

## CALEY WRIGHT

CALL: 2008

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## OVERVIEW

Caley specialises in commercial litigation and arbitration with a focus on civil fraud, company and insolvency matters.

He is experienced both as part of a team in large scale commercial litigation, having acted as a junior in *JSC BTA Bank v Ablyazov* for a number of years, and acting as sole Counsel in the High Court and appellate courts. He has recently acted on *Uralkali v Rowley*, a multi-week trial in the Chancery Division arising out of the sale of an FI team, and is currently instructed in the £180 million fraud claim brought by the administrators of London Capital & Finance.

Caley is instructed on offshore as well as onshore matters including in the BVI and Cayman Islands, and is a registered practitioner in the DIFC Court, in which he currently acts on a number of matters including the long running dispute in *Nest Investments v Deloitte & Touche*, one of the largest claims to have been brought in the DIFC Court, and several claims relating to NMC Health.

Caley is a contributor to *Civil Fraud: Law, practice and Procedure*, the leading text on civil fraud, and to the insolvency sections of LexisNexis' Civil Court Service.

## EXPERTISE

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### COMMERCIAL LITIGATION & ARBITRATION

Caley has extensive experience of all interlocutory matters, with particular experience of: issues surrounding challenges to jurisdiction; a wide range of applications relating to obtaining disclosure and privilege; applications

concerning the use of document; and unless orders and other sanctions for non-compliance. He recently acted on *Uralkali v Rowley*, a claim against the administrators of a Formula 1 team in relation to the sale of the business out of administration, and is currently acting on a substantial MTIC fraud claim in the Chancery Division and on a challenge to a freezing injunction in the Commercial Court.

He has significant trial experience, acting as sole and junior Counsel in several multi-week trials in the Chancery Division and Commercial Court in recent years.

Caley undertakes a substantial amount of arbitration work involving a range of different arbitration rules and institutions. He has recently been acting on a substantial arbitration relating to an Eastern European energy company under the ICC Rules, an LCIA Arbitration relating to an international restaurant franchise and an LCIA Arbitration relating to an Eastern European theme park.

## NOTABLE CASES

- *PJSC Uralkali v Rowley & Anor* [2020] EWHC 3442 (Ch)
- *London Capital & Finance Plc & Ors v Thomson & Ors* [2020] EWHC 2490 (Ch)
- *Everest Alliance v Maslovskiy and others* [2020] EWHC 2035 (Ch)
- *In the Matter of London Oil & Gas Limited (in Administration)* [2019] EWHC 3675 (Ch)
- *Burnden Holdings v Fielding* [2019] EWHC 1566 (Ch), [2019] EWHC 2995 (Ch)
- *Cunico Resources v Daskalakis* [2019] EWHC 57 (Comm); [2018] EWHC 3382 (Comm)
- *Atlantica Holdings Inc v Samruk-Kaznya* [2019] EWHC 319 (QB)
- *JSC BTA Bank v Ablyazov (various)*
- *Udondem v Wallace LLP* [2018] EWHC 2297 (QB)
- *AMT Futures LTD v Boural and others* [2018] EWHC 750 (Comm); [2018] 3 W.L.R. 358
- *JEB Recoveries LLP v Binstock* [2016] EWCA Civ 1008, [2017] C.P. Rep. 5
- *MA Lloyd & Son Ltd (In Administration) v PPC International Ltd* [2016] EWHC 2162 (QB)
- *Chodiev v Stein* [2015] EWHC 1428 (Comm), [2015] EWCA Civ 1256

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## CIVIL FRAUD

Caley has acted in some of the largest civil fraud litigation in the English courts in recent years, most notably acting as junior Counsel for the Bank in the long-running *JSC BTA Bank v Ablyazov*. The case involved all manner of interlocutory applications including freezing injunctions, search orders, novel applications for disclosure, receivership orders and committal for contempt of court.

He has also acted both as sole Counsel and as a junior in numerous substantial civil fraud matters including the ongoing litigation arising out of the administration of London Capital & Finance plc, the “mini-bond scandal”, and a fraud claim relating to the collapse of JD Classics, a renowned classic car business.

Caley is a contributor to *Civil Fraud: Law, Practice and Procedure*, a leading text on Civil Fraud.

## NOTABLE CASES

- *London Capital & Finance Plc & Ors v Thomson & Ors* [2020] EWHC 2490 (Ch)
  - *Everest Alliance v Maslovskiy and others* [2020] EWHC 2035 (Ch)
  - *Transworld Payment Solutions (UK) Limited v Deuss* [2020] EWHC 115 (Ch)
  - *In the Matter of London Oil & Gas Limited (in Administration)* [2019] EWHC 3675 (Ch)
  - *Burnden Holdings v Fielding* [2019] EWHC 1566 (Ch), [2019] EWHC 2995 (Ch)
  - *Cunico Resources v Daskalakis* [2019] EWHC 57 (Comm); [2018] EWHC 3382 (Comm)
  - *JSC BTA Bank v Ablyazov*:
    - - [2018] EWCA Civ 1176 (appeal from s.423 claim)
      - [2016] EWHC 3071 (trial of a claim under s.423 of the Insolvency Act)
      - [2016] EWHC 2606 (Ch) (use of documents obtained pursuant to search orders)
      - [2015] EWHC 3871 (Comm) (use of funds subject to freezing injunction for legal fees)
      - [2013] EWHC 2772 (Comm) (application to reverse transaction effected in breach of freezing and receivership orders)
      - [2012] EWCA Civ 1411; [2013] 1 W.L.R. 1331; [2013] 2 All E.R. 515; Times, January 8, 2013 (Court of Appeal's dismissal of appeal from committal order)
      - [2012] EWHC 455 (Comm) (unless order requiring contemnor to attend the tipstaff)
      - [2012] EWHC 237 (Comm) (committal trial of Mr Ablyazov)
      - [2011] EWHC 2163 (Ch); [2013] Ch 1, [2012] 3 W.L.R. 559, [2011] C.P. Rep. 46 (disclosure order made against defendant's former solicitors)
  - *Nest Investment Holding Lebanon SAL & others v Deloitte and Touche (M.E.) & Joseph El Fadl* (CFI-027-2016)
  - *Chodiev v Stein* [2015] EWHC 1428 (Comm), [2015] EWCA Civ 1256
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## COMPANY & PARTNERSHIP

Caley acts in a wide range of contentious company and related matters, including shareholder disputes, 'split board' cases and petitions under s.994 of the Companies Act, He has a particular interest in company valuation, and has been involved in a number of 'take private' cases emanating from the Cayman Islands merger regime. He was instructed on *Burnden Holdings v Fielding*, a leading case on the payment of dividends, and on *Everest Alliance v Maslovskiy*, a dispute between the shareholders and board of Petropavlovsk, one of the world's largest gold-mining companies with operations in Siberia.

## NOTABLE CASES

- *Burnden Holdings v Fielding* [2019] EWHC 1566 (Ch), [2019] EWHC 2995 (Ch) –
- *Nest Investment Holding Lebanon SAL & others v Deloitte and Touche (M.E.) & Joseph El Fadl* (CFI-027-2016)
- *Patel v Ferdinand, Re Shires Defence Solicitors*:
  - [2016] EWHC 2362 (Ch) (costs and consequential matters from trial)
  - [2016] EWHC 1524 (Ch) (trial of s.994 petition)

- *MA Lloyd & Son Ltd (In Administration) v PPC International Ltd* [2016] EWHC 2162
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## INSOLVENCY & ASSET RECOVERY

Caley acts in all manner of contentious insolvency disputes including acting for or against office holders in Insolvency Act claims. He has recently acted on *Burnden Holdings v Fieldings*, a substantial insolvency case in the Chancery Division and is currently instructed on *Transworld Payment Solutions (UK) Limited*, a claim for in excess of £200 million against individuals and institutions involved in MTIC fraud, which has already given rise to a leading decision on applications for public examination. He acts for two of the principal defendants in the claim brought by the administrators of *London Capital & Finance*, a £180 million fraudulent trading claim.

### NOTABLE CASES

- *The Official Receiver v Deuss* [2021] EWHC 1842 (Ch)
- *The Official Receiver v Deuss & Ors* [2020] EWHC 3441 (Ch)
- *London Capital & Finance Plc & Ors v Thomson & Ors* [2020] EWHC 2490 (Ch)
- *Transworld Payment Solutions (UK) Limited v Deuss* [2020] EWHC 115 (Ch)
- *In the Matter of London Oil & Gas Limited (in Administration)* [2019] EWHC 3675 (Ch)
- *Burnden Holdings v Fielding* [2019] EWHC 1566 (Ch), [2019] EWHC 2995 (Ch)
- *Toone and Murphy v Robbins and Robbins* [2018] EWHC 569 (Ch)
- *Insol Funding Co Ltd v Cowlam* [2017] EWHC 1822 (Ch)

## DIRECTORY QUOTES

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*"Very intelligent, great on the client side, easy to work with and someone who adapts well to changes in the case."*

### CHAMBERS UK CHANCERY: COMMERCIAL (2024)

*"Caley is excellent at breaking down complex matters into bite size chunks and explaining strategy and risk with great clarity."*

### CHAMBERS UK CHANCERY: COMMERCIAL (2024)

*"Has a really outstanding ability to make a difficult set of facts seem very attractive. He's good on his feet and the courts find him very persuasive."*

### CHAMBERS UK CHANCERY: COMMERCIAL (2024)

*"Caley is an intellectual powerhouse and who I want on my side for very complex multi-jurisdictional issues."*

**CHAMBERS UK FRAUD: CIVIL (2024)**

*"Caley is a superstar. He is an outstanding draftsman on lengthy complicated skeletons."*

**CHAMBERS UK FRAUD: CIVIL (2024)**

*"Caley has a calm and considered manner which reassures clients, disarms opponents and ingratiates him with judges - exactly what you want from counsel."*

**CHAMBERS UK FRAUD: CIVIL (2024)**

*"An outstanding and exceptionally diligent advocate, and he is a winning choice for clients seeking favourable outcomes in complex disputes. His persuasive courtroom presence and meticulous attention to the details of a case set him apart from peers."*

**LEGAL 500 Fraud: Civil (2024)**

*"Caley is a phenomenal talent. He is hard-working and very bright."*

**Chambers UK Fraud: Civil (2023)**

*"Efficient, clever and easy to talk to, his turnaround of papers is very quick. Produces good research and drafting. He is clear, concise and effective."*

**Chambers UK Chancery Commercial (2023)**

*"Very bright, friendly and commercially minded. He's very measured but effective, and always gets the job done."*

**Chambers UK Chancery: Commercial (2022)**

*"Unflappable: he resolves complicated issues with a calm and professional manner. Clients trust him with good reason."*

**Legal 500 UK Fraud: Civil (2022)**

## **MEMBERSHIPS**

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- Chancery Bar Association
- Commercial Bar Association

- Commercial Fraud Lawyers Association

## QUALIFICATIONS

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- MA (Oxon) Classics (First)

## NOTABLE CASES

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- *Transworld Payment Solutions UK Ltd (In Liquidation) v First Curacao International Bank NV* [2022] EWHC 2742 (Ch)
- *Official Receiver v Deuss*
- *In The Matter of Transworld Payment Solutions UK Ltd (In Liquidation) Sub Nom Official Reciever v (1) Johannes Christian Martinus Augustinus Marie Deuss (2) Timothy Ulrich* (2020)
- *Burnden Holdings v Fielding* (2019)
- *Cunico Resources NV v Daskalakis ('The 2017 Claim') : Cunico Marketing Fze v Daskalakis ('The 2018 Claim')* (2019)
- *(1) Cunico Resources NV (2) Cunico Marketing FZE (3) Feni Industries AD v (1) Konstantinos Daskalakis (2) Arvind Mundhra : Cunico Marketing FZE v (1) Konstantinos Daskalakis (2) Arvind Mundhra* (2018)
- *JSC BTA Bank v (1) Mukhtar Ablyazov (2) Madiyar Ablyazov* (2018)
- *M.U.U v Wallace LLP* (2018)
- *Amt Futures Ltd v (1) Karim Boural (2) Kurt Gruber (3) Gerlinde Kolleger (4) Peter Dietrich (5) Wolfgang Karbstein* (2018)
- *(1) Richard Toone (2) Kevin Murphy v (1) Dean Robbins (2) Richard Robbins* (2018)
- *Insol Funding Co Ltd (Claimant) v (1) Sacha Fairfax Cowlam (First Defendant And Part 20 Claimant) (2) Christopher William Cowey (Second Defendant And First Part 20 Defendant) (3) Insol Funding Co Ltd*