

Sarah O'Keeffe

YEAR OF CALL: 2021

Clerk's Email: TonysClerkingTeam@brickcourt.co.uk



Practice Overview

Sarah is a sought after competition law junior, with additional specialisms in technology, (private and public) international law, sport, commercial and public law. Notably, she acted for the Class Representative in the recent *Mark McLaren v MOL and others* ('RoRo') trial, and as the sole junior for the defendants in the UK's third ever cartel damages trial (*Granville v LG Display*). She has particular experience of the collective action regime, in addition to RoRo also acting for the class representatives in *Gormsen v Meta*, and *Rodger v Google*.

Prior to joining the Bar, Sarah obtained a first in Jurisprudence with Spanish Law and a distinction on the BCL (both from Brasenose College, Oxford). She also worked as a research assistant to professors Ariel Ezrachi (competition law) and Rebecca Williams (law and computer science, and public law), and for the British Institute of International and Comparative Law (private international law and AI). She speaks fluent Spanish and conversational Turkish.

Competition

Sarah accepts instructions across all areas of competition law. Her recent experience includes:

- *Gormsen v Meta* [2024] CAT 11 – acting for the class representative in the renewed claim on behalf of Facebook users for abusive practices relating to Facebook's use of data (led by Robert O'Donoghue KC, Tom Coates and Greg Adey).
- *Granville Technology Group Limited v LG Display Co. Limited* [2024] EWHC 13 (Comm) – junior counsel for the defendants in the UK's third ever trial of a cartel damages claim (led by Hanif Mussa KC).
- *Mark McLaren Class Representative Ltd v MOL (Europe Africa) Ltd & Ors* [2022] EWCA Civ 1701 – acting for the class representative in the RoRo collective proceedings (led by Sarah

Ford KC and Nicholas Gibson).

- *Rodger v Google* – acting for the class representative in a claim brought on behalf of app developers against Google for abuse of dominance relating (*inter alia*) to the 30% commission charged on the Google Play Store (led by Robert O'Donoghue KC and Daniel Carall-Green).
- *The Secretary of State for Health and Social Care and others v Lundbeck* – acting for the eighth and ninth defendants in a pharmaceutical follow-on damages claim relating to citalopram litigation settlement agreements (led by Robert O'Donoghue KC).
- *IMG Data Limited v Perform Content Services Limited* – acted for a defendant sports data company regarding the competition aspects of a contractual claim (led by Mark Hoskins KC).
- *JJH Enterprises Limited (t/a ValueLicensing) v Microsoft Corporation* – acted for Microsoft in a claim concerning the sale of second-hand licences (led by Robert O'Donoghue KC, Nikolaus Grubeck and Michael Armitage).
- *Granville Technology Group Limited v LG Display Co. Limited* [2022] EWHC 3271 (Comm) – successfully struck out a claim to post-insolvency compound interest in the equitable jurisdiction in a cartel damages claim (led by Daniel Piccinin KC).
- *Samsung Electronics Co. Limited v LG Display Co. Ltd* [2023] EWHC 203 (Comm) – acted for LG Display in a successful strike-out application relating to abuse of process and *forum conveniens* in a jurisdictional challenge to a LCD cartel settlement contribution claim (led by Daniel Piccinin KC).
- *RWE Renewables UK Robin Rigg East Limited v Prysmian Cavi e Sistemi S.r.l.* – acted for the defendants in a follow-on damages claim relating to the Power Cables cartel found by the European Commission (led by Helen Davies KC).
- *Pfizer Inc v Competition and Markets Authority* [2022] CAT 56 – acted for Pfizer to challenge the CMA's remittal finding of excessive pricing in the UK market for manufacture of Pfizer-manufactured phenytoin sodium capsules (led by Mark Brealey KC, Robert O'Donoghue KC and Tim Johnston).
- Instructed by a sporting body in relation to a Sports Resolutions panel claim (led by Marie Demetriou KC, Daniel Piccinin KC, Ravi Mehta and Emmeline Plews).
- *British Airways plc v Civil Aviation Authority* – assisted in preparing regulatory proceedings for British Airways in respect of airport licence conditions and price controls (led by Jemima Stratford KC and Malcolm Birdling).
- Advised a defendant to a collective follow-on damages action in a musical instrument cartel (led by Aidan Robertson KC).
- *Kent v Apple* – collective proceedings in the CAT relating to the App Store (as a pupil, assisting Daniel Piccinin KC)
- *Allergan Plc and others v CMA* – CAT challenge to a CMA decision to fine various pharmaceutical manufacturers of hydrocortisone tablets under Chapters I and II of the Competition Act 1998 (as a pupil, assisting Tim Johnston)
- *Various retailers v Visa* – CAT damages proceedings relating to pass-on and interchange fees (as a pupil, assisting Daniel Piccinin KC)

International/EU

Sarah accepts instructions across all areas of international law. Her recent experience includes:

- *Amicus brief by the Global Strategic Litigation Council for Refugee Rights in support of 39 Venezuelan asylum seekers before the Constitutional Court of Colombia* – an intervention on behalf of a human rights NGO in the Colombian Constitutional Court concerning whether certain aspects of Colombia's work visa scheme were compatible with public international law (on a team led by Raza Husain KC and Ali Al-Karim).
- Assisting in advising a NGO in relation to possible GDPR and international human rights claims against a global technology company (as a pupil, assisting Jennifer Macleod)
- Assisting with an ECHR discrimination application (as a pupil, assisting Tim Johnston)

Commercial

Sarah accepts instructions in all areas of commercial law. Her recent experience includes:

- *Azima v RAKIA, Dechert and others* [2022] EWHC 1295 (Ch) – proceedings against a global law firm and a retired English solicitor arising out of hacking of a businessman's data (assisting with a disclosure exercise; and as a pupil, assisting Laura Newton).
- *Samuels v Imperial College London* – acting for the University defending a claim brought by a former student (unled).
- *Roberts v MOD/SSAFA* – Supreme Court appeal on extra-territorial effect of the Civil Liability (Contribution) Act (as a pupil, assisting Charles Hollander KC)
- *SR Projects v Liquidator of the Hindu Credit Union* [2022] UKPC 24 – successful Privy Council appeal relating to an issue of Trinidad & Tobago banking law (as a pupil, assisting Laura Newton)
- *X v Y* – multiple proceedings for an insurance and reinsurance broker arising out of a fatal aeroplane crash in Colombia (as a pupil, assisting Laura Newton)
- *Mahmood v Big Bus* – a negotiating damages claim between joint venture parties (as a pupil, assisting Daniel Piccinin KC)
- *Federal Republic of Nigeria v Tibit Limited* – BVI court proceedings concerning a Bombardier jet alleged to have been acquired using the proceeds of substantial fraud in relation to the valuable oil field OPL-245 (as a pupil, assisting Laura Newton)
- *A v B* – unfair prejudice and breach of contract alleged against an Indian multinational information technology services and consulting company in relation to an English tech start-up in the healthcare system (as a pupil, assisting Laura Newton)

Public Law

Sarah accepts instructions across all areas of public law. Her recent experience includes:

- *Amicus brief by the Global Strategic Litigation Council for Refugee Rights in support of 39 Venezuelan asylum seekers before the Constitutional Court of Colombia* – an intervention on behalf of a human rights NGO in the Colombian Constitutional Court concerning whether certain aspects of Colombia's work visa scheme were compatible with public international law (on a team led by Raza Husain KC and Ali Al-Karim).
- Advising a human rights organisation about a possible intervention in a judicial review of regulatory legislation (led by Marie Demetriou KC and Malcolm Birdling).
- *British Airways plc v Civil Aviation Authority* – assisted in preparing regulatory proceedings for British Airways in respect of airport licence conditions and price controls (led by Jemima Stratford KC and Malcolm Birdling).
- *Samuels v Imperial College London* – acting for the University defending a claim brought by a former student (unled).
- *R (o.a.o. WA) v the Director of Legal Aid Casework* – acting for the Director of Legal Aid Casework in relation to the challenge of a legal aid determination (led by Malcolm Birdling).
- *R (NoteMachine) v Payment Services Regulator* – challenge brought by a leading ATM operator to the PSR's decision not to open investigations into LINK's setting of ATM interchange fees (as a pupil, assisting Tim Johnston)
- *R (UTAG) v Transport for London* – Court of Appeal proceedings resisting a challenge to TfL's licensing of a private hire vehicle operator (as a pupil, assisting Tim Johnston)
- Assisting in advising a NGO in relation to possible GDPR and international human rights claims against a global technology company (as a pupil, assisting Jennifer Macleod)
- Assisting with an ECHR discrimination application (as a pupil, assisting Tim Johnston)
- Assisting in advising various government departments on their statutory powers, including the Legal Services Board (as a pupil, assisting Tim Johnston)

PUBLICATIONS

R O'Donoghue KC & S O'Keeffe, 'Hitting the "Return" Key: Disgorgement in UK/EU Antitrust Laws', *Competition Policy International* (August 2023).

British Institute of International and Comparative Law (E Lein, S Migliorini, C Bonzé & S O'Keeffe), 'Study on the Rome II Regulation (EC) 864/2007 on the law applicable to non-contractual obligations', JUST/2019/JCOO_FW_CIVI_0167. Study on behalf of the European Commission reviewing the operation and interpretation of Rome II across the EU, with primary responsibility for Rome II's interaction with Artificial Intelligence.

PROFESSIONAL EXPERIENCE

British Institute of International and Comparative Law, Research Assistant (August 2020–April 2021)

Pembroke College, Oxford, Research Assistant to Rebecca Williams, primarily in law and computer science and public law (July 2020–July 2021)

Pembroke College, Oxford, Research Assistant to Ariel Ezrachi in competition law (December 2019 – August 2020)

St John's College, Oxford, Admissions Assistant (2019)

Senior Oracy Trainer, The English-Speaking Union (2016–2019)

Mentor, Debate Mate (2012–2019)

Rowing Coach (2008–2019) and Assistant Operations Manager (2017–18), London Youth Rowing

Debating Coach, Lady Margaret School (2016–17)

EDUCATION & QUALIFICATIONS

Education:

2021: Bar Course at the Inns of Court College of Advocacy

2020: BCL at Brasenose College, Oxford (Distinction)

2017: BA in Jurisprudence with Law Studies in Europe (Universitat Pompeu Fabra, Barcelona) at Brasenose College, Oxford (First Class)

Prizes and Scholarships:

23 Essex Street Michael Hill QC Memorial Prize for Criminal Litigation (top of year)

Inns of Court College of Advocacy Award for BSB Civil Litigation Assessment

Gray's Inn Prince of Wales Scholarship

BPP Advocate of the Year Regional Team Champion and Individual National Finalist

One Essex Court Chambers BCL Scholarship

Barry Nicholas BCL Scholarship

Brasenose College Finals Prize

Harold Parr Bursary

Universitat Pompeu Fabra Matrícula de Honor for best Fundamental Rights and Freedoms examination

Brasenose College Collection Prize

Semi-Finalist of the Landmark Chambers, ICLR, Shearman & Sterling, Holdsworth and Oxford Legal Assistance Mooting Competitions; member of the Oxford Cuppers winning Brasenose Mooting Squad

Lloyds Banking Group Scholarship

Corporation of London Leaving Scholarship

The Lord Mayor's Prize for A Level Results

Worshipful Company of Innholders Full Academic Scholarship

PROFESSIONAL EXPERIENCE

British Institute of International and Comparative Law, Research Assistant (August 2020–April 2021)

Pembroke College, Oxford, Research Assistant to Rebecca Williams, primarily in law and computer science and public law (July 2020–July 2021)

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