



Representative Legal Matters

Thomas Yates

M&A / Corporate

- Represented a consortium of private equity funds in defending an ICC arbitration relating to claims of breach of warranty following the sale of an advertising business operating across Africa to one of the world's largest advertising companies.
- Advised one of the world's leading oil and gas companies in a dispute with a joint venture partner regarding director duties and shareholder obligations under a joint venture agreement.
- Represented one of the Middle East's largest construction companies in an LCIA arbitration against a Russian entity relating to a joint venture dispute valued in excess of USD 200 million arising out of a real estate development in Russia.
- Advised one of Russia's largest manufacturing companies in relation to a unfair prejudice claim and exercise of a put option arising from a joint venture in the telecoms industry.
- Represented a US technology and software company as a minority shareholder in a claim against the majority shareholder and its appointed directors. Obtained an injunction preventing the company from making payments under a series of sham supply contracts and preventing the payment of a dividend, with the court holding that the directors were acting in breach of their fiduciary duties.
- Acted for a leading manufacturer of car parts in a claim for fraudulent misrepresentation and breach of warranty against the seller of a business acquired through a share acquisition.
- Acted for one of the world's largest brewers in an ICC arbitration relating to breach of warranty claims following the purchase of a Ukrainian brewery.
- Advised one of the world's largest maritime security manufacturers in a claim for breaches of warranty and under an indemnity following the purchase of a business from a rival defence manufacturer.

Financial Institutions

- Acted for a subsidiary of one of Russia's largest banks in an LCIA arbitration against a Russian bank following a default under a USD 250 million Subordinated Loan Agreement following a state bail-out of the borrower. The case led to Baker McKenzie being nominated for Arbitration Team of the Year at the 2018 Legal Business Awards.
- Represented a major Russian bank in multiple proceedings brought by and against a group of Russian based borrowers and guarantors. Proceedings were brought in Russia, Cyprus,

Bulgaria, France, the British Virgin Islands and England and involved claims in excess of USD 200 million.

Other - Arbitration

- Acted for a Jersey based trust company, which is a subsidiary a major global bank, in LCIA administered UNCITRAL proceedings concerning a claim by a Kazakh based company.
- Represented a large Scandinavian telecoms manufacturer in a LCIA arbitration against a Singaporean supplier in a dispute concerning overcharging and the supply of defective products.
- Acted for a Taiwanese electronics manufacturer in an ICC arbitration against a European customer in a dispute involving unpaid invoices and the alleged supply of defective products.
- Acted for Stryker Trauma, a large German medical supplies company, involved in a UNCITRAL arbitration, in successfully striking out a challenge under s.67 of the Arbitration Act 1996 to an arbitral partial award.
- Advised a shareholders of an Indian company in successfully resisting a challenge under s.68 of the Arbitration Act 1996, while bringing a successful challenge under the same section.
- Advised numerous clients in relation to arbitration issues, including choices of seat and rules, the enforceability of arbitration agreements and rights under Bilateral Investment Treaties.

Other - Commercial Litigation

- Represented the Kingdom of Saudi Arabia in defending an action brought against it in the English courts concerning acts allegedly committed by the State and its officers within the Kingdom. Thomas successfully appealed an adverse decision of the Court of Appeal relating to the Kingdom's entitlement to rely on the doctrine of state immunity on behalf of itself and its officers and not to be subject to the jurisdiction of the English courts. The appeal was heard before the House of Lords (now known as the Supreme Court), the final domestic appellate court.
- Acted for Tradition (UK) Limited (trading as TradIndex), a large spread betting firm, in recovering a large client debt. Successfully defended an application to set-aside a statutory demand before successfully bringing proceeding under s.262(4)(a) of the Insolvency Act against the debtor and the chairman of the debtor's IVA proposal to revoke the approval of the IVA obtained at a creditors' meeting. Subsequently obtained a bankruptcy order against the debtor.
- Acted for British Airways in its successful application for an interim injunction preventing the Unite union from striking for 12 days over Christmas 2009.
- Represented Ineos Manufacturing Scotland Limited (part of the Ineos Group, the world's third largest chemical company), in High Court proceedings before the Commercial Court. The proceedings were brought against an owner and operator of a combined heat and power

(CHP) plant and related to a contractual dispute concerning the ownership and transfer of CO2 emission credits, allotted under the EU Emissions Trading Scheme, valued at in excess of GBP 100 million.

- Advised numerous banks, energy companies and trading houses on rights and obligations under primary and secondary Emission Reduction Purchase Agreements (ERPAs).