

## Thomas Plewman KC

YEAR OF CALL: ENGLAND AND WALES: 2009; SOUTH AFRICA: 1993

YEAR OF SILK: 2016

*"Amazing ability to explain complex legal principles in basic understandable terms. Great with clients and fantastic on his feet." (Legal 500 2024)*


(Legal 500 2024)

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## Practice Overview

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Heavy commercial trial practice with extensive experience across a wide front including commercial fraud, financial services, professional negligence and insurance.  Legal 500 2024 refers to his " *Amazing ability to explain complex legal principles in basic understandable terms. Great with clients and fantastic on his feet* " while Chambers and Partners describes him as " *an exceptional barrister with a grip on the technical law. He is extremely proficient on accounting issues.*" Selected for The Lawyer's Hot 100 in 2019.

His 2024 engagements include leading in trial of the claims for hacking and procuring a judgment by fraud in *Azima v Ras al Khaimah Investment Authority*; Ernst and Young's defence of the \$3bn damages claims brought by NMC Plc (in administration) following the collapse of its Middle Eastern healthcare business (preparing for trial in 2025); acting for AIG UK Limited on the arbitration of Alexander Forbes' claims for insurance indemnity for loss caused by negligent advice on pension scheme transfers; defending Norfinance on the \$80m conspiracy claims in *Crane Bank Limited v DFCU Bank Ltd*; and acting in both court and arbitration claims for a number of companies in the Summa Group against a wide array of Russian and international defendants for losses connected to the alleged state sponsored conspiracy to strip it of its interests in the Port of Vladivostok.

In 2022-3, he amongst other matters defended the third to eighth defendants in the \$1.9bn fraud and unjust enrichment claims in the trial in *PJSC Bank v Kolomoisky* [2019] EWCA Civ 1708 (judgment awaited); successfully resisted the appeal in *Azima v Ras Al Khaimah Investment Authority* [2023] EWCA Civ 507; defended R+V Versicherung AG on Covid-19 business interruption claims in South Africa; and appeared in a range of hearings in the Summa Group litigation and arbitrations.

He appeared in cases listed in The Lawyer's top 20 for each of 2022 (postponed to 2023), 2017, 2015, 2013 and 2011 - *PJSC Bank v Kolomoisky* (2023), *Holyoake v Candy* (2017), *Cattles Group v PriceWaterhouseCoopers LLP* (2015, settled after opening submissions filed), *Deutsche Bank AG v Sebastian Holdings Inc* [2013] EWHC 3463, *British Sky Broadcasting Limited and Others v Office of Communications* [2012] CAT 20. He has a breadth of experience across wide ranging commercial fields, including banking and company law, fraud, auditors' and solicitors' professional negligence, insurance/reinsurance and confidential information.

He has also been called in the British Virgin Islands and the DIFC, and is also a silk in South Africa (2008).

Recent reported cases include:

- *Ras Al Khaimah Investment Authority v Azima* [2023] EWCA Civ 507
- *JSC Commercial Bank Privatbank v Kolomoisky* [2023] EWHC 793 (Ch)
- *YDU v SAB* [2022] EWHC 3304 (Ch)
- *Ras Al Khaimah Investment Authority v Azima* [2022] EWHC 2727
- *Santam Limited v Ma-Afrika Hotels (Pty) Ltd* 2021 JDR 2421 (SCA)
- *Autostore Technology AS v Ocado Group Plc* [2021] EWCA Civ 1003 and [2021] EWHC 1614 (Pat)
- *Samsung Electronics Co Ltd v LG Display Co Ltd* [2021] EWHC] 1429
- *Azima v Ras Al Khaimah Investment Authority* [2021] EWCA Civ 349
- *SBM Bank (Mauritius) Ltd v Renish Petrochem FZE and Mehta* [2018] DIFC CFI 054
- *Executive Counsel of the FRC v Deloitte (In the Disciplinary Tribunal under the Accountancy Scheme)*

## Commercial

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Thomas acts in substantial commercial trials across a wide compass.

In 2023, he defended the third to eighth defendants in the \$1.9bn fraud and unjust enrichment claims in the trial in *PJSC Bank v Kolomoisky* ([2019] EWCA Civ 1708 (judgment awaited); successfully resisted the appeal in *Azima v Ras Al Khaimah Investment Authority* [2023] EWCA Civ 507; appeared in a range of hearings in the Summa Group litigation and arbitrations and acted for Norfinance on the \$80m conspiracy claims in *Crane Bank Limited v DFCU Bank Ltd*.

In 2021-2 he acted in proceedings to prevent the disclosure of without prejudice communications in US proceedings in *Autostore Technology AS v Ocado Group Plc* [2021] EWCA Civ 1003 and [2021] EWHC 1614 (Pat); the jurisdiction challenge to cartel follow-on damages contribution claims in *Samsung Electronics Co Ltd v LG Display Co Ltd* [2021] EWHC] 1429; the appeal from

the first trial judgment in the conspiracy to proceedings in *Azima v Ras Al Khaimah Investment Authority* [2021] EWCA Civ 349 and the fraud trial in *SBM Bank (Mauritius) Ltd v Renish Petrochem FZE and Mehta* [2018] DIFC CFI 054 (for the third defendant against whom the claim was withdrawn on the first day).

In 2019-20 he acted in the appeal in *PJSC Bank v Kolomoisky* [2019] EWCA Civ 1708; the seven-week trial in the Accountancy Scheme Disciplinary Tribunal of *The Executive Counsel of the FRC v Deloitte*; as well as *Flowgroup Plc v Co-operative Energy Ltd* [2019] EWHC 2344 (Comm); and the BVI jurisdiction proceedings in *Wilton Trustees (IoM) Limited v AFS Trustee Limited and others* BVIHC (COM) 2018/154.

Older cases include the Supreme Court jurisdiction appeal the claims arising from a failed Portuguese Bank in *Goldman Sachs International v Novo Banco* [2018] UKSC 34; and E20's defence of West Ham United's claims relating to the rights to use the London Stadium, [2018] EWHC 2367 (Ch), specific disclosure and redaction - [2018] EWHC 2578 (Ch); and privilege [2018] EWHC 2784 (Ch); with an expedited appeal on the last shortly before the trial,

Thomas has wide-ranging experience of valuation matters and is able to accept S.238 valuation matters in the Cayman Islands. He has a first degree in commerce and accountancy, and has for 20 years acted in audit negligence cases with frequent exposure to valuation issues in that context.

## Arbitration

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Thomas is currently and has in 2022-2023 been acting in a range of arbitrations for a number of companies in the Summa Group against an array of international defendants for losses connected to the alleged Russian state sponsored conspiracy to strip the Group of its interests in amongst others the Port of Vladivostok; and in the arbitration of Alexander Forbes insurance claims against AIG UK arising from its liabilities for negligent pension advice. He defended Covid-19 insurance claims against R+V Versicherung AG and Old Mutual Insured Limited in 2023.

He previously acted in a number of South African and UK arbitration claims, including a 2019 dispute over liability for the loss of gold bars consigned from South Africa to Europe; and for Sishen Iron Ore Company in a well-publicised arbitration over long term ore supplies to ArcelorMittal South Africa, in which Sishen defeated ArcelorMittal's claims to be contractually entitled to a substantial portion of the new Kolomela iron ore mine.

## Professional negligence

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Thomas has acted extensively in accountancy cases for more than two decades.

He is currently leading Ernst & Young's defence of the \$3bn damages claims brought by NMC Plc (in administration) following the collapse of its Middle Eastern healthcare business (preparing for trial in 2025) and Deloitte's defence of the \$800m claims in Hong Kong for losses caused by fraudulent trading of the China Fisheries Group; and acts for Saffery Champness in matters arising from the collapse of Greensill Bank.

In recent years he acted for KPMG in claims brought for alleged breaches of duty in providing corporation tax services to Mount Anvil Group Limited; and in a claim on behalf of a company against a tax law barrister and specialist advice firm. In 2019/20 he defended Deloitte in the seven-week trial in the Accountancy Scheme Disciplinary Tribunal of *The Executive Counsel of the FRC v Deloitte* (arising from the audits of Autonomy plc in 2009 and 2010). He acted as an expert witness on South African law in the Netherlands in claims brought by Steinhoff investors against Deloitte.

Older cases include acting in *The Executive Counsel of the FRC v McBurnie*; *Cayton's Law v RSM Tenon* (previously Baker Tilly) in the claim brought against it for breach of duty in giving expert accounting evidence); *Aramid Investments Limited v Grant Thornton* in the claims in regard to the values of investments in film productions (all of which were ultimately settled; *Exsus Travel Ltd v Baker Tilly* [2016] EWHC 2818 (Ch); and the £1.6bn claim in *Cattles Limited v PriceWaterhouseCoopers LLP* which settled after opening submissions were filed in October 2015); *Festive Products v KPMG* (settled in 2014) and *Bethell Construction Ltd v Deloitte and Touche* [2011] EWCA Civ 1321.

In South Africa Thomas acted regularly for the big four auditing firms in South Africa as both a junior and a silk. Significant South African cases included *Axiam Holdings Ltd v Deloitte & Touche* 2006 (1) SA 237 (SCA) (concerning auditors duties to third parties) and the leading case on auditor's contractual liability, *Thoroughbred Breeders Association v Pricewaterhouse* 2001(4) SA 551 (SCA). In addition, he acted regularly in South Africa for the Independent Regulatory Board for Auditors and SA Institute of Chartered Accountants.

## Civil fraud

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Thomas is acting in the 2024 trial of the claims for hacking and procuring a judgment by fraud in *Azima v Ras al Khaimah Investment Authority* (having defended the interlocutory appeal [2023] EWCA Civ 507); defending Norfinance on the \$80m conspiracy claims in *Crane Bank Limited v DFCU Bank Ltd*; defending Ernst and Young on the \$3bn damages claims brought by NMC Plc (in administration) arising from executive fraud in its Middle Eastern healthcare business (preparing for trial in 2025); and in both court and arbitration claims for a number of companies in the Summa Group against a wide array of Russian and international defendants for losses connected to the alleged state sponsored conspiracy to strip it of its interests in amongst others the Port of Vladivostok.

In 2023, he amongst other matters defended the third to eighth defendants in the \$1.9bn fraud and unjust enrichment claims in the trial in *PJSC Bank v Kolomoisky* [2019] EWCA Civ 1708 (judgment awaited).

Previous fraud cases include the \$30m fraud claims in *SBM Bank Mauritius Ltd v Prime Energy FZE* [2018] DIFC CFI 054; the £130 million claim for damages for deceit, duress and intimidation in *Holyoake v Candy* [2017] EWHC 3397 (Ch); and claims under forward ticket sale agreements subject to fraud defences in *Ticketus LLP v Rangers Football Club (in liquidation)*. His expertise in accounting matters (see Professional Negligence) is of particular value in fraud claims.

## Insurance and reinsurance

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Currently defending AIG UK on Alexander Forbes' claims for indemnity of losses from claims for negligent pension transfer advice; and Hollard Mozambique on claims for Machinery Breakdown at a Mozambican power plant. Recent insurance cases include the arbitration of Bryte Limited's Covid-19 business interruption reinsurance claims against R+V Versicherung; and Old Mutual Group's claims against Old Mutual Insure Limited for loss of rental income on its South African property portfolio arising from the Covid-19 lockdown.

Thomas previously acted in multi-case litigation of Covid 19 business interruption insurance claims in South Africa against both Santam Limited and Old Mutual Limited, including the appeal to the Supreme Court of Appeal on the interpretation of indemnity periods in *Santam Limited v Ma-Afrika Hotels (Pty) Ltd* 2021 JDR 2421 (SCA), and advised a range of South African and English insurers on exposures to South African insurance and reinsurance claims. Other recent cases include *Contact Print and Packaging Ltd v Travelers Insurance Company Limited* [2018] EWHC 83 (TCC); and *Brit Inns Ltd (In Liquidation) v BDW Trading Ltd* 145 Con LR 181.

Thomas regularly acted in insurance matters in South Africa. Reported judgments of insurance cases in which he acted include *Van Zyl NO v Kiln Non-marine Syndicate No 510* 2003 (2) SA 440 (SCA) and *David Trust v Aegis Insurance Co Ltd* 2000 (3) SA 289 (SCA).

## Reported cases

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- *Ras Al Khaimah Investment Authority v Azima* [2023] EWCA Civ 507
- *JSC Commercial Bank Privatbank v Kolomoisky* [2023] EWHC 793 (Ch)
- *YDU v SAB* [2022] EWHC 3304 (Ch)
- *Ras Al Khaimah Investment Authority v Azima* [2022] EWHC 2727
- *Santam Limited v Ma-Afrika Hotels (Pty) Ltd* 2021 JDR 2421 (SCA)
- *Autostore Technology AS v Ocado Group Plc* [2021] EWCA Civ 1003 and [2021] EWHC 1614 (Pat)
- *Samsung Electronics Co Ltd v LG Display Co Ltd* [2021] EWHC] 1429

- *Azima v Ras Al Khaimah Investment Authority* [2021] EWCA Civ 349
- *Executive Counsel of the FRC v Deloitte* (In the Disciplinary Tribunal under the Accountancy Scheme)
- *PSJC Commercial Bank Privatbank v Kolomoisky* [2019] EWCA Civ 1708; [2018] EWHC 3308 (Ch) and [2018] EWHC 482 (Ch)
- *Flowgroup Plc v Co-operative Energy Ltd* [2019] EWHC 2344 (Comm)
- *Wilton Trustees (IoM) Limited v AFS Trustee Limited and others* BVIHC (COM) 2018/154
- *Goldman Sachs International v Novo Banco SA* [2016] EWCA Civ 1092 and [2018] UKSC 34
- *West Ham Holdings v E20 Stadium LLP* EWHC 2367 (Ch), [2018] EWHC 2578 (Ch), [2018] EWCA Civ 2652 and [2019] EWHC 999 (Ch)
- *Signia Wealth v Vector Trustees Ltd* [2018] EWHC 1040 (Ch) and [2018] EWHC 1774 (Ch)
- *Contact Print and Packaging Ltd v Travelers Insurance Company Limited* [2018] EWHC 83 (TCC)
- *Holyoake v Candy* [2016] EWHC 3065 (Ch); [2017] EWHC 3397 and [2018] EWHC 502 (Ch)
- *Exsus Travel Ltd v Baker Tilly* [2016] EWHC 2818 (Ch)
- *CH Trustees v Omega Services Group Ltd* (BVI HC 0037/2015)
- *GB Minerals Holdings Ltd v Short* [2015] EWHC 1387 (TCC)
- *Sarclad Ltd v APT Technology* [2014] EWHC 2640 (Ch)
- *QOGT Inc v IOGT Ltd* [2014] EWHC 1628 (Comm)
- *Cavendish CF LLP v KIMS Propco Ltd* [2013] EWHC 722 (Ch) and [2014] EWHC 1282 (Ch)
- *Deutsche Bank AG v Sebastian Holdings Inc* [2014] EWCA Civ 1100 and [2013] EWHC 3463 (Comm)
- *Fortress Value Recovery Fund I LLC v Blue Skye Special Opportunities Fund* [2012] EWHC 1486 (Comm) and [2013] 1 All E.R. (Comm) 973
- *British Sky Broadcasting Limited and Others v Office of Communications* [2012] CAT 20
- *Brit Inns Ltd (In Liquidation) v BDW Trading Ltd* 145 Con LR 181
- *Bethell Construction Limited v Deloitte and Touche* [2011] EWCA Civ 1321
- *Erlson Precision Holdings Ltd v Hampson Industries Plc* [2011] EWHC 1137 (Comm)
- *Everton Football Club Company Limited v Sail Group Limited* [2011] EWHC 126 (QB)
- *Gibbon v Manchester City Council* [2010] 1 W.L.R. 208 (CA)
- *L G Blower Specialist Bricklayer Ltd v Reeves and another* [2010] 1 W.L.R. 2081 (CA)
- *Prebble v Costa* [2010] EWCA Civ 717

## Qualifications

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B Com (UCT, cum laude); LLB (Wits, cum laude); BCL (Oxon).

Graduated as top LLB student in his year; Awarded a Rhodes Scholarship for South Africa in 1990.

## Directory Quotes

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- "Thomas is really considered and measured. He has a good head for the details." (Chambers & Partners 2024)
- "Thomas is an excellent barrister and advocate who quickly focuses on the right issues." (Chambers & Partners 2024)
- "Thomas Plewman is very knowledgeable in the accountancy space; he understands complex accounting issues and can go through them forensically and pick them apart." (Chambers & Partners 2024)
- "Thomas is an exceptional barrister with a grip on the technical law. He is extremely proficient on accounting issues." (Chambers & Partners 2024)
- "He is an eloquent and engaging advocate." (Chambers & Partners 2024)
- "Thomas is an excellent lawyer and advocate who quickly focuses on the right issues." (Chambers & Partners 2024)
- "Amazing ability to explain complex legal principles in basic understandable terms. Great with clients and fantastic on his feet." (Legal 500 2024)
- "Very sharp and clever, he cuts to the chase and doesn't waste time on non-issues. He is easy to work with, flexible and generally available and good on his feet." (Legal 500 2024)
- "Thomas is likeable and professional." (Legal 500 2024)
- "Thomas is a very sharp silk, flexible and good on his feet." (Legal 500 2024)
- "He was technically very good and got up to speed quickly with a difficult claim." (Chambers & Partners 2023)
- "He deals with complex issues very well and effectively masters his brief." (Chambers & Partners 2023)
- "He is astute, highly knowledgeable and clear in his thinking." (Chambers & Partners 2023)
- "Clarity and speed of advice. He thinks laterally. Critically he is very good to work with in a team." (Legal 500 2023)
- "Incredibly hard-work and diligent. Gets on top of all of the detail very very quickly. An extremely polished advocate, both written and orally." (Legal 500 2023)
- "He's properly clever. A thorough, precise and effective advocate - he's really excellent." "He is user-friendly and good at focusing on important points of detail. You really feel you are being guided by an expert." (Chambers & Partners 2022)
- "Highly astute and provides an impressive service." "He's down to earth, pragmatic, and something of an iron fist in a velvet glove." (Chambers & Partners 2022)
- "Incisive and unflappable under pressure - a cool head." (Legal 500 2022)
- "He has flair and is very bright." "Thomas is exceptionally astute and is a really good strategic thinker who adds another dimension to a legal team." (Chambers & Partners 2021)
- "He is an absolute pleasure to work with. He gives crystal-clear advice and in a crisis he is the epitome of calmness. He is definitely someone for the shortlist in really tough and strategically complex litigation. His drafting and advice have been faultless." "Bright as a button and he is really good at strategy." (Chambers & Partners 2021)

- "Extremely conscientious and hardworking: A barrister of detail and determination, always striving to do the best for his clients." (Legal 500 2021)
- "He is noted for auditors' negligence claims." (Legal 500 2021)
- "He is very considered, doesn't make silly points and makes the judge feel like they can trust him. He's very bright." (Chambers & Partners 2020)
- "Very measured and thoughtful in his approach, and has a really good, unruffled style in court." "He's very approachable, he's so on top of everything that's going on, and he's so well prepared." (Chambers & Partners UK & Global 2020)
- "He is noted for auditors' negligence claims." (The Legal 500 2020)

## Languages

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Afrikaans (spoken); Dutch and Flemish (read)