

# DANIEL HAYWARD- HUGHES

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## Professional Summary

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### Walkers, London

09.2022 – present

- Leading offshore law firm in London across all departments.

### Appleby, Cayman Islands

02.2017 – 08.2021

- Leading commercial litigation and insolvency team in the Cayman Islands.
- One month secondment to the Jersey office.

### Signature Litigation LLP

09.2013 – 01.2017

- Disputes boutique founded in 2012.
- Notable matters include five which were rated as “Top 20 Cases” by The Lawyer in years 2014 to 2017.

### Herbert Smith Freehills LLP

08.2011 – 08.2013

- Seat 4: Advocacy Unit.
- Seat 3: International Disputes – General Litigation and Arbitration.
- Seat 2: Corporate – M&A and Private Equity.
- Seat 1: Commercial Real Estate.

### Lloyds Banking Group

08.2008 – 07.2009

- Manager in the M&A team and advised on the acquisition and integration of HBOS.

### Deloitte

08.2007 – 07.2008

- Associate in the Private Equity team.

### House of Commons

01.2007 – 07.2007

- Researcher and advised the then shadow cabinet on the Walker Review into private equity.

## Academic

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### BPP Law School, London

2009 - 2011

- Legal Practice Course.
- Graduate Diploma in Law.

### University of Cambridge, King's College

2005 - 2007

- PhD candidate in 18<sup>th</sup> century gothic literature; currently on long-term sabbatical.

### University of Durham, College of St Hild and St Bede

2001 - 2005

- MA in English Literature.
- BA in English Literature and Classics (2:1).

## School

- A-levels: English Literature (A), Psychology (A), Geography (D – mitigating circumstances apply) and General Studies (A). S-level: English Literature (Merit).
- GCSEs: English Literature (A), English Language (A), Geography (A), Science, double award (A, A), Design and Technology (A) Politics (A), Maths (B) and French (B).
- Schooled in England, Thailand, Dubai and Qatar.

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## Walkers, London

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*Attorney-at-Law and Senior Associate.*

- Practising Cayman Islands and BVI law.
- Specialisms: insolvency and dispute resolution.
- Co-lead crypto disputes practice.

## Appleby, Cayman Islands

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*Attorney-at-Law and Senior Associate.*

Notable matters include:

- *Arnage and ors v Walkers*: Defence of a US\$400+ million negligence claim brought by Cayman entities and related Brazilian nationals against Walkers, a large offshore law firm. Successfully overturned the first instance decision of the Chief Justice on liability in the Court of Appeal.
- *PIAM v Upper Brook and ors*: Acted for the Upper Brook funds and their (court determined, legitimate) directors to successfully resist an application for, inter alia, a declaration that PIAM was not validly removed as directors of the funds. The funds control in excess of US\$700 million of Libyan assets. Matter also involved determination of sanctions issues. Successful defence of PIAM's appeal to the Court of Appeal. PIAM's application for leave to appeal to the Privy Council subsequently denied.
- *Ennismore Fund Management v Fenris Consulting*: Successfully acted for Ennismore in its appeal of an €5.6m award following an inquiry into damages caused by a freezing injunction. The Court of Appeal substituted its own award of €0.6m. Fenris has appealed to the Privy Council.
- *G3 Exploration and Green Dragon Gas*. Acted for the bond trustee of US\$150m+ in value of senior secured bond in multiple proceedings involving: enforcement of its security; winding up of the group holding company; defence of a winding petition at a subsidiary level; challenges to creditor standing, restructuring, schemes and receiverships.
- *OfReg v Datalink*: Acted for Datalink, a subsidiary of Cayman's sole electricity supplier (CUC) in its defence of certain 'attachment fees' relating to broadband providers attaching to CUC's electricity poles, which OfReg had determined to be unlawful. Successful judicial review of OfReg's determination. Not appealed.
- *Suntech Power liquidation*: acted for the surviving spouse of a former director of Suntech in a claim for breach of directors' duties, brought in California. Drafted expert opinion on Cayman law in relation to director indemnities and interpretation of exculpation clauses. Successful at first instance and on appeal.
- *Platinum Partners liquidation*: acting for a purported secured creditor in a successful multimillion dollar settlement.
- *Caledonian Bank liquidation*: acted as counsel for the Liquidation Committee.
- Various matters under section 238 of the Companies Law in respect of mergers and determination of fair value. Dissenter/fund side.
- Insolvency and restructuring: presenting and defending winding up petitions; advice on schemes of arrangement; cross border liquidation; asset tracing.

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## Signature Litigation LLP

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*Solicitor Advocate and Associate.*

Joined the firm when it was just two partners and five associates. Notable matters include:

- *SFO v ENRC*: In 2013, the SFO conducted a criminal investigation into allegations of fraud, bribery, and corruption at ENRC. The SFO demanded that ENRC hand over documents created by its then external lawyers and forensic accountants. Acted for ENRC, who refused to comply on the grounds that the documents were created for the purpose of obtaining evidence and then advising on the SFO investigation and were therefore covered by LPP and consequently protected from disclosure. Matter went to the Court of Appeal where it upheld ENRC's appeal and overturned the Commercial Court's decision that litigation privilege would not apply to documents shared between ENRC and its then legal advisers. Top 20 Case for 2017 as rated by The Lawyer.
- *ENRC v Dechert*: Dual claim against Dechert: first to challenge over £16 million of fees Dechert charged ENRC in relation to a whistle-blower investigation and a later SFO probe; and second, preparation of a detailed claim against Dechert for its alleged negligent handling of those investigations.
- *The RBS Rights Issue Litigation*: worked on certain satellite litigation from which I was not conflicted due to my work on the RBS matter while at Herbert Smith Freehills (see below). Main proceedings rated as a Top 20 Case for 2017 by The Lawyer.
- *Fortelus Special Situations Master Fund Ltd v Fried Frank Harris Shriver & Jacobson*: Acted for Fortelus who sued the Paris office of Fried Frank for breach of duty over advice on the enforcement of a €20 million commercial loan. Top 20 Case for 2016 as rated by The Lawyer.
- *Barclays Bank plc v Lester Charles Landgraf, Londell McMillan and Elias Farrah*: Acted for Elias Farrah in his defence of a claim brought by Barclays for specific performance and damages related to alleged equity contribution loans which arose out of the collapse of Dewey & LeBoeuf LLP. Settled on the first day of trial. Top 20 Case for 2015 as rated by The Lawyer.
- *Gudavadze & ors v Anisimov*: acted for the claimants, the widow and daughters of the late Georgian billionaire, Arkadi Patarkatsishvili, in their claim for over US\$1.5 billion in damages from Vasily Anisimov, based on an oral agreement that had been reached in 2004 between Mr Anisimov and Mr Patarkatsishvili as to the use that they would make of US\$600 million that the latter had received following the sale of a shareholding RusAl, a large Russian aluminium company. This settled very favourably for the claimants on the eve of trial. Top 20 Case for 2014 as rated by The Lawyer.

## Herbert Smith Freehills LLP

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*Seat 4: Advocacy Unit – specialist disputes seat.*

Lead by Murray Rosen QC, Ian Gatt QC and Adam Johnson (now QC). Notable matters included:

- *Coward v Phaestos Ltd.*
- *Kaupthing Singer Friedlander Ltd v UBS AG.*
- *The RBS Rights Issue Litigation*: continuation of work undertaken in third seat.

*Seat 3: International Disputes – General Litigation and Arbitration.*

Notable matters included:

- *The RBS Rights Issue Litigation.*
- AWAL and TIBC litigation and additional satellite litigation involving Maan Al-Sanea and Saab entities.

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## Pro Bono

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- *Signature Litigation*: London law advice clinic. Privy Council capital cases.
- *Herbert Smith Freehills*: Assisted in drafting the oral submissions for my supervisor's defence of Vlastimir Đorđević in his appeal against sentence in The Hague. London law advice clinic. Lead associate dealing with Herbert Smith Freehills' Privy Council capital cases.

## Business Development

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- Good working relationships with leading commercial chambers, their barristers and clerks.
- Development of personal networks in litigation funders.

## Judicial Appointments and Admissions

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- 2012 – Magistrate in North London and qualified to sit on appeals at Blackfriars Crown Court.
- 2013 – Solicitor, England & Wales.
- 2016 – Higher Rights of Audience (Civil), England & Wales.
- 2017 – Attorney-at-Law, Cayman Islands.
- 2022 – Solicitor, British Virgin Islands

## Professional Memberships

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- Member of the Cayman Islands Legal Practitioners Association.
- Member of the International Association of Restructuring, Insolvency & Bankruptcy Professionals.
- Member of the Recovery and Insolvency Specialists Association.
- Member of the Young International Arbitration Group (within the LCIA).
- Member of the Junior London Solicitors Litigation Association.

## Other

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- Member of the General Committee and former Director of the Savile Club, Brook Street, London.
- Founding Director and Company Secretary of the Oxford and Cambridge Alumni Wine Society.
- Founding Director and Company Secretary of Black Wolf Cigar Club.
- Liveryman of the Worshipful Company of Tobacco Pipe Makers and Tobacco Blenders.
- Freedom of the City of London.