

## Simon Adamyk

Called: 1991

*"Has great attention to detail and is a pleasure to work with. "He's good at explaining the technical aspects to clients, and he's totally on top of his cases." - Chambers UK Bar 2021*

*"He is incredibly bright and an absolute go-to barrister for anything that is horrendously complicated" - Legal 500 2021*



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### Practice Overview

Simon is an experienced litigator with an international practice. He has attended court in The Bahamas, the Isle of Man and the BVI, has appeared in the Supreme Court in England, and has appeared twice in the Privy Council. He regularly deals with cases involving millions, and sometimes billions, of pounds.

Simon appeared (unled) in the multi-billion pound Equitable Life litigation (one of the most contentious cases of the decade) and acted in a stream of major high value disputes, including the huge BTA Bank litigation in the BVI and London (one of the largest cases of the year according to The Lawyer).

The value which he brings to clients is widely recognised: he is *"a mighty intellect and brings piercing analysis and meticulous attention to detail to his work"* (Legal 500), he *"enjoys a stellar practice"* (Chambers Global), *"his mastery of complex factual background is hugely impressive"* (Legal 500) and he is *"a major boost to any legal team"* (Chambers UK Bar).

*"He has an easy and persuasive advocacy style; solicitors wouldn't hesitate to recommend him." - Commercial Litigation - Legal 500 2017*

*"Very, very personable, extremely astute and highly intelligent." - Commercial Dispute Resolution - Chambers UK Bar 2018*

*"He is phenomenally bright, and thorough and detailed in his approach." - Company - Chambers UK Bar 2020*

*"... pleasant and responsive manner. He's good with clients in conferences and is able to explain complicated matters in language they understand." - Chancery Commercial - Chambers UK Bar 2020.*

*"Exceptionally well organised and completely on top of the detail. He really drills down into a case and is on top of every point." - Commercial Chancery Dispute Resolution, Chambers Global 2020.*

*"He has an exceptional ability to grasp and elucidate the principles at the heart of any issue" - Company, Legal 500 2020.*

Privacy Notice

## Commercial Litigation

### Commercial Chancery

Simon is an experienced commercial litigator with an international practice. He has attended court in The Bahamas, the Isle of Man and the BVI, and has appeared twice in the Privy Council. He has been called to the Bar of the Eastern Caribbean Supreme Court in the BVI.

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He has wide experience of dealing with international issues and heavy cases.

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Directory acknowledgements include:

*"He is technically superb and the quality of his written work is excellent."*

**Chambers UK Bar & Chambers Global 2017** - Chancery Commercial

*"His legal analysis is of the highest quality and he is a pleasure to work with"*

**Legal 500 2016** - Commercial Litigation

*"He is extremely intelligent and takes a very thorough and cerebral approach. He is completely on top of the detail." "No question is too complex for him."*

**Chambers UK Bar 2016** - Commercial Dispute Resolution

## Company

Simon is an experienced commercial litigator with an international practice. He has attended court in The Bahamas, the Isle of Man and the BVI, and has appeared twice in the Privy Council. He has been called to the Bar of the Eastern Caribbean Supreme Court in the BVI.

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Directory acknowledgements include:

*"He has a keen analytical mind, is commercial and is very good at advising on tactics."*  
**Chambers UK Bar 2017** - Company

*"His legal analysis is of the highest quality and he turns work around in tight timeframes"*  
**Legal 500 2016** - Company

## Insolvency

Simon is an experienced commercial litigator with an international practice. He has attended court in The Bahamas, the Isle of Man and the BVI, and has appeared twice in the Privy Council. He has been called to the Bar of the Eastern Caribbean Supreme Court in the BVI.

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## Offshore

Simon is an experienced commercial litigator with an international practice. He has attended court in The Bahamas, the Isle of Man and the BVI, and has appeared twice in the Privy Council. He has been called to the Bar of the Eastern Caribbean Supreme Court in the BVI.

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## Property

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the BVI.

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The value which he brings to clients is widely recognised: he is *"a mighty intellect and brings piercing analysis and meticulous attention to detail to his work"* (Legal 500), *"enjoys a stellar practice"* (Chambers Global), *"his mastery of complex factual background is hugely impressive"* (Legal 500) and he is *"a major boost to any legal team"* (Chambers UK Bar).

## Cases

### **Name: R(Long Live Southbank) v London Borough of Lambeth**

**Date:** 10th September 2014

**Comment:**

The claimant sought permission to proceed with a claim for judicial review of the decision of the Defendant Registration Authority (for which George Laurence QC and Simon Adamyk acted) to refuse to entertain an application to register as a town green land comprising the skateboard park on the South Bank of the Thames under the Commons Act 2006 (as amended by the Growth and Infrastructure Act 2013).

**Practice Area:** Property

### **Name: AK Investment CJSC v Kyrgyz Mobil Tel Limited**

**Reference:** [2011] UKPC 7; [2011] 1 CLC 205

**Date:** 10th March 2011

**Court:** Privy Council

**Comment:**

Challenge to jurisdiction of High Court of Justice of the Isle of Man -alleged systemic corruption in the executive and judiciary of the Kyrgyz Republic - possibility of obtaining justice in the Kyrgyz Republic - whether Isle of Man was the most appropriate forum for the determination of the issues raised.

**Practice Area:** Commercial Litigation

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**Practice Area:** Commercial Litigation

**Name: JSC BTA Bank v Ablyazov and others**

**Reference:** [2011] EWHC 202 (Comm)

**Date:** 17th February 2011

**Court:** High Court

**Comment:**

A Kazakh bank brought a series of claims worth in excess of US\$1 billion for repayment of sums from its former chairman, who was alleged to have fraudulently misappropriated those sums from the bank. The Defendant denied the claims and applied for a stay of the actions on the basis that they were politically motivated and/or were actions involving the indirect enforcement of a foreign penal, revenue or other public law. The stay applications were held to be non-justiciable save for the allegation that the bank had a collateral purpose in bringing the claims.

**Practice Area:** Commercial Litigation

**Name: Bitel LLC v Kyrgyz Mobil Tel Limited**

**Reference:** Isle of Man, Appeal Division, Case No 2DS 2007/24

**Date:** 2nd January 2008

**Court:** Appeal Division, Isle of Man

**Comment:**

Acted for Altimo Holdings and Investment Limited (a BVI company), OOO Altimo (a Russian company) and Sky Mobile LLC (a Kyrgyz company) (the "Alfa Parties"). Bitel LLC, a key mobile telecommunications operator in the Kyrgyz Republic, commenced proceedings in the Isle of Man to enforce against the Defendant Isle of Man companies a multi-million dollar judgment which had been obtained against them in the Kyrgyz Republic. The Defendant Isle of Man companies counterclaimed against Bitel and against 13 other companies incorporated in various jurisdictions, alleging a fraudulent conspiracy and that the relevant Kyrgyz judgments had been obtained by fraud and that to enforce them in the Isle of Man would be contrary to public policy. The Defendants alleged that they were the rightful owners of the shares in Bitel and the assets of Bitel, and that it was not possible to obtain justice in the Kyrgyz Republic because the executive and judiciary in the Kyrgyz Republic (including the

Supreme Court) were systemically corrupt. The Defendants obtained leave ex parte to serve the Counterclaim out of the jurisdiction on the Alfa Parties. The Alfa Parties applied to set aside that leave on the basis that the Courts of the Isle of Man were not the most appropriate forum for the determination of the issues raised as the claims were more closely connected with the Kyrgyz Republic. The judge at first instance set aside leave to serve the proceedings out of the jurisdiction as the Courts of the Isle of Man were not the most appropriate forum for the determination of the issues raised. The Defendants appealed.

**Held:**

Leave to serve the proceedings out of the jurisdiction would be permitted. The Courts of the Isle of Man were the most appropriate forum for the determination of the issues raised. Permission to appeal to the Privy Council is awaited.

Challenge to jurisdiction of High Court of Justice of the Isle of Man -alleged systemic corruption in the executive and judiciary of the Kyrgyz Republic - possibility of obtaining justice in the Kyrgyz Republic - whether Isle of Man was the most appropriate forum for the determination of the issues raised.

**Practice Area:** Commercial Litigation

**Name: Bitel LLC v Kyrgyz Mobil Tel Limited**

**Reference:** High Court of Justice of the Isle of Man, Case No. CA 2006/07

**Date:** 30th November 2007

**Court:** High Court, Isle of Man

**Comment:**

Acted for Altimo Holdings and Investment Limited (a BVI company), OOO Altimo (a Russian company) and Sky Mobile LLC (a Kyrgyz company) (the "Alfa Parties"). Bitel LLC, a key mobile telecommunications operator in the Kyrgyz Republic, commenced proceedings in the Isle of Man to enforce against the Defendant Isle of Man companies a multi-million dollar judgment which had been obtained against them in the Kyrgyz Republic. The Defendant Isle of Man companies counterclaimed against Bitel and against 13 other companies incorporated in various jurisdictions, alleging a fraudulent conspiracy and that the relevant Kyrgyz judgments had been obtained by fraud and that to enforce them in the Isle of Man would be contrary to public policy. The Defendants alleged that they were the rightful owners of the shares in Bitel and the assets of Bitel, and that it was not possible to obtain justice in the Kyrgyz Republic because the executive and judiciary in the Kyrgyz Republic (including the Supreme Court) were systemically corrupt. The Defendants obtained leave ex parte to serve the Counterclaim out of the jurisdiction on the Alfa Parties. The Alfa Parties applied to set aside that leave on the basis that the Courts of the Isle of Man were not the most appropriate forum for the determination of the issues raised as the claims were more closely connected with the Kyrgyz Republic.

**Held:**

Leave to serve the proceedings out of the jurisdiction would be set aside. The Courts of the Isle of Man were not the most appropriate forum for the determination of the issues raised.

Challenge to jurisdiction of High Court of Justice of the Isle of Man -alleged systemic corruption in the executive and judiciary of the Kyrgyz Republic - possibility of obtaining justice in the Kyrgyz Republic - whether Isle of Man was the most appropriate forum for the determination of the issues raised.

**Practice Area:** Commercial Litigation

**Name: Finecroft Ltd and Winfair Ltd v Lamane Trading Corporation**

**Reference:** Appeal No. BVI HAP 2006/0001

**Date:** 10th May 2006

**Court:** Court of Appeal, Eastern Caribbean

**Comment:**

Anti-suit injunction - discretion - international comity - whether Court should grant anti-suit injunction in respect of proceedings elsewhere where little or no real connection with the jurisdiction

**Practice Area:** Commercial Litigation

**Name: Finecroft Ltd and Winfair Ltd v Lamane Trading Corporation**

**Reference:** Claims Nos. BVI HCV 2005/0264/0265 (Hariprashad-Charles J, 27 April 2006)

**Date:** 27th April 2006

**Court:** High Court, British Virgin Islands

**Comment:**

Mandatory injunction - enforcement - jurisdiction of Court to appoint receiver to carry out terms of mandatory injunction - provisions of CPR - nature of receiver

**Practice Area:** Commercial Litigation

**Name: FFSB Ltd (formerly known as Fortis Fund Services (Bahamas) Limited) v Seward & Kissel LLP**

**Date:** 5th May 2005

**Court:** Supreme Court, Bahamas

**Comment:**

The appellants ("FFSB") appealed against the decision of the Bahamian Court of Appeal, regarding a third party notice to serve outside the jurisdiction. Employees of FFSB were directors of a fund set up to make investments in Tax Sales Certificates. The respondents ("R"), were legal advisors to the fund. The fund went into voluntary liquidation, and claims were brought against FFSB for breaches of the Administration Agreement into which it had entered, its statutory duty and common law duty of care. FFSB applied to issue a third party notice on R, because they had at all times been FFSB's legal advisor, and, due to its close relationship with, and knowledge of, the company, should be held liable for any damage for which FFSB was liable as it owed a duty to advise on the propriety of FFSB's investment policy.

R submitted that the alleged claim was not founded on a tort committed within the jurisdiction, but rather on a Bahamian statute; Tortfeasors Act 1995. It was further submitted that R was not a tortfeasor and that, even if such a tort had occurred for which it was liable, that tort had not been committed in the Bahamas and was therefore outside its jurisdiction.

Held:

(1) The proposed claim was founded in tort, and accordingly did fall within the jurisdiction of the Bahamas for the purposes of Rules of the Supreme Court Order 11 paragraph h. Paragraph h did not exclude claims by a tortfeasor seeking contribution.

(2) The definition of a tortfeasor in Tortfeasors Act 1995 ("Bahamian statute"), was held not to have intended to narrow the definition in the English legislation from which it was derived. R was accordingly a tortfeasor for the purpose of the Bahamian statute. In addition, the alleged negligence claim against R was ex contractu.

(3) That a tort can be committed where the advice was given, and in the instant case that given by R was received and/or acted upon in the Bahamas, and thus the tort was arguably committed there.

Privy Council - Bahamas - part of the Oracle Fund litigation - challenge to jurisdiction of Supreme Court of Bahamas - Tortfeasors Act 1995 - applicability to complex allegations of professional negligence - whether good arguable case shown - whether serious issue to be tried - whether full and frank disclosure given.

**Practice Area:** Commercial Litigation

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Privy Council - Bahamas - part of the Oracle Fund litigation - challenge to jurisdiction of Supreme Court of Bahamas - Tortfeasors Act 1995 - applicability to complex allegations of professional negligence - whether good arguable case shown - whether serious issue to be tried - whether full and frank disclosure given.

**Practice Area:** Commercial Litigation

**Name: Fiorentino Comm Giuseppe Srl v Farnesi and another**

**Reference:** [2005] EWHC 160 (Ch), [2005] 1 WLR 3718, [2005] 2 All ER 737, [2005] 1 All ER (Comm) 575, [2005] All ER (D) 176 (Feb), [2005] BCC 771, Times Law Reports, 3 March 2005

**Date:** 11th February 2005

**Court:** High Court

**Comment:**

Bill of exchange - cheque - liability of signatory - company directors who signed cheques that omitted the word "Limited" from the name of the company were personally liable for payment whether or not the cheques were presented for payment where the drawer had no reason to believe that the cheque would be paid if presented.

**Practice Area:** Company

**Name: The Equitable Life Assurance Society v Roger Bowley & Others**

**Reference:** Widely reported in the national and international press 2002-2006

**Date:** 2nd January 2005

**Court:** High Court

**Comment:**

Instructed on behalf of one or more of the former Directors of The Equitable Life Assurance Society in the multi-billion pound claim brought by the Society against its former Directors for alleged negligence and breach of fiduciary duty. The case attracted huge media interest from 2001 to 2006, and during the course of the six month trial in 2005 received even more intense media coverage. The case settled shortly before judgment was due to be given. This was one of the most contentious and highly-reported cases of the decade, and it has left a lasting legacy in terms of extremely large and complex commercial litigation.

**Practice Area:** Commercial Litigation

## Articles

Date	Title	Contributors
20th September 2017	Assets of community value: compensation Published In <i>Westlaw UK Insight - September 2017</i>	Simon Adamyk

<b>Date</b>	<b>Title</b>	<b>Contributors</b>
20th February 2015	Mind the gaps Published In <i>Property Law Journal</i>	Simon Adamyk
18th December 2013	Piercing the corporate veil -where are we now? Published In <i>New Square Chambers</i>	Simon Adamyk

## Publications

<b>Date</b>	<b>Title</b>	<b>Contributors</b>
20th May 2020	Diversion of public footpaths made easier (R (Open Spaces Society) v Secretary of State for Environment, Food and Rural Affairs) LexisPSL	George Laurence QC Simon Adamyk
1st February 2017	Assets of Community Value: Law and Practice Wildy Simmonds & Hill Publishing	Simon Adamyk
14th April 2016	Macdonald on the Law of Freedom of Information Third Edition Oxford University Press	John Macdonald QC Ross Crail Edwin Simpson Simon Adamyk Adrian Pay Charlotte Ford