

Daniel Burgess

“Daniel is a formidable junior, extraordinarily bright, yet unassuming – he is a secret weapon. He presents the most complex and technical issues clearly and simply.”

– LEGAL 500, 2023

Year of call: **2011**
Degree: **MA (Cantab); MSc (MIT) (Kennedy Scholar)**



Daniel is a leading senior junior in the fields of Commercial Litigation, Civil Fraud, Financial Services, Media and Offshore and is ranked by the directories in each of those practice areas. He regularly acts as sole or lead counsel in cases before the High Court and also acts as part of large teams on heavy-weight commercial and financial services cases. Daniel has particular expertise in urgent interim relief and has appeared in many high profile applications in the High Court and the BVI Commercial Court.

Legal 500 - Commercial Litigation - Top Ten Under Eight Years' Call - in 2018 Daniel was recognised as one of the top ten Commercial Litigation juniors under 8 years' call, Legal 500 noting that he is "A superb and tenacious advocate, his written work is always of the highest standard".

Daniel is recognised in the latest editions of Legal 500 and Chambers & Partners. Key recent quotes include:

- "Daniel works with great speed and under pressure to produce first-class skeleton arguments. He is an exceptional team player, engaging with a large team in a highly cooperative manner."- Legal 500 (Financial Services Regulation) 2024
- "He has a superb intellect and is really easy to work with."- Chambers & Partners (Civil Fraud) 2024
- "Daniel has a real burgeoning civil fraud practice and is very in demand. He has fantastic strategic nuance with regards to procedural matters and disclosure."- Chambers & Partners (Civil Fraud) 2024
- "Daniel is a formidable junior, extraordinarily bright, yet unassuming – he is a secret weapon. He presents the most complex and technical issues clearly and simply."- Legal 500 (Civil Fraud) 2023
- "Daniel is just so incredibly easy to work with. He is calm, highly effective and very strategic"- Legal 500 (Commercial Litigation) 2023
- "Daniel's personal qualities are excellent and he quickly bonds with clients. He gets to grips with the legal and factual elements of claims very quickly."- Legal 500 (Media and Entertainment) 2023
- "A superb barrister – responsive, insightful and thorough" - Legal 500 (Offshore) 2022

EXPERIENCE

Commercial

Daniel has been instructed on a broad range of high value commercial litigation, regularly appears in all divisions of the High Court and has appeared as sole counsel in the Court of Appeal. He is also called to the Bar of the Eastern Caribbean Supreme Court, BVI and has appeared in the BVI Commercial Court and the ECSC Court of Appeal.

The 2018 edition of the Legal 500 listed Daniel as one of the top ten juniors in commercial litigation under eight years call.

Daniel advises and acts across a range of industry sectors and has particular experience of commercial litigation involving international fraud and asset recovery work.

“Very strong strategic sense and excellent on the law.”

– LEGAL 500, 2024

Cases

Al Maktoum v Al Hussein

Family Division, 2020-2022

Acted for HRH Princess Haya Bint Al Hussein of Jordan in both the Family Division and Court of Appeal as part of a small multidisciplinary counsel team in proceedings against her ex-husband, Sheikh Mohammed bin Rashid Al Maktoum, the current ruler of Dubai. The proceedings included allegations of phone hacking, requiring analysis of complex expert evidence, and ultimately led to the largest ever divorce settlement in the English Courts (£554 million).

(1) Dismatrix SPC (2) Asyndeton (3) Polysyndeton v Equiti Capital UK Ltd

Commercial Court, 2020 ongoing

Acting for Equiti Capital UK Limited, an FCA regulated provider of brokerage services, in respect of a claim brought by three companies in knowing receipt. The Claimants allege that a Belizean company, Mediatrix Capital Inc, fraudulently obtained and misappropriated investments from the Claimants and that the Defendant had constructive knowledge of the fraud such that commissions obtained as a result of acting as execution only broker in respect of certain investments made by Mediatrix were held on constructive trust.

Aubrey Weis T/A Combined Property Control v Lockton Companies LLP

Chancery Division 2020, ongoing

Acting for the owner of a substantial commercial property portfolio in a claim in deceit brought against the insurance broker Lockton Companies LLP. The claim concerns false statements made regarding the settlement of an insurance claim following a property fire.

Montlake QIAIF Platform ICAV v Tiber Capital LLP

[2020] EWHC 2519 (Comm); [2021] EWHC 202 (Comm)

Acted for the Claimant investment company. Successfully obtained a freezing order and related Norwich Pharmacal order arising out an investment fraud, and acted in relation to the underlying claim. Involved issues of breach of duty, dishonest assistance and conspiracy, and also issues relating to insolvency, default judgment and enforcement. Subsequently obtained a default judgment including for declaratory relief.

Ocado Group plc v Faiman

QBD 2019-2022

Acting for the First and Second Defendants in a high profile claim brought by Ocado against one of its former founders regarding the alleged theft of confidential information, and a counterclaim (worth hundreds of millions of pounds) based on alleged an unlawful conspiracy between Ocado and Marks & Spencer aimed at damaging the Defendants' business. The claim has included applications for search and computer imaging orders by the Claimants.

[Confidential] Worldwide freezing Order

Commercial Court, 2020

Daniel is acting for a global manufacturer and distributor of consumer products in tracing and recovering money stolen pursuant to a \$200m+ global cyber fraud. The claim has included multiple successful applications for interim relief including worldwide freezing orders, proprietary and disclosure orders and multiple applications for Norwich Pharmacal orders against banks.

Gerrard v Eurasian Natural Resources Corporation; Diligence International

QBD 2019 ongoing

Acting for the First Defendant, ENRC in a high-profile claim brought by a partner of Dechert LLP. The claim concerns alleged surveillance carried out by the Second Defendant, Diligence International as part of an investigation into alleged wrongdoing by the partner during the period in which he was retained by ENRC.

[Multinational Petroleum Group] v [Former Director]

QBD 2018, ongoing

Sole counsel for the Claimant petroleum group in a multi-million pound fraud claim against a former director of an Afghan subsidiary. Successfully obtained a world-wide freezing injunction and proprietary injunction and various ancillary orders including passport orders preventing the Defendant from leaving the jurisdiction. Successfully defended the ex parte relief following a two-day discharge application and obtained unless orders in respect of asset disclosure.

Deripaska and others v Chernukhin and others

Commercial Court 2017, ongoing

Junior counsel (led by Jonathan Crow QC) for defendants to various section 67 and 68 challenges to a \$95m arbitration award against the Russian oligarch Oleg Deripaska following unlawful exclusion from a property joint venture in Moscow. Acted for the defendants in successful applications for a world wide freezing injunction brought against Mr Deripaska in support of the arbitration pursuant too s.44 of the Arbitration Act 1996, tailored to operate around sanctions imposed on Mr Deripaska by the Trump administration.

Renova Industries Ltd (& ors.) v. Emmerson International Corporation (& ors.)

BVI Commercial Court

Since 2017, Daniel has been acting as the second of four junior counsel for the Claimants (and for most of the Claimants by way of Counterclaim and Ancillary Claim) in a US\$1 billion Claim in the BVI Commercial Court concerning a joint venture in relation to various power generation and distribution assets in Russia. The Claimants are all companies owned by the Russian billionaire and ex-Russian Minister Mikhail Abyzov. The Defendants are owed by the Russian billionaire Viktor Vekselberg.

Daniel acted for the Claimants in a number of interlocutory applications including applications for an anti-suit injunction and world-wide freezing orders (and related relief) in the sum of some US\$3 billion.

Mohun-Smith v TBO Investments Ltd

[2016] EWCA Civ 403

Sole counsel in the Court of Appeal (before the Master of the Rolls) for the successful Appellant investment advisory firm in an appeal regarding an application to set aside judgment in a £2.1 million claim concerning the provision of allegedly negligent investment advice.

[Logistics group] v [Former director and others]

Queen's Bench Division 2016-2018

For the Claimant in a c.£45m claim concerning an alleged fraudulent conspiracy against 12 defendants including a former director of the Claimant. The claim concerned a series of complex fraudulent schemes spanning a number of years, pursuant to which the former director took bribes and acquired other secret profits. Worldwide Freezing Injunctions and delivery up orders were secured against three parties and their companies (with Anthony Peto QC).

HK\$200 million commercial/fraud claim

Hong Kong High Court, ongoing

Advising the Defendant in respect of an ongoing HK\$200 million breach of contract claim brought in the Hong Kong High Court involving over ten parties. The claim raises allegations of fraud, conspiracy, breach of fiduciary duty and numerous complex issues under the Hong Kong Money Lenders Ordinance.

Civil Fraud, Asset Recovery & Injunctive Relief

Daniel is frequently instructed in large-scale civil fraud disputes including complex financial frauds, bribery and data theft and recovery.

Daniel also has a substantial practice in the field of injunctive relief and has acted in some of the most high-profile commercial injunctions before the Courts in recent years.

He frequently acts (both as sole counsel and led) in applications for worldwide freezing orders, search orders, proprietary injunctions, computer imaging orders, delivery up and Norwich Pharmacal / Bankers Trust disclosure orders, anti-suit injunctions and in applications brought to enforce such orders including applications for unless orders and committal. Such applications have arisen in a variety of contexts including global cyber fraud, misappropriation of assets by employees and theft of confidential information. Many of Daniel's instructions in this regard are confidential.

“Daniel is very user-friendly, meticulous and charming.”

– CHAMBERS & PARTNERS, 2024

Cases

[Confidential] Worldwide Freezing Order and Proprietary Asset Preservation

Queen's Bench Division 2020

Sole counsel for the Claimant Marketing Company in a complex fraud claim against its Senior Finance Manager. Successfully obtained a worldwide freezing order and proprietary asset preservation orders against the Senior Finance Manager and further assert preservation orders against four other Defendants

Montlake QIAIF Platform ICAV v Tiber Capital LLP

[2020] EWHC 2519 (Comm); [2021] EWHC 202 (Comm)

Acted for the Claimant investment company. Successfully obtained a freezing order and related Norwich Pharmacal order arising out an investment fraud, and acted in relation to the underlying claim. Involved issues of breach of duty, dishonest assistance and conspiracy, and also issues relating to insolvency, default judgment and enforcement. Subsequently obtained a default judgment including for declaratory relief.

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QBD 2019-2022

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[Confidential] Worldwide Freezing Order, Norwich Pharmacal and Proprietary Orders

QBD; 2020

Sole counsel in a claim arising from a substantial fraud by a former employee. Successfully obtained Norwich Pharmacal relief followed by Worldwide Freezing Orders and Proprietary Orders against five defendants.

Renova Industries Ltd (& ors.) v. Emerson International Corporation (& ors.)

BVI Commercial Court

Since 2017, Daniel has been acting as the second of four junior counsel for the Claimants (and for most of the Claimants by way of Counterclaim and Ancillary Claim) in a US\$1 billion Claim in the BVI Commercial Court concerning a joint venture in relation to various power generation and distribution assets in Russia. The Claimants are all companies owned by the Russian billionaire and ex-Russian Minister Mikhail Abyzov. The Defendants are owed by the Russian billionaire Viktor Vekselberg.

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[Confidential] Norwich Pharmacal Order

[2019]

Sole counsel for an international charitable trust in a Norwich Pharmacal/bankers trust application against a major bank aimed at tracing monies stolen pursuant to a push-payment fraud

[Logistics group] v [Former director and others]

Queen's Bench Division 2016-2018

For the Claimant in a c.£45m claim concerning an alleged fraudulent conspiracy against 12 defendants including a former director of the Claimant. The claim concerned a series of complex fraudulent schemes spanning a number of years, pursuant to which the former director took bribes and acquired other secret profits. Worldwide Freezing Injunctions and delivery up orders were secured against three parties and their companies (with Anthony Peto QC).

Auden McKenzie & ors v Patel & Patel

2018

Junior counsel for the Claimant in the initial ex parte stage of this £250m fraud case involving allegations of fraudulent misrepresentation and breach of competition law arising from a substantial acquisition in the pharmaceutical industry.

[Confidential]

LCIA Arbitration, 2017

Advising in respect of an application for urgent ex parte interim relief in support of arbitration proceedings pursuant to section 44 of the Arbitration Act 1996 (with Tom Weisselberg QC)

Tarin & Otrs v Bhandari & Otrs

Queen's Bench Division 2016, ongoing

Junior Counsel for the Claimant in a claim arising from an alleged advance fee fraud relating to an investment in Life Settlement Policies. Successfully applied for a Worldwide freezing order and delivery up and computer imaging orders (with Tom Weisselberg QC).

HK\$200 million commercial/fraud claim

Hong Kong High Court, ongoing

Advising the Defendant in respect of an ongoing HK\$200 million breach of contract claim brought in the Hong Kong High Court involving over ten parties. The claim raises allegations of fraud, conspiracy, breach of fiduciary duty and numerous complex issues under the Hong Kong Money Lenders Ordinance.

Arbitration

Daniel has been instructed, both as a junior and as sole counsel, in relation to a number of substantial domestic and international arbitrations under the LCIA, ICC and HKIA rules. Daniel's experience has included acting for a party to a Hong Kong Joint Venture in respect of a HK\$6 billion construction project in Macau (with Lord Pannick QC) and acting successfully as sole counsel in a multi-million pound ICC arbitration involving the trade of non-ferrous metals.

He is also experienced in High Court applications brought in support of arbitral proceedings including anti-suit injunctions, urgent interlocutory injunctions and challenges under s.67 and .68 of the Arbitration Act 1996.

Cases

[Lux Bank] v [Russian media company]

LCIA Arbitration 2018, ongoing

Junior Counsel for the respondent (led by Barbara Dohmann QC) in claims arising under multi-million dollar credit facilities provided by a Luxembourg bank to a Russian media group. Claim raises issues of conspiracy, breach of confidence and various issues of foreign law.

Deripaska and others v Chernukhin and others

Commercial Court 2017, ongoing

Junior counsel (led by Jonathan Crow QC) for defendants to various section 67 and 68 challenges to a \$95m arbitration award against the Russian oligarch Oleg Deripaska following unlawful exclusion from a property joint venture in Moscow. Acted for the defendants in successful applications for a world wide freezing injunction brought against Mr Deripaska in support of the arbitration pursuant too s.44 of the Arbitration Act 1996, tailored to operate around sanctions imposed on Mr Deripaska by the Trump administration.

[Former Equity Partner] v [Russian Professional Services Firm]

LCIA Arbitration, 2017 ongoing

Acting for the Claimant in a claim concerning termination of an Equity Partner from a Russian professional services firm (with Andrew Hunter QC)

[UK Metal Trading Company] v [Brazilian Metal Trading Company]

ICC Arbitration, 2015

Sole counsel for a claimant metal trading company in a three-day multi-million pound ICC arbitration involving allegations of breach of contract and economic duress. Both the substantive claim, and the claim for substantial interest payments, were successful.

[Confidential]

LCIA Arbitration, 2017

Advising in respect of an application for urgent ex parte interim relief in support of arbitration proceedings pursuant to section 44 of the Arbitration Act 1996 (with Tom Weisselberg QC)

[HK Joint Venturer A] v [HK Joint Venturer B]

Hong Kong International Arbitration Centre (HKIAC) Arbitration, 2015

Acting for a party to a Hong Kong Joint Venture in respect of a HK\$6 billion construction project in Macau (with Lord Pannick QC).

Financial Services & Banking

Daniel regularly acts for and against banks, IFAs and private individuals in proceedings involving substantial corporate finance transactions and the provision of investment and financial advice.

Recent work has included acting for the hedge fund BlueCrest Capital in challenging a Decision Notice concerning breaches of PRIN 8 the Upper Tribunal and acting for the FCA in the six-week trial before the Upper Tribunal against former directors of the structured investment firm Keydata in which the FCA levied record fines of £75 million.

In 2012, Daniel was seconded to the Financial Conduct Authority for 5 months during which time he worked in the Enforcement Division.

“Daniel is exceptionally bright and extremely competent. He is particularly adept in being able to cut through large volumes of material and complex issues.”

– LEGAL 500, 2024

Cases

FCA v BlueCrest Capital Management (UK) LLP

Upper Tribunal 2022 (ongoing)

Acting for the hedge fund BlueCrest Capital Management (UK) LLP in a challenge to the FCA's Decision Notice imposing a fine of £40.8 million and a redress scheme. The FCA decision concerns alleged breaches of PRIN 8 (conflicts of interest) arising from the management of an internal fund open only to BlueCrest employees

Stewart Ford & Otrs v Financial Conduct Authority

Upper Tribunal

For the FCA (with Andrew George QC) in respect of its regulatory actions against the previous directors of Keydata Investment Services Limited. Appeared before the Regulatory Decisions Committee which handed down Decision Notices and, in respect of the former CEO of Keydata, Stewart Ford, levied a record fine for an individual of £75 million. Appeared for the FCA in the six-week hearing of the references in the Upper Tribunal.

Tesco market abuse Final Notice

Acting for the FCA in respect of its issuance of a Final Notice finding that Tesco Plc and Tesco Stores Ltd had committed market abuse by publishing a trading update which gave a false or misleading impression of Tesco Plc's share and bond prices, by virtue of overstating its expected profits due to acceleration of commercial income and delayed accrual of costs.

Qatari Financial Centre Regulatory Authority

Instructed by the Director of Enforcement of the Qatari Financial Conduct Authority to advise in respect of enforcement proceedings relating to a Qatari wealth management company.

Hong Kong Stock Exchange advice

Advising the Hong Kong Stock Exchange in respect of various statutory matters (with Lord Pannick QC).

Consumer redress scheme advice

Advising the FCA General Counsel Division in respect of a potential consumer redress scheme (with Monica Carss-Frisk QC).

R (Holmcroft) v KPMG

[2015] EWHC 1888 (Admin)

For the FCA as an interested party in a judicial review of decisions taken by KPMG, acting in the role of 'skilled person' pursuant to section 166 of FSMA, in respect of a voluntary redress scheme in respect of the sale of interest rate hedging products. The case will have important ramifications for whether 'skilled persons' owe public law duties that are amenable to judicial review (with Monica Carss-Frisk QC).

Mohun-Smith v TBO Investments Ltd

[2016] EWCA Civ 403

Sole counsel in the Court of Appeal (before the Master of the Rolls) for the successful Appellant investment advisory firm in an appeal regarding an application to set aside judgment in a £2.1 million claim concerning the provision of allegedly negligent investment advice.

Granville v On-Line Partnership Ltd

Queen's Bench Division 2016, ongoing

Sole Counsel for the Defendant (a network of independent IFAs) in a High Court claim against an appointed representative of the Defendant (under s.39 FSMA) regarding allegedly negligent pensions advice.

Offshore

Since 2017, Daniel has been acting as the second of four junior counsel for the Claimants (and for most of the Claimants by way of Counterclaim and Ancillary Claim) in the Emmerson litigation: a US\$1 billion Claim in the BVI Commercial Court concerning a joint venture in relation to various power generation and distribution assets in Russia. The Claimants are all companies owned by the Russian billionaire and ex-Russian Minister Mikhail Abyzov. The Defendants are owed by the Russian billionaire Viktor Vekselberg.

Daniel has acted for the Claimants in a large number of interlocutory applications including applications for anti-suit injunctions, a world-wide freezing order (and related relief) in the sum of some US\$3 billion, security for costs and various jurisdiction challenges. Daniel has further acted on appeals to the BVI Court of Appeal and Privy Council.

“A superb barrister – responsive, insightful and thorough”

– LEGAL 500, 2022

Media & Entertainment

Daniel has been involved in a variety of cases within the sphere of Media and Entertainment and has acted for and against a range of musical artists, composers and producers including 50 Cent, Dizzee Rascal, Heather Small and The Fall.

“Daniel works with great speed and under pressure to produce first-class skeleton arguments. He is an exceptional team player, engaging with a large team in a highly cooperative manner.”

– LEGAL 500, 2024

Cases

David Nkrumah (aka Dirty Danger) v (1) Jahmaal Fyffe (aka Chipmunk) (2) Cash Motto Limited

IPEC, 2021 ongoing

Acting for the Defendant rapper in a dispute concerning master royalties arising from exploitation of a successful track recorded by the Defendant in 2016.

[Confidential] - Band

2021, ongoing

Advising a member of a well-known band regarding his rights to the band's back catalogue

[Confidential] - Television personality

2022, ongoing

Advising a well-known television personality with respect to alleged breaches of an endorsement contract

Entertainment Trade Management (Agencies) Limited v Heather Small & Ors

2018

Acting for Heather Small, former lead singer of the band 'M-People' in a dispute with her former agent.

C.O.P. Corporation v Fifty Shades Limited

Chancery Division, 2018, ongoing

Sole counsel for a New York incorporated licencing agent in a multi-million claim against the owners of the intellectual property rights associated with the "Fifty Shades of Grey" novels written by E.L. James.

GBMYDR Ltd v Dylan Mills (aka Dizzee Rascal)

2017

Sole counsel for the Claimant in a successful action for breach of contract following the failure of a music artist, Dizzee Rascal to perform at a music festival.

Matilda and Tina Turner musicals

Advice regarding the distribution of royalties in the west end musical Matilda and the ownership of rights to the stage show version of biography of Tina Turner.

McKenna v Staples

Chancery Division 2015, ongoing

For the Defendant in a jurisdiction challenge to a claim brought by the TV hypnotist Paul McKenna for declarations regarding the subsistence of a joint venture (with Robert Anderson QC).

Liberty Investing Ltd v Karl Sydow & Otrs

[2015] EWHC 608 (Comm)

Junior counsel for the Defendants in a two related actions brought by the author Jeffery Archer for breach of contract and ownership of rights in relation to the stage production of 'Dirty Dancing' (with Robert Anderson QC).

(1) Minder Music Limited (2) Julia Adamson v Steven Sharples

[2015] EWHC 1454 (IPEC)

Sole counsel for the Defendant in a two-day IPEC trial concerning the ownership of copyright in a version of the song 'Touch Sensitive' by the rock band 'The Fall' which appeared on the band's album "The Marshall Suite" released in 1999. The band's lead singer, Mark E Smith, gave evidence for the Claimant. The claim was dismissed with costs.

Europejskie Centrum Kultury i Edukacji "Hanza Art" SP.Z.O v (1) G-Unit Touring Inc; (2) Curtis James Jackson; (3) Violator Entertainment Inc

2015, ongoing

For the Claimant concert promoter in a breach of contract claim against the music artist '50 Cent' and related companies.

Sport

Daniel has been instructed on a broad range of sporting disputes, including civil and commercial litigation, agency and commercial disputes and disciplinary proceedings before sports governing bodies.

"A superb advocate who is fiercely committed to his clients"

— LEGAL 500, 2018

Cases

Malcolm Erskine v British Ski and Snowboard

Acted for the Appellant in an appeal from a disciplinary decision pursuant to the British Ski and Snowboard Code of Conduct.

Football Association v James Holden

Acted for a player in a Rule K arbitration in respect of a lengthy ban arising from an alleged assault on a match official.

Cameron Stewart v Leeds United

(Rule K Arbitration)

Acted as sole counsel for Leeds against Nick Randall QC in an FA Rule K arbitration regarding the transfer of the Cameron Stewart from Hull City.

World Rugby v Alesana Tuilagi

Rugby World Cup Disciplinary Panel, 2015

Acted for Samoan rugby international Mr Tuilagi in an appeal from a Disciplinary Decision for striking with the knee in the Rugby World Cup 2015 pool game between Samoa and Japan. Appeal heard de novo and partially upheld. Suspension reduced to 2 weeks.

Leeds United FC v Cameron Stewart

Rule K Arbitration, 2015

Acted for Leeds in an FA Rule K arbitration regarding the transfer of the Cameron Stewart from Hull City.

[Championship Club] v [Football agent]

Rule K Arbitration 2016

Acting for a Championship football club in a rule K arbitration against a football agent regarding fees paid upon the transfer of a player.

Contractual dispute

For a Formula One racing driver in a contractual dispute with his team.

Football Conference Club contractual dispute

For the former owner of a Football Conference club in a contractual dispute with the Club's directors.

Rule K arbitration

For a player in a Rule K arbitration in respect of a lengthy ban arising from an alleged assault on a match official.

ACHIEVEMENTS

Education

MA (Cantab); SM (MIT) (Kennedy Scholar)

Prizes & Scholarships

- Major Scholar of the Inner Temple for GDL (2008) and BPTC (2010)
- MIT Graduate Fellow (2006)
- John F. Kennedy Memorial Scholar (funded study at MIT and Harvard University) (2005)
- Jesus College, Cambridge Senior Scholar (2004)

VAT registration number: 141675220

Barristers regulated by the Bar Standards Board