichting Vestia Groep v BNP Paribas SA (Commercial Court, Financial List)**
  Acted (with Rhodri Davies KC and Ben Strong KC) for the claimant Dutch housing association in a claim for over €300 million in relation to complex derivative products sold under an ISDA Master Agreement on the basis of allegations of bribery and capacity and raising novel issues of restitution. One of The Lawyer's Top 20 Cases of 2023.
- **The Public Institution for Social Security v Al Rajaan and others (Commercial Court; Court of Appeal; Supreme Court)**
  Acted (with Kenneth MacLean QC and James MacDonald) for the defendant Pictet and other companies in its group, defending claims exceeding US$850 million against more than 30 defendants in respect of alleged unlawful payments by financial institutions and intermediaries to the first defendant, the former Director General of the claimant. The Commercial Court declined jurisdiction over the Pictet Defendants, a result upheld by the Court of Appeal (leave to appeal to the Supreme Court dismissed). One of The Lawyer's Top 20 Cases of 2020.
- **Bilta (UK) Limited v Natwest Markets plc and Mercuria Energy Europe Trading Limited (Court of Appeal; Supreme Court)**
  Acting (with Kenneth MacLean QC and Steven Elliott QC) for the defendant Mercuria, obtaining an order for a retrial of claims of dishonest assistance arising out of carbon emissions allowance trading said by the claimants to have carried on pursuant to a €100 million missing trader VAT scheme because the judgment had been seriously delayed and had not addressed material evidence (leave to appeal to the Supreme Court dismissed).
- **Stichting Vestia Groep v BNP Paribas SA (Commercial Court, Financial List)**
  Acted (with Rhodri Davies KC and Ben Strong KC) for the claimant Dutch housing association in a claim for over €300 million in relation to complex derivative products sold under an ISDA Master Agreement on the

basis of allegations of bribery and capacity and raising novel issues of restitution. One of The Lawyer's Top 20 Cases of 2023.

- **The Public Institution for Social Security v Al Rajaan and others (Commercial Court; Court of Appeal; Supreme Court)**
  Acted (with Kenneth MacLean QC and James MacDonald) for the defendant Pictet and other companies in its group, defending claims exceeding US$850 million against more than 30 defendants in respect of alleged unlawful payments by financial institutions and intermediaries to the first defendant, the former Director General of the claimant. The Commercial Court declined jurisdiction over the Pictet Defendants, a result upheld by the Court of Appeal (leave to appeal to the Supreme Court dismissed). One of The Lawyer's Top 20 Cases of 2020.
- **Stichting Vestia Groep v Deutsche Bank AG (Commercial Court, Financial List)**
  Acted (with Rhodri Davies QC and Ben Strong QC) for the claimant Dutch housing association in a claim for over €800 million in relation to complex derivative products sold under an ISDA Master Agreement on the basis of allegations of bribery and capacity and raising novel issues of restitution, heard over 10 weeks in 2019.
- **Omicron Investment Management v US Bank Trustees (Commercial Court)**
  Acted (with David Wolfson QC) for the claimant investment advisor in connection with US Bank Trustees' attempts to terminate an investment agreement.
- **Confidential**
  Advised (with Laurence Rabinowitz QC) a group of bondholders concerning their potential claims against an insolvent company and its liquidators. This matter raised novel issues of jurisdiction and European insolvency law.
- **Confidential**
  Advised (with David Wolfson QC) on claims raising complex issues relating to jurisdiction and fiduciary duties by limited partners in an offshore investment fund against the general partner and investment manager of the fund.
- **Confidential**
  Advised on possible claims against an investment bank in connection with the sale of various investments and other financial products to consumers. These claims raised difficult issues under the FSMA 2000 and involved complicated questions of limitation.

Civil Fraud and Investigations

- **Ivanishvili and others v Credit Suisse Life (Bermuda) Ltd (Bermuda Court of Appeal)**
  Acted (with Lord Falconer KC and Sebastian Isaac KC) defending a claim of some USD600 million advanced by the former Prime Minister of Georgia in connection with the long-running fraud of an employee of Credit Suisse AG on the former Prime Minister. Related proceedings are afoot in Singapore and Switzerland.
- **SIAC Proceedings**
  Acted (with Laurence Rabinowitz KC and Nicholas Sloboda, among others) defending US$5.5 billion fraud and breach of warranty claims arising out of the claimant's investment into certain oil assets. One of the world's largest energy arbitrations to date (by value), heard over six weeks, the case raised the full panoply of upstream oil & gas issues, including maintenance, decommissioning, reserves and production and involved two challenges before the Singapore International Commercial Court and appeals to the Singapore Court of Appeal.
- **Stichting Vestia Groep v BNP Paribas SA (Commercial Court, Financial List)**
  Acted (with Rhodri Davies KC and Ben Strong KC) for the claimant Dutch housing association in a claim for over €300 million in relation to complex derivative products sold under an ISDA Master Agreement on the basis of allegations of bribery and capacity and raising novel issues of restitution. One of The Lawyer's Top 20 Cases of 2023.
- **The Public Institution for Social Security v Al Rajaan and others (Commercial Court; Court of Appeal; Supreme Court)**
  Acted (with Kenneth MacLean QC and James MacDonald) for the defendant Pictet (and its group) defending claims exceeding US$850 million against more than 30 defendants in respect of alleged unlawful payments by financial institutions and intermediaries to the first defendant, the former Director General of the claimant. The Commercial Court declined jurisdiction over the Pictet Defendants, a result upheld by the Court of Appeal (leave to appeal to the Supreme Court dismissed). One of The Lawyer's Top 20 Cases of 2020.
- **Bilta (UK) Limited v Natwest Markets plc and Mercuria Energy Europe Trading Limited (Court of Appeal; Supreme Court)**

Acting (with Kenneth MacLean QC and Steven Elliott QC) for the defendant Mercuria, successfully obtaining an order for a retrial of claims of dishonest assistance arising out of carbon emissions allowance trading said by the claimants to have carried on pursuant to a €100 million missing trader VAT scheme because the judgment had been seriously delayed and had not addressed material evidence (leave to appeal to the Supreme Court dismissed).

- **Stichting Vestia Groep v Deutsche Bank AG (Financial List)**
  Acted (with Rhodri Davies QC and Ben Strong QC) for the claimant Dutch housing association in a claim for over €800 million in relation to complex derivative products sold under an ISDA Master Agreement on the basis of allegations of bribery and capacity and raising novel issues of restitution, heard over 10 weeks in 2019.
- **Confidential (Commercial Court)**
  Acted (with Neil Kitchener QC, among others) for the claimant, obtaining a freezing order described by The Wall Street Journal as "among the biggest" freezing orders ever granted by the English court.
- **LIC Telecommunications v VTB Capital (Commercial Court)**
  Acted (as sole counsel) for the third defendant in long-running proceedings concerning the sale of InterV Investment, the owner of a Bulgarian telecommunications business, to Viva Luxembourg on the basis of tort, abuse of rights and fraud allegations arising under Luxembourg law.
- **Rontec Watford Limited v Benson (Commercial Court)**
  Acted (as sole counsel) for the third defendant on a freezing injunction arising out of a claim for knowing receipt.
- **BB Energy (Gulf) DMCC v Al Amoudi (Commercial Court)**
  Acted (with Craig Orr QC) for the fourth defendant, defending a US$120 million claim alleging fraud, conspiracy and breaches of Moroccan law arising in connection with the widely publicised liquidation of Societe Anonyme Marocaine de L'Industrie du Raffinage, Morocco's only oil refinery.
- **Hirco Holdings Limited v Niranjan Hiranandani (LCIA Proceedings); Hirco v Hiranandani (Isle of Man)**
  Acted (with Neil Kitchener KC and Steven Elliott) for the Hirco claimant companies in a claim for £350 million arising out of Hirco plc's admission to AIM and alleging fraudulent misrepresentation, unlawful means conspiracy and unlawful inference against Niranjan Hiranandani and Priya Hiranandani-Vandrevala.
- Appeared (with Neil Kitchener QC, Steven Elliott and Andrew Lodder) for Hirco Holdings Limited in LCIA proceedings, seated in Singapore and heard of 4-weeks in 2015.
- Acted (with Neil Kitchener QC and Daniel Toledano QC) for Hirco on the defendant's unsuccessful challenge to jurisdiction before the first instance and appellate courts of the Isle of Man (leave to appeal to the Privy Council dismissed).
- **R (oao) Celtic Energy Limited v SFO (Administrative Court)**
  Appeared on behalf of three mineral planning authorities as interested parties in connection with the judicial review of the decision by the Director of the SFO to disclose documents relating to the transfer of land used for mining (and subject to restoration obligations) to BVI subsidiaries.

Commercial Litigation

- **Municipio de Mariana and others v BHP Group (UK) Ltd and BHP Group Ltd**
  Acted (with Daniel Toledano KC and Shaheed Fatima KC, among others) defending claims exceeding £36 billion made by over 700,000 Brazilian claimants in the largest group action ever in the English courts. These claims arise out of Brazil's worst environmental disaster, the collapse of the Samarco Dam, in 2015. One of The Lawyer's Top 20 cases of 2024 and described by The Lawyer as a *"landmark trial"*.
- **Ivanishvili and others v Credit Suisse Life (Bermuda) Ltd (Bermuda Court of Appeal)**
  Acted (with Lord Falconer KC and Sebastian Isaac KC) defending a claim of some USD600 million advanced by the former Prime Minister of Georgia in connection with the long-running fraud of an employee of Credit Suisse AG on the former Prime Minister. Related proceedings are afoot in Singapore and Switzerland.
- **Cindat Nephthys Holding Limited v Hunter Holdings Limited (Commercial Court)**
  Acted (as sole counsel) for defendant Hunter Holdings Limited, an affiliate of Oaktree, a large global asset management group, defending an application for summary judgment in connection with the redevelopment of a valuable property in Canary Wharf.
- **SIAC Proceedings**
  Acted (with Laurence Rabinowitz KC and Nicholas Sloboda, among others) defending US$5.5 billion fraud and breach of warranty claims arising out of the claimant's investment into certain oil assets. One of the world's largest energy arbitrations to date (by value), heard over six weeks, the case raised the full panoply of

upstream oil & gas issues, including maintenance, decommissioning, reserves and production and involved two challenges before the Singapore International Commercial Court and appeals to the Singapore Court of Appeal.

- **Stichting Vestia Groep v BNP Paribas SA (Commercial Court, Financial List)**
  Acted (with Rhodri Davies KC and Ben Strong KC) for the claimant Dutch housing association in a claim for over €300 million in relation to complex derivative products sold under an ISDA Master Agreement on the basis of allegations of bribery and capacity and raising novel issues of restitution. One of The Lawyer's Top 20 Cases of 2023.
- **The Public Institution for Social Security v Al Rajaan and others (Commercial Court; Court of Appeal; Supreme Court)**
  Acted (with Kenneth MacLean QC and James MacDonald) for the defendant Pictet (and its group) defending claims exceeding US$850 million against more than 30 defendants in respect of alleged unlawful payments by financial institutions and intermediaries to the first defendant, the former Director General of the claimant. The Commercial Court declined jurisdiction over the Pictet Defendants, a result upheld by the Court of Appeal (leave to appeal to the Supreme Court dismissed). One of The Lawyer's Top 20 Cases of 2020.
- **Bilta (UK) Limited v Natwest Markets plc and Mercuria Energy Europe Trading Limited (Court of Appeal; Supreme Court)**
  Acted (with Kenneth MacLean QC and Steven Elliott QC) for the defendant Mercuria, obtaining an order for a retrial of claims of dishonest assistance arising out of carbon emissions allowance trading said by the claimants to have carried on pursuant to a €100 million missing trader VAT scheme because the judgment had been seriously delayed and had not addressed material evidence (leave to appeal to the Supreme Court dismissed).
- **ICC Proceedings**
  Acting (with Daniel Toledano KC and Nicholas Sloboda, among others) defending a multi-billion US dollar claim arising out of the construction of an electric generation plant in the Middle East in ICC proceedings, heard over three weeks in January-February 2023.
- **ICC Proceedings**
  Acting (with Daniel Toledano KC) in arbitration proceedings concerning the distribution of prize revenues for an international sporting competition.
- **ICDR (New York seated) Proceedings**
  Acted (with Christopher Harris QC and Calum Mulderrig) in New York law governed and New York seated ICDR proceedings for the claimant in a claim for the recovery of US$100 million under a political risk insurance policy concerning a mine operated by the claimant in the former USSR.
- **Local Boy'z v Malu (Commercial Court)**
  Acted (as sole counsel) for the claimant, obtaining partial summary judgment on a breach of contract claim in relation to defective face masks supplied by the defendant during the COVID-19 pandemic.
- **Stichting Vestia Groep v Deutsche Bank AG (Commercial Court, Financial List)**
  Acted (with Rhodri Davies QC and Ben Strong QC) for the claimant Dutch housing association in a claim for over €800 million in relation to complex derivative products sold under an ISDA Master Agreement on the basis of allegations of bribery and capacity and raising novel issues of restitution, heard over 10 weeks in 2019.
- **IsZo Capital LP v Nam Tai Property Inc (Eastern Caribbean Supreme Court, BVI)**
  Acted (with Lord Grabiner QC and Henry Hoskins) for the defendant company, a Chinese property development company, in relation to a shareholder dispute concerning the future of the defendant's business, and in particular the legality of a private investment in public equity (or PIPE), the purpose of which was said to give the majority shareholder de facto control of the defendant and to defeat a requisition for a special meeting with the aim of removing directors said to be associated with the majority shareholder. Three-week trial heard over January-March 2021.
- **Blue v Ashley (Commercial Court)**
  Acted (with David Cavender QC) for Mike Ashley (Sports Direct/Newcastle United), successfully defending the widely publicised claim brought by a consultant investment banker appointed by Sports Direct for a bonus of £14m which he claimed was payable pursuant to an oral agreement reached with Mr Ashley in a London pub in January 2013. Issues raised included intention to create legal relations, certainty of contract, relevance of events post-dating an alleged oral contract, approach to oral evidence unsupported by documents and causation.
- **Rontec Watford Limited v Benson (Commercial Court)**
  Acted (as sole counsel) for the third defendant on a freezing injunction arising out of a claim for knowing receipt.

- LIC Telecommunications v VTB Capital & Ors (Commercial Court)
  Acted (as sole counsel) for the third defendant in long-running proceedings concerning the sale of InterV Investment, the sole owner of a Bulgarian telecommunications business, to Viva Luxembourg on the basis of tort, abuse of rights and fraud allegations arising under Luxembourg law.
- BB Energy (Gulf) DMCC v Al Amoudi (Commercial Court)
  Acted (with Craig Orr QC) for the fourth defendant, defending a US$120 million claim alleging fraud, conspiracy and breaches of Moroccan law arising in connection with the widely publicised liquidation of Societe Anonyme Marocaine de L'Industrie du Raffinage, Morocco's only oil refinery.
- Hirco Holdings Limited v Niranjan Hiranandani (LCIA Proceedings); Hirco v Hiranandani (Isle of Man)
  Acted (with Neil Kitchener QC and Steven Elliott) for the Hirco claimant companies in a claim for £350 million arising out of Hirco plc's admission to AIM and alleging fraudulent misrepresentation, unlawful means conspiracy and unlawful inference against Niranjan Hiranandani and Priya Hiranandani-Vandrevala.
  Appeared (with Neil Kitchener QC, Steven Elliott and Andrew Lodder) for Hirco Holdings Limited in the LCIA Proceedings, seated in Singapore and heard over 4 weeks in 2015.
  Acted (with Neil Kitchener QC and Daniel Toledano QC) for Hirco on the defendant's unsuccessful challenge to jurisdiction before the first instance and appellate courts of the Isle of Man (leave to appeal to the Privy Council dismissed).
- Galasys plc v WOI & Ors (Commercial Court)
  Acted (with Malcolm Davis-White KC (as he then was)) for the claimant company in relation to contractual claims against its controlling shareholder and in expedited proceedings in Jersey concerning corporate governance issues. As sole counsel, Tamara obtained an interim injunction before the Commercial Court (London) effectively holding the composition of the company's board in place pending the resolution of the expedited trial in Jersey.
- Bill Kenwright Limited v Flash Entertainment (Queen's Bench Division; Court of Appeal)
  Acted as sole counsel for the defendant UAE company in its challenge to the jurisdiction of the English court and appeared as sole counsel before the Court of Appeal. The underlying claim concerned the alleged breach of an oral settlement agreement.
- First Subsea Limited v Balltec Limited (Chancery Division; Court of Appeal; Supreme Court)
  Acted (with David Cavender QC) for Balltec Limited (and a number of individuals) in a five-week trial defending claims of breaches of contract, unlawful means conspiracy and breaches of fiduciary duty made against former directors, employees and/or subcontractors of the claimant who were alleged to have diverted business opportunities from it.
- Confidential (Commercial Court)
  Advised (with David Cavender QC) concerning the availability of a freezing injunction in connection with a complex multi-jurisdiction fraud claim.
- Green v Petfre (Gibraltar) Limited
  Acted as sole counsel on a pre-action disclosure application.
- MUR Joint Ventures BV v Compagnie Monegasque de Banque (Commercial Court)
  Acted as sole counsel for the defendant bank on a claim under a guarantee.
- Confidential
  Advised (with Neil Kitchener QC) on issues concerning the impact of a corporate restructuring on a joint-venture agreement and in particular on complex issues relating to the implied term of good faith and fair dealing.
- Kaupthing Singer & Friedlander v Parkash (Mercantile Court)
  Appeared as sole counsel for defendant on a preliminary issue concerning the construction of a guarantee.
- Eberey SA v BAE Systems (Commercial Court)
  Acted (with Conall Patton) for BAE defending a claim by a former advisor for payments due under a consulting agreement.
- LCIA Proceedings
  Acted (with Conall Patton) in an arbitration concerning claims for payments due under a services agreement.
- Confidential
  Advised (with Neil Kitchener QC) on the complex issues arising in relation to the fraud exception to litigation privilege.
- Confidential
  Advised on complex issues concerning the scope of an ad hoc arbitration agreement and the doctrines of cause of action estoppel, issue estoppel, privity and abuse of process.

- Cedar Dental Surgery v Thompson
  Appeared as sole counsel for the defendant contractor in a dispute raising allegations of breach of contract, rescission and restitution.
- Thames Reinforcements Limited v Glenform Limited
  Appeared as sole counsel for successful claimant supplier in a dispute raising allegations of breach of contract and restitution.
- Jazz Marine SL v Dellal
  Appeared as sole counsel for the defendant on a successful application for security for costs.
- Confidential
  Advised on possible claims against an investment bank in connection with the sale of various investments and other financial products to consumers. These claims raised difficult issues under the FSMA 2000 and involved complicated questions of limitation.

Company and Insolvency

- IsZo Capital LP v Nam Tai Property Inc and others (Eastern Caribbean Supreme Court, BVI)
  Acted (with Lord Grabiner QC and Henry Hoskins) for the defendant company, a Chinese property development company, in relation to a shareholder dispute concerning the future of the defendant's business, and in particular the legality of a private investment in public equity (or PIPE), the purpose of which was said to give the majority shareholder de facto control of the defendant and to defeat a requisition for a special meeting with the aim of removing directors said to be associated with the majority shareholder. Three-week expedited trial heard over January-March 2021.
- Galasys plc v WOI & Ors (Commercial Court)
  Acted (with Malcolm Davis-White QC (as he then was)) for the claimant company in expedited proceedings in Jersey concerning corporate governance issues. As sole counsel, Tamara obtained an interim injunction before the Commercial Court (London) effectively holding the composition of the company's board in place pending the resolution of the expedited trial in Jersey.
- First Subsea Limited v Balltec Limited (Chancery Division; Court of Appeal; Supreme Court)
  Acted (with David Cavender QC) for Balltec Limited (and a number of individuals) in a five week trial defending claims of breaches of contract, unlawful means conspiracy and breaches of fiduciary duty made against former directors, employees and/or subcontractors of the claimant who were alleged to have diverted business opportunities from it.
- Confidential
  Advised (with Laurence Rabinowitz QC) a group of bondholders concerning their potential claims against an insolvent company and its liquidators. This matter raised novel issues of jurisdiction and European insolvency law.

Energy and Natural Resources

- Municipio de Mariana and others v BHP Group (UK) Ltd and BHP Group Ltd
  Acted (with Daniel Toledano KC and Shaheed Fatima KC, among others) defending claims exceeding £36 billion made by over 700,000 Brazilian claimants in the largest group action ever in the English courts. These claims arise out of Brazil's worst environmental disaster, the collapse of the Samarco Dam, in 2015. One of The Lawyer's Top 20 cases of 2024 and described by The Lawyer as a *"landmark trial"*.
- SIAC Proceedings
  Acted (with Laurence Rabinowitz KC and Nicholas Sloboda, among others) defending US$5.5 billion fraud and breach of warranty claims arising out of the claimant's investment into certain oil assets. One of the world's largest energy arbitrations to date (by value), heard over six weeks, the case raised the full panoply of upstream oil & gas issues, including maintenance, decommissioning, reserves and production and involved two challenges before the Singapore International Commercial Court and appeals to the Singapore Court of Appeal.
- ICC Proceedings
  Acting (with Daniel Toledano KC and Nicholas Sloboda, among others) defending a multi-billion US dollar claim arising out of the construction of an electric generation plant in the Middle East in ICC proceedings, heard over three weeks in January-February 2023.
- Bilta (UK) Limited v Natwest Markets plc and Mercuria Energy Europe Trading Limited (Court of Appeal; Supreme Court)
  Acted (with Kenneth MacLean QC and Steven Elliott QC) for the defendant Mercuria, obtaining an order for a

retrial of claims of dishonest assistance arising out of carbon emissions allowance trading said by the claimants to have carried on pursuant to a €100 million missing trader VAT scheme because the judgment had been seriously delayed and had not addressed material evidence.

- **High Court Proceedings (application for recognition and enforcement of an ICC award)**
  Acted (as sole counsel) for the claimant in an application for recognition and enforcement of a US$617 million ICC award arising out of the defendant's breaches of an agreement governing rights to discover and exploit natural resources.
- **Confidential (foreign proceedings)**
  Acted (as sole counsel) advising an international energy company in relation to claims pending before a foreign court to unitise adjacent offshore oil and gas fields, including on the possibility of freezing injunctions and possible related arbitral claims.

Economic Torts

- **The Public Institution for Social Security v Al Rajaan and others (Commercial Court; Court of Appeal; Supreme Court)**
  Acted (with Kenneth MacLean QC and James MacDonald) for the defendant Pictet (and its group) defending claims exceeding US$850 million against more than 30 defendants in respect of alleged unlawful payments by financial institutions and intermediaries to the first defendant, the former Director General of the claimant. The Commercial Court declined jurisdiction over the Pictet Defendants, a result upheld by the Court of Appeal (leave to appeal to the Supreme Court dismissed). One of The Lawyer's Top 20 Cases of 2020.
- **Bilta (UK) Limited v Natwest Markets plc and Mercuria Energy Europe Trading Limited (Court of Appeal; Supreme Court)**
  Acted (with Kenneth MacLean QC and Steven Elliott QC) for the defendant Mercuria, obtaining an order for a retrial of claims of dishonest assistance arising out of carbon emissions allowance trading said by the claimants to have carried on pursuant to a €100 million missing trader VAT scheme because the judgment had been seriously delayed and had not addressed material evidence (leave to appeal to the Supreme Court dismissed).
- **BB Energy (Gulf) DMCC v Al Amoudi (Commercial Court)**
  Acted (with Craig Orr QC) for the fourth defendant, defending a US$ 120 million claim alleging fraud, conspiracy and breaches of Moroccan law arising in connection with the widely publicised liquidation of Societe Anonyme Marocaine de L'Industrie du Raffinage, Morocco's only oil refinery.
- **Hirco Holdings Limited v Niranjan Hiranandani (LCIA Proceedings); Hirco v Hiranandani (Isle of Man)**
  Acted (with Neil Kitchener QC and Steven Elliott QC) for the Hirco claimant companies in a claim for £350 million arising out of Hirco plc's admission to AIM and alleging fraudulent misrepresentation, unlawful means conspiracy and unlawful inference against Niranjan Hiranandani and Priya Hiranandani-Vandrevala.
  Appeared (with Neil Kitchener QC, Steven Elliott and Andrew Lodder) for Hirco Holdings Limited in LCIA proceedings, seated in Singapore and heard over 4-weeks in 2015.
  Acted (with Neil Kitchener QC and Daniel Toledano QC) for Hirco on the defendant's unsuccessful challenge to jurisdiction before the first instance and appellate courts of the Isle of Man (leave to appeal to the Privy Council dismissed).
- **First Subsea Limited v Balltec Limited (Chancery Division; Court of Appeal; Supreme Court)**
  Appeared (with David Cavender QC) for Balltec Limited (and a number of individuals) in a five week trial defending claims of breaches of contract, unlawful means conspiracy and breaches of fiduciary duty made against former directors, employees and/or subcontractors of the claimant who were alleged to have diverted business opportunities from it.
- **LIC Telecommunications v VTB Capital & Ors (Commercial Court)**
  Acted (as sole counsel) for the third defendant in long-running proceedings concerning the sale of InterV Investment, the sole owner of a Bulgarian telecommunications business, to Viva Luxembourg on the basis of tort, abuse of rights and fraud allegations arising under Luxembourg law.

Equity

- **Ivanishvili and others v Credit Suisse Life (Bermuda) Ltd (Bermuda Court of Appeal)**
  Acted (with Lord Falconer KC and Sebastian Isaac KC) defending a claim of some USD600 million advanced by the former Prime Minister of Georgia in connection with the long-running fraud of an employee of Credit Suisse AG on the former Prime Minister. Related proceedings are afoot in Singapore and Switzerland.
- **Stichting Vestia Groep v BNP Paribas SA (Commercial Court, Financial List)**

Acted (with Rhodri Davies KC and Ben Strong KC) for the claimant Dutch housing association in a claim for over €300 million in relation to complex derivative products sold under an ISDA Master Agreement on the basis of allegations of bribery and capacity and raising novel issues of restitution. One of The Lawyer's Top 20 Cases of 2023.

- **Bilta (UK) Limited v Natwest Markets plc and Mercuria Energy Europe Trading Limited (Court of Appeal; Supreme Court)**
  Acted (with Kenneth MacLean QC and Steven Elliott QC) for the defendant Mercuria, obtaining an order for a retrial of claims of dishonest assistance arising out of carbon emissions allowance trading said by the claimants to have carried on pursuant to a €100 million missing trader VAT scheme because the judgment had been seriously delayed and had not addressed material evidence (leave to appeal to the Supreme Court dismissed).
- **Stichting Vestia Groep v Deutsche Bank AG (Commercial Court, Financial List)**
  Acted (with Rhodri Davies QC and Ben Strong QC) for the claimant Dutch housing association in a claim for over €800 million in relation to complex derivative products sold under an ISDA Master Agreement on the basis of allegations of bribery and capacity and raising novel issues of restitution, heard over 10 weeks in 2019.
- **First Subsea Limited v Balltec Limited (Chancery Division; Court of Appeal; Supreme Court)**
  Appeared (with David Cavender QC) for Balltec Limited (and a number of individuals) in a five week trial defending claims of breaches of contract, unlawful means conspiracy and breaches of fiduciary duty made against former directors, employees and/or subcontractors of the claimant who were alleged to have diverted business opportunities from it.
- **Rontec Watford Limited v Benson (Commercial Court)**
  Acting (as sole counsel) for the third defendant on a freezing injunction arising out of a claim for knowing receipt.
- **Hirco Holdings Limited v Niranjan Hiranandani (LCIA Arbitration); Hirco v Hiranandani (Isle of Man)**
  Acted (with Neil Kitchener QC and Steven Elliott) for the Hirco claimant companies in a claim for £350 million arising out of Hirco plc's admission to AIM and alleging fraudulent misrepresentation, unlawful means conspiracy and unlawful inference against Niranjan Hiranandani and Priya Hiranandani-Vandrevala.
- Appeared (with Neil Kitchener QC, Steven Elliott and Andrew Lodder) for Hirco Holdings Limited in the almost month long final hearing of the LCIA arbitration
- Acted (with Neil Kitchener QC and Daniel Toledano QC) for Hirco on the defendant's unsuccessful challenge to jurisdiction before the first instance and appellate courts of the Isle of Man (leave to appeal to the Privy Council dismissed).

Guarantees

- **MUR Joint Ventures BV v Compagnie Monegasque de Banque (Commercial Court)**
  Acted as sole counsel for the defendant bank on a claim under a guarantee.
- **Kaupthing Singer & Friedlander v Parkash (Mercantile Court)**
  Appeared as sole counsel for defendant on a preliminary issue concerning the construction of a guarantee.

Jurisdiction and Conflict of Laws

- **Municipio de Mariana and others v BHP Group (UK) Ltd and BHP Group Ltd**
  Acted (with Daniel Toledano KC and Shaheed Fatima KC, among others) defending claims exceeding £36 billion made by over 700,000 Brazilian claimants in the largest group action ever in the English courts. These claims arise out of Brazil's worst environmental disaster, the collapse of the Samarco Dam, in 2015. One of The Lawyer's Top 20 cases of 2024 and described by The Lawyer as a *"landmark trial"*.
- **The Public Institution for Social Security v Al Rajaan and others (Commercial Court; Court of Appeal; Supreme Court)**
  Acted (with Kenneth MacLean QC and James MacDonald) for the defendant Pictet (and its group) defending claims exceeding US$850 million against more than 30 defendants in respect of alleged unlawful payments by financial institutions and intermediaries to the first defendant, the former Director General of the claimant. The Commercial Court declined jurisdiction over the Pictet Defendants, a result upheld by the Court of Appeal (leave to appeal to the Supreme Court dismissed). One of The Lawyer's Top 20 Cases of 2020.
- **Stichting Vestia Groep v BNP Paribas SA (Commercial Court, Financial List)**
  Acted (with Rhodri Davies KC and Ben Strong KC) for the claimant Dutch housing association in a claim for over €300 million in relation to complex derivative products sold under an ISDA Master Agreement on the

basis of allegations of bribery and capacity and raising complex issues of choice of law and restitution. One of The Lawyer's Top 20 Cases of 2023.

- **Hirco v Niranjan Hiranandani and Priya Hiranandani-Vandrevala (LCIA Proceedings; Isle of Man)**
  Acted (with Neil Kitchener QC and Daniel Toledano QC) for Hirco on the defendant's unsuccessful challenge to jurisdiction before the first instance and appellate courts of the Isle of Man (leave to appeal to the Privy Council dismissed).
- Acted (with Neil Kitchener QC and Steven Elliott) for the Hirco claimant companies in a claim for £350 million arising out of Hirco plc's admission to AIM and alleging fraudulent misrepresentation, unlawful means conspiracy and unlawful inference against Niranjan Hiranandani and Priya Hiranandani-Vandrevala.
- **Stichting Vestia Groep v Deutsche Bank AG (Commercial Court, Financial List)**
  Acted (with Rhodri Davies QC and Ben Strong QC) for the claimant Dutch housing association in a claim for over €800 million in relation to complex derivative products sold under an ISDA Master Agreement on the basis of allegations of bribery and capacity and raising complex issues of choice of law and restitution, heard over 10-weeks in 2019.
- **Bill Kenwright Limited v Flash Entertainment (Queen's Bench Division; Court of Appeal)**
  Acted as sole counsel for the defendant UAE company in its challenge to the jurisdiction of the English court and appeared as sole counsel before the Court of Appeal. The underlying claim concerned the alleged breach of an oral settlement agreement.
- **BB Energy (Gulf) DMCC v Al Amoudi (Commercial Court)**
  Acted (with Craig Orr QC) for the fourth defendant, defending a US$ 120 million claim alleging fraud, conspiracy and breaches of Moroccan law arising in connection with the widely publicised liquidation of Societe Anonyme Marocaine de L'Industrie du Raffinage, Morocco's only oil refinery.
- **Confidential**
  Advised (with David Wolfson QC) on claims raising complex issues relating to jurisdiction and fiduciary duties by limited partners in an offshore investment fund against the general partner and investment manager of the fund.

What the Directories Say

Legal 500 2027 (Commercial Litigation) *"Tamara is an exceptional advocate who commands the courtroom with authority and poise. She is adept at identifying the arguments that matter and pressing them with real force and precision."*

Legal 500 2027 (International Arbitration: Counsel)

Chambers and Partners 2027 (Commercial Dispute Resolution) *"Tamara's advocacy is really impressive. She is a real team player who is collaborative to work with." "Tamara is very clever and has a great grasp of the detail."*

Chambers and Partners 2027 (International Arbitration: General Commercial & Insurance) *"Tamara is very smart and very good on the law, with clear drafting and persuasive marshalling of arguments."*

Legal 500 2026 (Commercial Litigation) *"Tamara is excellent; technically superb, a brilliant draftsman, and a total pleasure to work with. She is highly pragmatic."*

Chambers and Partners 2026 (Commercial Dispute Resolution) *"Tamara Kagan's written work is never short of excellent. She is super responsive and always provides actionable advice and strategic input to her solicitors." "I worked with Tamara on a very tricky case, and she was great. She is fantastic with the clients and in hearing, and she shows good judgement and instincts. She is also very down to earth."*

Chambers and Partners 2026 (International Arbitration: General Commercial & Insurance) "A hugely impressive junior." "She is fantastic with the *clients and in hearings."*

Chambers and Partners 2025 (Commercial Dispute Resolution) *"Tamara is excellent, organised and really well prepared." "Tamara is a pleasure to work with and a strong team player." "Tamara is good on the drafting side and also very strategic. Moreover, she is extremely user- and client-friendly."*

Chambers and Partners 2025 (International Arbitration) *"Tamara's intellect combined with her sense for strategy*

makes her the perfect member of any team." "Tamara Kagan is really excellent, organised and really well prepared."

Legal 500 2025 (Commercial Litigation) *"Tamara excels at everything. Her advocacy is impressive and her style is thorough, measured, and entirely persuasive."*

Legal 500 2025 (International Arbitration: Counsel)

Chambers and Partners 2024 (Commercial Dispute Resolution) *"Tamara is outstanding and a robust, no-nonsense advocate." "Tamara is very bright and diligent."*

Legal 500 2024 (Commercial Litigation) *"A real team player, who pays great attention to detail. She asks very effective questions to make sure clients get the best evidence possible, and her drafting is excellent."*

Chambers and Partners 2023 (Commercial Dispute Resolution) *"Tamara is excellent; she is very detail-oriented and she writes very well and persuasively." "Her judgement is excellent."*

Legal 500 2022 (Commercial Litigation) *"Tamara is incredibly intelligent and incisive. She is reliable, friendly and really sharp. She works well with all levels of solicitors (from trainees to partners), and with clients."*

Chambers and Partners 2022 (Commercial Dispute Resolution) *"A very capable junior who is extremely bright. Her drafting is of really high quality, and she is good at cases where there are a lot of facts to get on top of."*

Legal 500 2021 (Commercial Litigation) *"Intelligent, pragmatic and a pleasure to work with. Solicitors would instruct her on all of my matters if I could."*

Chambers and Partners 2021 (Commercial Dispute Resolution) *"Astute and displays excellent attention to detail." "She is very intelligent, very technically capable and great at drafting."*

Qualifications and Experience

Litigation Associate (represented clients in complex commercial litigation and intellectual property and bankruptcy disputes), Sullivan & Cromwell LLP, New York (2007-2009)
Admitted to the Bar of the State of New York (2008)
Law Clerk to the Honourable Justices Doherty, Laskin, Goudge and Sharpe, Court of Appeal for Ontario (2006-2007)

Academic Achievements

Gregory Kulkes Scholar in Law, Balliol College, Oxford (2009-2010)
Jean Royce Fellowship (merit fellowship for post-graduate study), Queen's University (2009-2010)
Angus MacMurchy Gold Medal for Graduating with the Highest Cumulative Average, University of Toronto (2006)
Gallant Ho Prize for Graduating with the Highest Cumulative Average, University of Toronto (2006)
Dean's Key for Excellence in Extracurricular Activities of an Academic Nature, University of Toronto (2006)
Class of 1976 Prize for Academic Excellence, University of Toronto (2005-2006)
Borden Ladner Gervais Scholarship for Academic Achievement and Extracurricular Involvement, University of Toronto (2003-2006)
McCarthy Tétrault Award for Special Recognition of Academic Achievement, University of Toronto (2004-2005)
JSD Tory Fellowship for Legal Writing (2004)
Fasken Martineau DuMoulin Award for Academic Excellence, University of Toronto (2003-2004)
Dean's Honour List (top 3% of class), Queen's University (1999-2003)
May & Murray Ball Sesquicentennial Scholarship for Academic Excellence and Extracurricular Achievement, Queen's University (1999-2003)
Natural Science and Engineering Research Council Undergraduate Student Research Award, Queen's University (2002)

Other Achievements

Co-Editor in Chief, University of Toronto Faculty of Law Review (2005-2006)
Grand Moot (annual showcase moot before judges of the Supreme Court of Canada, Ontario Court of Appeal and Superior Court, University of Toronto (2005)
Canadian National Champion, Philip C. Jessup International Moot Court Competition (2005)
Winner, Goodman & Carr LLP Competitive (External) Moot (2004)

Education

University of Oxford, Balliol College: BCL (2010)
University of Toronto Faculty of Law: Juris Doctor with Honours, graduated with highest cumulative average (2006)
Queen's University (Canada): BA (Hons) with Distinction in Biology and Philosophy (2003)

Publications

'Recovering Aboriginal Cultural Property at Common Law: A Contextual Approach' (2005) 63 U T Fac L Rev 1
This article won the Cassels Brock & Blackwell Prize for Outstanding Article and the Martin L. Friedland Prize

---

Awards

2027 Chambers Ranked in UK Bar
Tamara Kagan

Legal500 LEADING JUNIOR 2027

PRO BONO CONNECT 2025 SILVER MEMBER

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