

MATTHEW SHERIDAN

Call: 2000



Recent directory comments about Matthew include the following:

“An impressive advocate. He has incredible attention to detail and is focused on achieving the best for the client.” “Incredibly bright and very easy to work with.” Chambers & Partners (2018) (Band 2)

“He is very bright, hardworking and personable, and has developed a strong High Court practice.” Legal 500 (2018) (Tier 2)

“An absolute standout junior for injunction work” “Peers commend the strength of his advocacy.” Chambers & Partners (2017)

“A superb junior, who is increasingly involved in high-value High Court matters.” Legal 500 (2017)

“Has a reputation for intellectual rigour, and an acknowledged ability to understand the most convoluted aspects of employment law.” Chambers & Partners (2016)

“A go-to junior for High Court employment and team-move disputes.” “He is great to work with; he picks up esoteric points very quickly and is a forceful advocate.” Chambers & Partners (2016)

Matthew treats every instruction as an opportunity to impress and to build and strengthen relationships. He believes in rigorous legal analysis, meticulous preparation and well-judged advocacy, whilst also being responsive and user-friendly.

Matthew's High Court practice focuses on business competition with an emphasis on **confidential information, restrictive covenants, garden leave** and **springboard relief**, particularly in a **team-move/conspiracy context**. He also acts in **commercial disputes** and has acted recently in claims arising from business sale agreements, breach of commission agreement and breach of fiduciary duty. Matthew's Tribunal practice focuses on complex discrimination/victimisation claims, whistleblowing, and employee/worker status.

Business Competition / High Court Employment

Matthew has considerable experience of acting in business competition cases (particularly in relation to applications for injunctive relief). He has expertise in relation to abuse of confidential information/database rights, enforcing restrictive covenants, springboard relief, diversion of business opportunities and all of the other issues which arise in the context of team-moves. Matthew also acts regularly in claims relating to senior executive

compensation/remuneration.

Matthew has acted for clients across a variety of sectors including banking, inter-dealer broking, insurance, technology, recruitment and pharmaceuticals. Some recent cases include:

- ***Al-Bassam v (1) DB Group Services (UK) Limited (2) Deutsche Bank AG (Comm)***: acted for Mr Al-Bassam in a claim relating to his entitlement to deferred compensation. Led by Jonathan Cohen QC. Opposing counsel was David Craig QC. (2018)
- ***IBM UK Ltd v Petley (QB)***: acted for IBM in seeking to enforce post-termination restrictive covenants against a former senior executive who left to join a competitor. Led by Paul Goulding QC. The case settled before trial. Opposing counsel was Richard Leiper QC. (2018)
- ***ICAP Management Services Ltd v (1) Dean Berry (2) BGC Services (Holdings) LLP [2017] IRLR 811 (QB)***: acted (leading Alexander Robson) for Dean Berry in defending ICAP's claim for a garden leave injunction. In addition to 'classic' garden leave injunction issues, the case concerned the application of TUPE to the sale (by share acquisition) by ICAP Plc of its inter-dealer broking business to Tullett Prebon Plc (now TP ICAP Plc). Opposing counsel were Daniel Oudkerk QC, Jane McCafferty and Edward Brown; BGC was represented by Paul Goulding QC, Diya Sen Gupta and Kerenza Davis. (2017)
- ***Hume Brophy Communications v Mary Clark & others (QB)***: acted (as sole counsel) for Hume Brophy in seeking injunctive relief against four defendants (each separately represented) in the context of an alleged unlawful team-move in the investor relations sector. (2017)
- ***Alvarez & Marsal v KPMG LLP & others (ChD)***: acted for KPMG in (i) defending a claim for declaratory relief and (ii) bringing a claim in respect of an alleged unlawful team-move. Led by Gavin Mansfield QC. The case settled before trial. Opposing counsel included Paul Goulding QC and David Craig QC. (2016)
- ***Bluefin Insurance Services Limited v Global Risk Partners & others (QB)***: acted for the claimant in a substantial insurance sector team-move case (led by Gavin Mansfield QC). Conducted advocacy at the interim stage. The case settled at trial. Opposing counsel were Damian Brown QC and Adam Solomon. (2016)
- ***Hitachi Rail Europe Ltd & anor v Matrix Research Ltd & anor (ChD)***: acted (as sole counsel) successfully for the respondent to an application for a ***Norwich Pharmacal*** order sought by the claimants in support of rights under the **Data Protection Act 1998**. (2016)
- acted (as sole counsel) for a FTSE 100 technology company defending claims for injunctive relief in support of post-termination restraints, springboard relief and negotiating damages. The case settled shortly before the speedy trial. Opposing counsel was Jonathan Cohen QC. (2015)
- acted (as sole counsel) for four defendants in the travel bond market defending claims for injunctive relief in support of post-termination restraints, springboard relief and damages in circumstances where there was an alleged attempt to re-create/divert the claimant's entire business. The case settled. Opposing counsel were David Reade QC and Dale Martin. (2015)
- acted (as sole counsel) for a Lloyd's broker in seeking to enforce against a former employee/shareholder post-termination restraints in a shareholder's agreement. Favourable undertakings were extracted and the case was then settled. Opposing counsel was a leading QC. (2015)

Commercial

- ***Richard Samuel v Dean Street Advisers Limited (QB)***: acted (as sole counsel) for the claimant in a claim for a substantial contractual commission payment arising from a corporate finance transaction. The

case settled shortly before trial. Opposing counsel was Nicholas Peacock QC. (2018)

- **Smiggle UK Limited & anor v Harper Dennis Hobbs Limited (ChD)**: acted for the defendant in resisting an injunction application for 'barring out' relief (an injunction preventing a service provider from acting for a client on the basis that, in doing so, there might be a risk of misuse of a former client's confidential information). Led by Neil Kitchener QC. Opposing counsel were Anthony Peto QC and Adam Baradon. (2017)
- acting in claims for substantial 'earn out' payments owed pursuant to agreements relating to the sale of a business including advising on the effect of tax indemnities given by the sellers to the purchasers. Led by David Reade QC. (2017)
- advised a manufacturer of industrial abrasives on the merits of claims for breach of copyright, passing off, breach of fiduciary duty and breach of contract. (2016)

Statutory Employment

Matthew has extensive experience of defending and bringing statutory employment claims at Tribunal, Employment Appeal Tribunal and Court of Appeal level. In particular, he has particular expertise in relation to: (i) Discrimination, victimisation and harassment; (ii) Whistleblowing/public interest disclosure; (iii) Employment status; and (iv) TUPE.

The following are some examples of Matthew's most recent cases:

- **Pemberton v Inwood [2018] ICR 1291 (CA), [2017] ICR 9292 (EAT)**: acted successfully in the ET, EAT and Court of Appeal for the Bishop of Nottingham & Southwell in defending a claim of sexual orientation discrimination brought by a priest who entered into a same sex marriage. The case related to the lawfulness of the Church of England's prohibition on same sex marriage amongst clergy. The Court of Appeal updated the guidance on the correct approach to be taken to harassment claims which was given in **Richmond Pharmacology v Dhaliwal** [2009] ICR 724 in light of the enactment of the Equality Act 2010. It also clarified the ambit of (a) the provisions of the Equality Act 2010 giving ETs jurisdiction over 'qualifications bodies' and (b) the exemptions for religious organisations contained in Schedule 9. Matthew was led by Thomas Linden QC. Opposing counsel was Sean Jones QC. (2018)

Link to press coverage: <https://www.bbc.co.uk/news/uk-england-nottinghamshire-42906132>

- **Nason v Royal Bank of Canada (ET)**: acted for RBC in defending complex whistleblowing claims relating to reciprocal arrangements allegedly entered into between the debt capital markets teams at RBC and other banks in respect of the issuing of bonds. The case settled shortly before trial. Opposing counsel was Caspar Glyn QC. (2017)
- **Vairea & Amini v Reed Business Information Ltd [2017] ICR D9 (EAT)**: acted successfully for the respondent in defending whistleblowing claims brought by two sales managers. The claimants alleged that the company was involved in systematic breaches of international trade sanctions (under UK and US law) by providing embargoed countries like Syria with the tools to move money around the world (thereby allegedly facilitating terrorism). The case attracted media interest. The claims failed in the ET and EAT. The EAT's judgment clarifies the law on the "last straw doctrine" in constructive dismissal claims. (2016)
- **Reverend Mark Sharpe v The Bishop of Worcester [2015] IRLR 663 (CA)**: Matthew acted in the Court of Appeal successfully on behalf of the Bishop in a test case concerning the employment status of Church of England clergy. The case raised important issues as to the test for implication of contracts and the

extended definition of 'worker' for whistleblowing claims in section 43K of the ERA 1996. Matthew was led by Thomas Linden QC. Opposing counsel was John Bowers QC. (2015)

- ***X v International Law Firm (ET)***: acted for a major international law firm in defending claims of religious discrimination brought by the claimant when her applications for partnership failed. The claimant had been seconded to and then employed by a separate Dubai-based entity. The case therefore involved difficult questions about the territorial reach of the Equality Act 2010 (led by Thomas Linden QC). (2015)
- ***X v Investment Bank (ET)***: Matthew acted for a well-known investment bank in defending claims of race discrimination. The claims were settled on extremely favourable terms following several interim hearings at which Matthew appeared (and prior to the bank having to incur significant costs on disclosure or witness statements). (2015)

Reported Cases

- ***Pemberton v Inwood [2018] ICR 1291 (CA), [2017] ICR 9292 (EAT)***: acted successfully in the ET, EAT and Court of Appeal for the Bishop of Nottingham & Southwell in defending a claim of sexual orientation discrimination brought by a priest who entered into a same sex marriage. The case related to the lawfulness of the Church of England's prohibition on same sex marriage amongst clergy. The Court of Appeal updated the guidance on the correct approach to be taken to harassment claims which was given in ***Richmond Pharmacology v Dhaliwal*** [2009] ICR 724 in light of the enactment of the Equality Act 2010. It also clarified the ambit of (a) the provisions of the Equality Act 2010 giving ETs jurisdiction over 'qualifications bodies' and (b) the exemptions for religious organisations contained in Schedule 9. (2018)
- ***ICAP Management Services Ltd v (1) Dean Berry (2) BGC Services (Holdings) LLP [2017] IRLR 811 (QB)***: acted (leading Alexander Robson) for Dean Berry in defending ICAP's claim for a garden leave injunction. In addition to 'classic' garden leave injunction issues, the case concerned the application of TUPE to the sale (by share acquisition) by ICAP Plc of its inter-dealer broking business to Tullett Prebon Plc (now TP ICAP Plc). (2017)
- ***Vairea & Amini v Reed Business Information Ltd [2017] ICR D9 (EAT)***: acted successfully for the respondent in defending whistleblowing claims brought by two sales managers. The claimants alleged that the company was involved in systematic breaches of international trade sanctions (under UK and US law) by providing embargoed countries like Syria with the tools to move money around the world (thereby allegedly facilitating terrorism). The case attracted media interest. The claims failed in the ET and EAT. The EAT's judgment clarifies the law on the "last straw doctrine" in constructive dismissal claims. (2016)
- ***Reverend Mark Sharpe v The Bishop of Worcester [2015] IRLR 663 (CA)***: Employment status of Church of England clergy; Test for implication of contracts; Extended definition of 'worker' for whistleblowing claims in section 43K ERA 1996.
- ***King v Royal Bank of Canada [2012] IRLR 280 (EAT)***: Correct approach to compensation (Polkey) in unfair dismissal cases.
- ***Law Society of England & Wales v Secretary of State for Justice and another [2010] IRLR 407 (QB)***: Claim for declaratory relief as to the application of TUPE and the Henke exception for public administrative authorities.
- ***Lindley v Perry's Motor Sales Ltd [2008] All ER (D) 32 (EAT)***: TUPE, transfer of rights and liabilities.
- ***Gravell v Bexley London Borough Council [2008] All ER (D) 291 (EAT)***: Strike out of discrimination claims.
- ***Davis v Pyrz [2007] All ER (D) 160 (EAT)***: Employer's counterclaims - measure of damages.
- ***Khan v Premier Private Hire Taxi [2007] All ER (D) 134 (EAT)***: Strike out of claims on paper.

- ***Baron v Bliss Mediation Services [2006] All ER (D) 473 (EAT)***: Remedy of procedural unfairness by internal appeal.
- ***Mayo-Deman v University of Greenwich [2005] IRLR 845 (EAT)***: Validity of compromise agreements.
- ***Rabahallah v British Telecom Plc [2005] ICR 440, [2005] IRLR 184 (EAT)***: Rules on composition of employment tribunals.
- ***Holland v BHS [2005] All ER (D) 5 (EAT)***: Unfair dismissal - range of reasonable responses.
- ***Greaves v Banner Business Supplies Ltd [2005] All ER (D) 26 (EAT)***: Indirect sex discrimination - test for justification.
- ***Maresca v Motor Insurance Repair Research Centre [2004] All ER 254, [2005] ICR 197 (EAT)***: Application of the Civil Procedure Rules in the Employment Tribunals.

Education, Membership & Lectures

Education

- Called 2000 (Gray's Inn)
- Queens' College, University of Cambridge, Law (MA)

Memberships

- Member of the Employment Law Bar Association (ELBA)
- Commercial Bar Association (COMBAR).

Lectures

Matthew gives lectures and leads seminars on a broad range of topics both in-house for solicitors as well as on public courses including for the Employment Lawyers Association (ELA).

Recent Lecture topics include:

- A Practical Guide to Bringing and Resisting Injunction Applications (2018)
- Team Moves: A Practical Guide (2018)
- TUPE in the context of share sales: *ICAP Management Services Ltd v (1) Dean Berry (2) BGC Services (Holdings) Ltd* (2017)
- Employment Litigation in the High Court (ELA) (2017)
- Springboard Relief in Team Move Cases (2016)