

## Orlando Fraser

Called: 1994



### Areas Of Practice

Orlando is recommended in the 2009 Legal 500 for Fraud (civil) and in 2010 Chambers UK for Chancery (commercial), and Fraud (civil).

Quotes from Legal 500 and Chambers UK editions include:

*"he is highly rated...wide range of instructions....across commercial litigation, civil fraud and commercial chancery work"*

*"...Leading junior Orlando Fraser is "able to see the big picture at all times". Clients assess his legal analysis and skill set as being of the highest water, and value the "real delicacy of his highly persuasive advocacy"..."*

*"especially brilliant at the paperwork and really burrows down to the facts of a case"*

*"...has a fantastic feel for evidence", especially witness evidence..."*

*"...clients consider him "a very much a 'roll your sleeves up' sort of person"..."*

*"...tremendous common sense and intelligence..."*

*"...His worldly wise approach and his forensic analysis of evidence continues to win him approbation..."*

Orlando specialises in litigation concerning, and advice on, all aspects of corporate affairs, including particularly civil fraud asset recovery, commercial/chancery disputes, and insolvency.

#### Fraud (Civil)

Numerous civil fraud and asset tracing cases since the 1990s including BCCI v. BoA, Marc Rich v. Krasner, Re Barton Manufacturing and Imperial Consolidated Group. Cases in 2008 included Noble Resources & anor v Gross (instructed by Peters and Peters - a global commodities trading case involving claims of breach of trust, fraud, and misrepresentation), and Capital Hotels Ltd vs Snell & anor (instructed by Rosenblatts - lead by Robert Hildyard QC - involving breach of fiduciary duty, constructive trust and equitable accounts).

#### Commercial / Chancery Disputes

Orlando's established commercial/chancery practice has recently included the 2007 completion of the Thames Wharf Complex property litigation (instructed by Rosenblatts), involving Lord Rogers and his former partners; successfully concluding ancillary litigation to the Ocean Marine Mutual v. Windsor Lloyds broking litigation (instructed by Clyde & Co); a trial in 2008 for London hedge-fund North Asset Management over an offshore renewable energy project (instructed by Stephenson Harwood, and lead by John Brisby QC), and successfully defending application for inquiry as to damages on interim injunction cross-undertaking in 2009; acting also in 2009 for Bulgaria Telecom (instructed by Rosenblatts, and lead by Rhodri Davies QC) in an action against RBS over repayment of senior and mezzanine debt under a \$1.5bn syndicated loan agreement; and for the Depository Trusts and Clearing Corporation (instructed by Allen & Overy and lead by Robert Miles QC) following its failed merger with Clearent.

#### Insolvency Litigation

Orlando has a long established insolvency practice dating back to Sheppard v Cooper v TSB Bank Plc [1996] 2 All ER 654, Re Dawes & Henderson (Agencies) (No 2) [1999] 2 BCLC 317; Re Galeforce Pleating [1999] 2 BCLC 704, which includes 7 years between 2003 and 2006 spent defending the \$10bn s.213 Insolvency Act 1986 claim brought against the Bank of America by the Liquidators of the BCCI Group - see Morris & Ors v Bank of America National Trust & Savings Association & Ors [2000] 1 All ER 954; and in 2009 acting for a proprietary creditor in the Kaupthing administration (instructed by RPC).

### Cases Of Interest

Sheppard v Cooper v TSB Bank Plc [1996] 2 All ER 654 (appointment of administrative receivers 1 hour after demand under debenture);

Re Barton Manufacturing Co Ltd [1998] BCC 827, [1999] 1 BCLC 741 (recovery of company's assets from directors as transactions at an undervalue, and misfeasance);

Re Dawes & Henderson (Agencies) (No 2) [1999] 2 BCLC 317 (leave for disqualified director to resume acting as a director; acting for director);

Re Galeforce Pleating [1999] 2 BCLC 704 (directors disqualification - duties of a non-executive director - duty to cooperate with Liquidator; acting for DTI);

Morris & Ors v Bank of America National Trust & Savings Association & Ors [2000] 1 All ER 954; The Times, January

### Areas of Practice

- Fraud (Civil)
- Commercial / Chancery Disputes
- Insolvency Litigation

25 1999, CA (BCCI); fraudulent trading under s.213 of IA 1986; strike out appeal; CPR's overriding objective; litigation IT. continuing work on case, including US and global disclosure, US and global witness statements, mediation, case management 2000-2004;

Marc Rich & Co Holding GmbH v Krasner & ors Jan 15, 1999, CA; para 25.3.5 White Book 2003 - breach of trust; mareva and proprietary injunctions - application to set aside;

Smith vs Spread Trustees & ors (2001-2) breach of trust; fraud; mareva and proprietary injunctions, material non-disclosure, application to set aside;

Isoft plc v Misys plc (2002-3) Collins J and CA - non-compete covenant, injunctions, Sudbrook Trading, void for uncertainty;

Hamilton v Fayed (No 2) [2002] EWCA Civ 665; [2003] 2 WLR 128 - third party costs - pure funders not normally liable;

Kenya Ports Authority vs WIB Ltd (2003-4) - foreign insurance, allegations of breach of trust and grossing up;

North Principal Investments Limited v Greenoak & Ors [2008] EWHC 2047 (Ch) interim injunction, balance of convenience;

North Principal Investments Limited v Greenoak & Ors [2009] EWHC 985 (Ch) rejected inquiry as to damages upon interim injunction cross-undertaking

## Appointments

Directors Disqualification list for the DTI, 1997-1999.

## Overseas Qualifications

Admitted to Bar of South-West Texas, pro hac vice, 1998.

## Professional

Member of the Commercial Bar Association and the Chancery Bar Association.



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