



Tom Foxton

Barrister

Call 2019



Scope of Practice

• Arbitration • Banking & Finance • Civil Fraud • Chancery: Commercial • Commercial Litigation • Energy and Natural Resources • Insurance and Reinsurance • Professional Liability

Overview

Tom's practice spans the full spectrum of commercial disputes, including banking and finance, civil fraud, commercial chancery (including company law, insolvency and contentious trusts), energy and natural resources, general commercial litigation, insurance and reinsurance, international arbitration and professional liability.

In addition to his led work in heavy-duty commercial disputes, Tom has a busy unled practice and regularly appears in the High Court and County Court. He is a member of the Attorney General's Junior Juniors Scheme and is a regular volunteer with the Chancery Litigants-in-Person Support (CLIPS) pro bono scheme. Before coming to the Bar, Tom taught contract and tort law at UCL.

Recent instructions include:

- **Republic of Mozambique v Credit Suisse International & Ors (Comm)**
Acting for Iskandar Sifa and the Prinvest Group in the defence of a \$2 billion fraud claim brought by the Republic of Mozambique arising out of the "tuna bonds scandal" (with Duncan Matthews KC, Philip Riches KC, Ben Woolgar and Fred Wilmot-Smith).
- **PJSC Commercial Bank PrivatBank v Kolomoisky & Ors (ChD)**
Acting for Igor Kolomoisky in the defence of a \$1.9 billion fraud claim brought by Ukraine's largest bank (with Mark Howard KC, Mike Bools KC, Alec Haydon KC, Alex Milner KC, Geoffrey Kuehne and Ben Woolgar). One of the Lawyer Magazine's Top 20 Cases of 2022 (now adjourned to 2023).
- **BTI 2014 LLC v Pricewaterhousecoopers LLP (ChD)**
Acting for PwC in the defence of a \$600 million auditor's negligence claim (with Simon Salzedo KC, Tony

Singla KC and Zahra Al-Rikabi).

- **LCIA Arbitration**

Acting for a multinational pharmaceutical company in a \$400m claim to recover royalties under a licensing agreement (with Nick Saunders KC).

- **Re Internet Currency Evolution Cubed Pty Ltd (ChD)**

Successfully obtained an Asset Preservation Order over cryptocurrency tokens (including Bitcoin and Ethereum) pursuant to s 25 of the Civil Jurisdiction and Judgments Act 1982 in favour of the liquidators of South African cryptocurrency exchange (with David Heaton).

Examples of Recent Cases

Arbitration

- **LCIA Arbitration**

Acting for a multinational pharmaceutical company in a \$400m claim to recover royalties under a licensing agreement (with Nick Saunders KC).

- **LMAA Arbitration**

Acting for a cargo owner in an LMAA arbitration arising from a shipowner's failure to tranship cargo with all due despatch (with Fionn Pilbrow KC).

- **Challenge to a GAFTA arbitration award**

Advising a wholesale food importer in relation to the enforcement of a £1 million GAFTA arbitration award (as sole counsel).

- **ICC Arbitration**

Defending a major European bank against claims under a loan agreement to fund energy projects in a central European state (with Fionn Pilbrow KC during pupillage).

- **ICC Arbitration**

A \$ multi-billion ICC arbitration concerning the licensing of technology used in smart phones (with Nick Saunders KC during pupillage).

Banking & Finance

- **Republic of Mozambique v Credit Suisse International & Ors (Comm)**

Acting for the Prinvest Group in the defence of a \$2 billion claim brought by the Republic of Mozambique, which seeks to have various loan agreements and sovereign guarantees set aside on the ground that they were procured by bribery (with Duncan Matthews KC, Philip Riches KC, Ben Woolgar and Fred Wilmot-Smith).

- **PJSC Commercial Bank PrivatBank v Kolomoisky & Ors (ChD)**

Acting for Igor Kolomoisky in the defence of a \$1.9 billion banking fraud claim arising from an alleged loan-recycling scheme involving Ukraine's largest bank (with Mark Howard KC, Mike Bools KC, Alec Haydon KC, Alex Milner KC, Geoffrey Kuehne and Ben Woolgar).

- **STN Capital Partners SPF v MBU Capital Ltd (LCCC)**

Acting for the defendant investment house in the defence of a claim to recover £3.5 million allegedly due under a bond instrument (as sole counsel).

- **Old Mutual International v Leonteq Securities**

Advising a structured products arranger on the defence of a £200m mis-selling claim (with Tony Singla KC during pupillage).

Civil Fraud

- **Republic of Mozambique v Credit Suisse International & Ors (Comm)**

Acting for the Prinvest Group in the defence of a \$2 billion fraud claim brought by the Republic of Mozambique arising out of the “tuna bonds scandal” (with Duncan Matthews KC, Philip Riches KC, Ben Woolgar and Fred Wilmot-Smith).

- **PJSC Tatneft v Gennady Bogolyubov & Ors [2021] EWHC 411 (Comm)**

Acted for Igor Kolomoisky in the successful defence of a \$300 million fraud claim brought by one of Russia’s largest oil companies (with Mark Howard KC, Alex Milner KC, Ruth den Besten and Tom Ford).

- **PJSC Commercial Bank PrivatBank v Kolomoisky & Ors (ChD)**

Acting for Igor Kolomoisky in the defence of a \$1.9 billion fraud claim brought by Ukraine’s largest bank (with Mark Howard KC, Mike Bools KC, Alec Haydon KC, Alex Milner KC, Geoffrey Kuehne and Ben Woolgar). Successfully resisted the claimant’s application to cross-examine Mr Kolomoisky on his affidavit of assets (with Tom Adam KC and Alec Haydon KC): [2021] EWHC 403 (ChD).

- **Re Internet Currency Evolution Cubed Pty Ltd (ChD)**

Successfully obtained an Asset Preservation Order over cryptocurrency tokens (including Bitcoin and Ethereum) under s 25 of the Civil Jurisdiction and Judgments Act 1982 in favour of the liquidators of South African cryptocurrency exchange (with David Heaton).

- **Fairlop International Ltd v Jaguar Land Rover (South Africa) (Pty) Ltd (Ghana)**

Advising Jaguar in relation to the defence of a \$40 million conspiracy claim arising from the award of the Jaguar and Land Rover distribution licence for sub-Saharan Africa.

- **Burns v Zaki, Burns & Ors (ChD)**

Acting for defendants in a £340,000 dishonest assistance claim arising from an alleged fraud on a pension scheme (as sole counsel).

Chancery: Commercial

- **PJSC Commercial Bank PrivatBank v Kolomoisky & Ors (ChD)**

Acting for Igor Kolomoisky in the defence of a \$1.9 billion fraud claim brought by Ukraine’s largest bank (with Mark Howard KC, Mike Bools KC, Alec Haydon KC, Alex Milner KC, Geoffrey Kuehne and Ben Woolgar).

- **BTI 2014 LLC v PricewaterhouseCoopers LLP (ChD)**

Acting for PwC in the defence of a \$600 million auditor’s negligence claim (with Simon Salzedo KC, Tony Singla KC and Zahra Al-Rikabi).

- **Re Internet Currency Evolution Cubed Pty Ltd (ChD)**

Successfully obtained an Asset Preservation Order over cryptocurrency tokens (including Bitcoin and Ethereum) under s 25 of the Civil Jurisdiction and Judgments Act 1982 in favour of the liquidators of South African cryptocurrency exchange (with David Heaton).

- **Burns v Zaki, Burns & Ors (ChD)**

Acting for defendants in a £340,000 dishonest assistance claim arising from an alleged fraud on a pension scheme (as sole counsel).

- **Re Carisway Facilities Management Ltd (ChD)**

Advising the claimant (a liquidators' assignee) on a £400,000 misfeasance claim against a company director bought under s 212 of the Insolvency Act 1986 (as sole counsel).

- **Celgard v Shenzhen Senior Technology Material Co (ChD)**

A successful application on behalf of a US lithium-ion battery manufacturer against a Chinese competitor for an interim injunction to restrain an alleged breach of confidence/misuse of trade secrets and permission to serve out of the jurisdiction (with Nick Saunders KC and Max Schaefer during pupillage).

Commercial Litigation

- **Robert Tchenguiz v InterTrader Ltd and Entain Plc (Gibraltar)**

Acting for InterTrader Ltd and Entain Plc in the defence of a £25 million claim brought by Robert Tchenguiz arising from the closure of his spread betting positions in FirstGroup plc (with Nick Saunders KC).

- **Confidential matter**

Advising a seller in respect of a £60 million expert determination arising under a Share Purchase Agreement (with Nick Saunders KC).

- **Karmel Foods Ltd v Samworth Brothers Ltd (Comm)**

Acting for a leading manufacturer of ready meals in a dispute under a supply agreement (with Fionn Pilbrow KC).

Energy and Natural Resources

- **PJSC Tatneft v Gennady Bogolyubov & Ors [2021] EWHC 411 (Comm)**

Acted for Igor Kolomoisky in the successful defence of a \$300 million fraud claim arising out of an alleged scheme to siphon funds out of an oil supply chain (with Mark Howard KC, Alex Milner KC, Ruth den Besten and Tom Ford).

- **Blue Power Group v Eni Norge SA & Ors (ChD)**

Defending a multinational oil company in a claim for alleged breaches of exclusivity, best endeavours and confidentiality obligations relating to a liquified natural gas transportation project (with Fionn Pilbrow KC and Richard Eschwege during pupillage).

- **Apache North Sea v Euroil Exploration Ltd (Comm)**

Defending an oil company in a Part 8 claim concerning the proper construction of a farmout agreement and associated joint operating agreement relating to the sale of a UK continental shelf licence in the North Sea (with Alec Haydon KC during pupillage).

- **Minera Las Bambas v Glencore Queensland & Ors (Comm)**

Acting for a Chinese state-owned commodities company in a claim seeking the payment of sums under tax

indemnities following the sale of a copper mine in Peru (with Fionn Pilbrow KC and Charlotte Thomas during pupillage).

Insurance and Reinsurance

- **Confidential insurance dispute**
Advising a leading insurer on claims made under business interruption policies arising out of the Covid-19 pandemic and a natural disaster (with Mark Howard KC).

Professional Liability

- **BTI 2014 LLC v PricewaterhouseCoopers LLP (ChD)**
Acting for PwC in the defence of a \$600 million auditor's negligence claim (with Simon Salzedo KC, Tony Singla KC and Zahra Al-Rikabi).
- **Al Sadeq v Dechert LLP / Quzmar v Dechert LLP (QBD)**
Acting for the defendant law firm and three of its current and former partners who are accused of complicity in the kidnapping and torture of two Jordanian nationals during an investigation into frauds on the sovereign wealth fund of Ras Al Khaimah (with Philip Edey KC, Michelle Butler, Sandy Phipps and Craig Morrison).

Qualifications

- City University, BPTC (Outstanding) [2019]
- University of Oxford, BCL (Distinction) (Restitution of Unjust Enrichment, Conflict of Laws, Commercial Remedies, Advanced Property and Trusts) [2018]
- University of Oxford, BA Jurisprudence (First Class) [2017]

Academic & Advocacy Prizes

- Prince of Wales Scholarship (Gray's Inn) [2018]
 - BCL Prize for Advanced Property and Trusts (Oxford Law Faculty) [2018]
 - Winner, Oxford University Shearman & Sterling Moot [2018]
 - Book Prize for Finals (St Peter's College, Oxford) [2017]
 - Winner, Oxford University Herbert Smith Freehills Moot [2016]
 - Winner, Oxford University Public Law Moot [2016]
 - Michael Latner Prizes for Law (St Peter's College, Oxford) [2015 and 2016]
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Publications

- 'Second Degree Byrne' [2019] 78 CLJ 18
 - 'Inaccurate Conception: ACB v Thomson Medical' (2018) 81 MLR 337
 - 'Contributory Negligence and Contractual Claims' (2017) 6(1) OUULJ 21
 - 'Damages in Lieu of Rescission' (2016) LMCLQ 489
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Other

- Teaching Fellow in Contract and Tort Law, UCL Faculty of Laws [2018-2019]
 - Editorial Board, Oxford University Commonwealth Law Journal [2017-2018]
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Awards



Contact Clerks



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