

SAM NEAMAN

Call: 1988



"One of the 50 outstanding individuals at the Bar... deserving of elite status" – The Lawyer

An **"exceptional advocate"** – Chambers UK

Sam is a specialist international commercial litigation and employment barrister, highly ranked in the legal directories as a **"renowned senior junior"** in several fields.

Sam's extensive experience in all areas of **employment** law, coupled with his crossover expertise in high-value complex **commercial** cases, including the Court of Appeal and Supreme Court, has made him the natural choice for clients involved on either side of **business protection disputes** over restrictive covenants, confidential information, breach of fiduciary duties, team moves, unlawful means conspiracy/economic torts, franchise/business sale disputes, and other threats to business.

Quoted in the directories as **"a real fighter"** who **"combines technical ability with a huge work ethic"**, Sam's proven successful track record in high-value/high profile claims includes the recent cases of **Capital Markets (UK) Ltd v Being Technologies Ltd & Others** [2017] EWHC 998 (Ch), a £250 million unlawful means conspiracy claim relating to software rights in the revolutionary "Vault" banking platform, **C21 London Estates v Maurice MacNeill Iona Ltd** [2018] EWCA 1823 (Ch), a high-value dispute over the Chelsea franchise of the "Century21" Estate Agency, and **CPS v Aquila Advisory Ltd** [2019] EWCA Civ 588 (Ch), a multi-million pound breach of fiduciary duty case.

Sam's business protection disputes often start with clients facing or requiring an **injunction**. Quoted as being **"brilliant with confidential information and international business protection elements"**, and **"particularly recommended for High Court injunctions"**, Sam regularly represents both Claimants and Defendants in **injunction applications**, and has appeared in several leading cases, including recently **Dyson Technology Ltd v Pellerrey** [2016] ICR 688 (Court of Appeal), which establishes the correct approach to the grant of injunctive relief in restrictive covenant cases. His specialism in commercial litigation with an international element makes him sought after for injunctions in **cross-border, jurisdictional, and anti-suit disputes** including **Petter v EMC Corp** [2015] EWCA Civ 828 (Court of Appeal), a leading anti-suit case involving a dispute between UK and US jurisdictions.

With a **"lightning-fast ability at understanding key issues"** Sam is at home representing clients from all industry sectors, but has recognised expertise in **Sports Law** and **Banking & Finance** (including insurance broking) where he is listed by the directories as a **Leader in the Field**, and in **Medical/NHS** cases in which

Chambers UK records that he ***“possesses a recognised specialism”***.

Recent **legal directory comments** recognise Sam's client skills and his ability to add value by finding imaginative solutions, as well as his exceptional advocacy:

- ***“[Argues] cases as a great conductor would lead an orchestra”***
- ***“A real heavyweight in cross-examination – unrivalled in that respect”***
- ***“A master at finding innovative solutions to complex problems”***
- ***“[Thinks] outside the box”***
- ***“[Leaves] no stone unturned”***
- ***“Sharp, user friendly... readily identifies problems and gives clear, concise advice”***.
- ***“Concise and approachable”***
- ***“Straightforward and insightful”***
- ***“[His] client skills... are second to none”***
- ***“Wonderful at making clients feel at ease”***
- ***“A pleasure to work with”***

Injunctions

Sam is noted in the directories as ***“particularly recommended for High Court injunctions”***, and as ***“brilliant with confidential information and international business protection elements”***.

He has a thriving injunction practice in employment contract restrictive covenants, and in related confidential information and commercial law fields where he has broad knowledge of preservation of evidence, freezing, search and seizure, and anti-suit applications.

Equally at home in all industry sectors, Sam has particular experience in the **insurance broking** and allied **banking and finance** arena, and in the areas of **recruitment consultancy**, **Sport**, and in the **Medical/NHS Sector**. He has represented numerous clients in “team move” injunctions, and in all areas in which the protection of confidential information is at a premium.

Example cases of note include:

- ***Dyson Technology Ltd v Pellerey*** [2016] ICR 688: leading Court of Appeal case relating to Dyson's confidential plans for an electric car, establishing the correct approach to the grant of injunctive relief in restrictive covenant cases.
- ***Petter v ECM Corporation & Anr*** [2015] EWHC 1498: leading Court of Appeal anti-suit injunction and jurisdiction challenge involving parallel proceedings in the UK and Massachusetts. Due for appeal in the Supreme Court in November 2016, the case settled shortly before the Supreme Court hearing.
- ***Aquila Advisory Ltd v Faichney, Perrin & Ors*** [2013] EWHC 3953, [2018] EWHC 565 (Ch): successful injunction application in the context of a larger High Court fraud and tracing claim by Sam's client claiming priority in the ownership of property and chattels the subject of a criminal confiscation order.
- ***Adib-Shahraki v Royal Bank of Scotland Plc*** (2013): important, **high profile** injunction claim brought by a claimant to prevent the closure of banking facilities, alleging that the reason for the Bank's decision was his Iranian nationality. Sam, acting for the Bank, successfully defeated the application.
- ***Jesudason v Alder Hey Childrens' NHS Foundation Trust*** (2012): high profile case representing a paediatric surgeon who obtained an injunction to prevent his dismissal.

- **DeVere Group Ltd GmbH v Pearce** [2011] EWHC 1240: multi million pound cross border dispute in which Sam achieved an interlocutory and then final confidential information/restrictive covenant injunction for his financial services client.
- **Lauffer v Barking Havering & Redbridge NHS Trust** [2010] Med L.R. 68: landmark injunction obtained by Sam's consultant surgeon client to nullify a dismissal which had already occurred.
- **Wirth Research Ltd v Green** (2010): confidential information non-compete injunction application brought against Sam's F1 client who moved to become Technical Director of F1 team, Force India.
- **Everett v University of East London** [2009] EWCA Civ 402: injunction claim brought by a University vice-chancellor to prevent a disciplinary hearing going ahead. Sam's university client successfully defeated the application in the High Court and in the Court of Appeal.
- **Fourie v Le Roux** [2007] UKHL 1; [2007] 1 W.L.R. 320: landmark House of Lords freezing injunction claim in a £1 Billion cross border corporate insolvency fraud dispute.

Employment

Highly ranked in the legal directories, and currently **one of only eight "Band 1" juniors in Legal 500**, Sam is recognised as one of the handful of "go-to" employment juniors for **high value or complex employment claims**, launched either in the High Court, or in the employment tribunal, as well as for providing **strategic advice** at a corporate level, and conducting/advising on **internal disciplinary investigations and inquiries**.

With numerous leading cases to his name, including the seminal authority of **Johnson v Unisys Ltd**, many of Sam's cases have gone to the Court of Appeal or House of Lords/Supreme Court.

In the High Court, Sam's employment law experience ranges from restrictive covenant/confidential information injunctions and speedy trials, to multi-million pound breach of directors'/fiduciary duty, and unlawful means conspiracy, claims. Sam also has invaluable experience in taking test cases on the construction of employment contracts.

In the employment tribunal, Sam has particular expertise in discrimination and whistleblowing cases, where he is regularly instructed by household name clients in high profile claims.

Notable employment cases include:

- **Faichney & Ors v Vantis HR & Ors** (2018): a successful fiduciary duty claim brought against two former director-employees who had unlawfully profited to the tune of c.£4.5 million from the sale of the IP rights in their employer's software; Sam successfully defeated an appeal to the Court of Appeal, brought by the CPS as Intervener - **CPS v Aquila Advisory Ltd** [2019] EWCA Civ 588
- **Capital Markets (UK) Ltd v Being Technologies Ors** (2017): £250 million unlawful means conspiracy claim brought against a former MD of the Claimant and seven other individuals/corporates relating to the alleged stripping of the business of one of the Claimant's divisions. [Click here](#) to read coverage from the Evening Standard.
- **Radia v Jefferies International Bank** (2017): high profile whistleblowing and disability discrimination claim brought by former director of a City Bank. [Click here](#) to read The Times coverage.
- **Dyson Technology Ltd v Pellerey** (2016): leading Court of Appeal case revolving around Dyson's confidential plans to build an electric car. The case establishes the correct approach to the grant of injunctive relief in restrictive covenant cases. [Click here](#) for coverage.

- ***Petter v EMC Corporation*** (2015): multi million pound anti-suit injunction case centering on the jurisdictional clash between the Claimant's stock option contract with a Massachusetts corporation and his employment contract with its UK subsidiary. Due for appeal in the Supreme Court in November 2016, the case settled shortly before the Supreme Court hearing.
- ***Avionicare Ltd v JRB Aviation Ltd & Ors*** (2015): Multi-defendant High Court claim for breach of contract and economic torts brought by Sam's client following the setting up of a rival business at the same airport.
- ***Burger v Verifone Corp*** (2014): Whistleblowing claim against Sam's client by one of its executives resulting from disclosures about alleged breaches of the US trade embargo against Iran.
- ***Obolenskaya v Cluff Natural Resources Plc*** (2014): Complex discrimination claim brought by Russian female Finance Director against Sam's Plc client.
- ***Threlfall v ECD Insight Ltd*** (2013): successful High Court claim for wrongful dismissal by Sam's TV presenter client, followed by a successful and important Court of Appeal judgment holding that the sole director of the unsuccessful Defendant could not rely on the corporate veil to avoid a costs order against him personally.
- ***Wey Education Plc v Atkins*** (2013): Sam advised and represented Education provider Wey Education Plc in a dispute with their Chief Executive, the former Chairman of OFSTED.
- ***Andrew Lloyd Webber's Really Useful Theatre Group*** (2012): successful Defence of a health and safety whistleblowing tribunal claim relating to the West End production of Warhorse. [Click here](#) to read coverage from the Evening Standard.
- ***20:20 London Ltd v Riley*** (2012): multi million pound High Court business sale claim for repayment of the purchase price based on a clause in the sale contract which the Defendant vendor alleged was in unlawful restraint of trade.
- ***Cima v Historic Royal Palaces Ltd*** (2011): successful defence of a widely **publicised** whistleblowing claim brought by the Governor of the Tower of London, following a previous case in which Sam also defended the Tower of London in a claim relating to a claim of sexual harassment brought by the only female Beefeater at the Tower.
- ***De Vere Group GmbH & Anr v Pearce*** (2011): a successful High Court cross-border breach of contract/breach of confidence claim by a Financial Services Group against an agent involving complex issues of conflicts of laws and illegality. Sam's client was awarded damages of £3 million and indemnity costs.
- ***Lauffer v Barking Havering & Redbridge NHS Trust*** (2009): a landmark High Court injunction obtained by Sam's client consultant surgeon to nullify his dismissal.
- ***Daley v ERT Plc & Anr*** (2009): highly publicised Court of Appeal cross-border CIS claim involving complex issues of company law, conflict of laws, and director's fiduciary duties.
- ***Everett v University of East London*** (2009): an injunction application brought by a University vice-chancellor to prevent a disciplinary hearing going ahead. Sam's client, the University, successfully defeated the application in the High Court and then Court of Appeal.

Commercial, Banking and Finance Litigation

Sam has a prominent and wide ranging commercial litigation and arbitration practice, with an emphasis on injunctions and cross-border and international work, including the leading injunction cases of ***Fourie v Le Roux in the House of Lords***, and ***Petter v EMC Corporation*** in the Court of Appeal, which settled two weeks before the appeal was due to be heard in the Supreme Court.

He has experience of high value/document-heavy claims, instructed by liquidators and asset finance companies, as well as PLCs.

Co-author of the text book "Security for Costs & other Court Ordered Security" (Jordans), and regularly instructed to put his knowledge into practice in court hearings, Sam brings this particular expertise to the complex and important areas of **security, funding, and non-party costs issues**.

In **commercial arbitration** Sam is recognised as a "go-to" alternative to magic circle arbitration counsel, Sam's practice is primarily focussed on international commercial arbitrations, arguing cases governed by foreign laws for major overseas clients under ICC, LCIA and UNCITRAL rules. Sam also has particular knowledge of anti-suit injunctions in the arbitration arena. Recent examples of international arbitration include:

- **G v X** (2014): A highly complex \$25 million UNCITRAL international commercial arbitration involving contracts for the importation of heavy machinery from China to Brazil under contracts governed by Brazilian law.
- **G v X** (no.2): (2015) A second UNCITRAL arbitration, this time worth over \$50 million, between the same parties.
- **B v U** (2015): Multi-million dollar LCIA international commercial arbitration involving alleged breach of distribution agreement in respect of importation and sale of sports goods to the Middle East.

Listed as a **leader in the field of Banking and finance**, Sam has represented both clients and all the major High Street banks in cutting-edge litigation in the High Court and Court of Appeal, as well as providing high-level strategic advice to several High Street Banks on matters ranging from the Consumer Credit Act to Bank Charges.

Other recent notable cases include:

- **Aquila Advisory Ltd v Faichney & Ors** (2018) successful £4.5 million breach of fiduciary duty claim relating to the misappropriation of corporate opportunities in respect of software rights owned by Sam's client, and the interrelationship between criminal confiscation orders and third party proprietary rights. Sam successfully defeated an appeal to the Court of Appeal, brought by the CPS as Intervener - *CPS v Aquila Advisory Ltd [2019] EWCA Civ 588*
- **C21 Estates Ltd v Maurice MacNeill Iona Ltd** (2018) successful claim by Sam's client in respect of the Chelsea franchise of the international Century21 estate agency brand.
- **Capital Markets Co (UK) Ltd v Tarver & Ors** (2017) £250 million pound unlawful means conspiracy claim relating to the software rights to the revolutionary "Vault" banking platform, and the alleged diversion of the business of an entire division of the Claimant company. Sam represents seven parties in the litigation.
- **Gaia Ventures Ltd v Abbeygate Helical Ltd** (2017) successful multi-million pound overage claim by Sam's client in respect of the redevelopment of the Milton Keynes ice rink.
- **Government of the Kyrgyz Republic v Nadel & Ors** (2016): multi-million dollar Commercial Court banking fraud claim in which Sam acted for the Claimant National Government against various individuals, obtaining judgment against the former Chairman of one of the largest banks in Kyrgyzstan.
- **Petter v ECM Corporation & Anr** (2015): leading Court of Appeal case on clashes of jurisdiction and anti-suit injunctions involving parallel proceedings in the UK and Massachusetts.
- **Armstrong Richardson Ltd v Barclays Bank Plc** (2014): Complex multi-million pound commercial court *hædæ* mis-selling claim.

- **Orb a.r.l. & Ors v Ruhan** (2014): £250 million Commercial Court claim for breach of contract, breach of fiduciary duty, civil fraud and constructive trust arising from the sale of the Thistle Hotel Group.
- **Adib-Shahraki v Royal Bank of Scotland Plc** (2014): Important, **high profile** injunction claim where Sam acted for the Bank.
- **Samara v MBI Partners UK Ltd** (2014) Successful High Court claim brought by Sam's client against a company owned by Sheik Mohamed Bin Issa, one of the 15 richest people in the UK.
- **S v W** (2014): Complex and high value conspiracy claim against Defendant centering around unlawful re-valuation of gold mines in Kyrgyzstan from c.\$1 Billion to around \$10 million.

Sports Law

Sam's high-level personal sporting experience has given him invaluable understanding of Sport law from the client's perspective. Listed by Legal 500 as a **leader in the field of Sports Law**, where he is described as **"from start to finish, the complete package"**, and himself a former boxer, Sam was for many years **Legal Adviser to the Amateur Boxing Association of England**. Sam has a special expertise in **Formula 1** and **Boxing** matters.

Currently counsel of choice to one leading Formula 1 racing team, and having represented other F1 teams both as claimants and defendants, Sam's enviable experience over many years in dealing with Formula 1 disputes include engineering and design confidential information, and the contractual implications of movement of individuals between teams. Sam's boxing clients have included former England boxing Olympic Gold medalist and world champion James de Gale, and boxing promoter Chris Sanegar in his dispute with European Champion Dean Francis.

Elsewhere within Sport, Sam is regularly instructed by top-level players, coaches, agents, promoters, managers, clubs and sporting bodies on issues ranging from misconduct hearings in international ice hockey to professional golf sponsorship disputes, and from football transfer negotiations to the entitlement of a jockey to ride in the Agra Diamond Stakes at Royal Ascot. Himself a former member of Bristol City's youth squad, Sam has represented Premiership and Championship football clubs, and in **Rinaldi v Rugby Football League**, Sam was instructed in a European discrimination law test case on the legality of the RFL's overseas players quota system. Most of Sam's work in this area is highly confidential but recent example cases of note include:

- **Collinge v Watford Football Club Ltd** (2018): high profile discrimination claim brought by the club's former Head of Medical;
- **Turn One SA v Lotus F1 Team Ltd** (2015): **high profile** dispute with the Lotus Formula 1 team in a complex and wide-ranging case involving IP rights to the Lotus website, defamation and breaches of contract.
- **Axon & Ors v Caterham Sports Limited** (in administration) (2014): **high profile** and complex class action by 38 former employees of Formula 1 team Caterham following their summary dismissals.
- **Legion Concierge (UK) Ltd v Con Questa BV** (2014): A complex dispute surrounding alleged illegal ticketing practices for the 2013 Paris Open Tennis at Roland Garosse and the 2012 European Football Championships in Ukraine.

Medical, NHS, Disciplinary & Regulatory

Chambers UK recognises that Sam **"possesses recognised specialism in medical employment cases"**. His experience in medical law coupled with his expertise in employment, disciplinary and regulatory matters has

resulted in a thriving court and disciplinary/regulatory practice, representing both trusts and individual doctors. Ranging from high profile disputes attracting nationwide media interest to confidential investigations Sam is regularly instructed in:

Internal disciplinary, capability and other MHPS investigations and hearings;

- Injunctions to prevent dismissal or enforce contractual procedures, where Sam has unrivalled experience of numerous injunction cases over many years for both consultants and trusts, including handling emergency "without notice" applications;
- High Court and appellate contractual disputes, usually regarding interpretation of terms and conditions of doctors' employment contracts;
- Employment tribunal claims, usually with a whistleblowing or discrimination element;
- GMC and other regulatory hearings.

Sam is also regularly instructed to give high level strategic advice on matters of national importance in the medical profession, including

- payment of doctors while suspended by the GMC;
- the rights of junior doctors to free hospital accommodation;
- the construction of the Consultant Contract in the area of overtime (Additional PAs);
- the applicability of standard terms and conditions on transfer/promotion of doctors from England to Wales or Scotland.

Mediation

An accredited mediator since 2003, and described by Chambers UK as ***"a practical and down to earth team player whose client skills are second to none"*** Sam is ***"wonderful at making clients feel at ease"***. He brings to his mediation practice an ***"ability to think outside the box"*** which has resulted in an impressive track record of achieving settlement in complex cases, especially employment cases with a commercial crossover.

Sam is recorded in the directories as being ***"great to work with – very flexible and commercial"***, ***"concise and approachable"***, ***"straightforward and insightful"***, understanding the importance of a practical and imaginative approach to mediation.

Recent mediation highlights have included a sensitive and high-profile dispute at the highest level of a major local authority, and a dispute with significant public policy implications over the rights of a disabled doctor to become a consultant.