

Nienke Elisabeth Lillington

Floor 4, Willow House, Cricket Square, George Town, Grand Cayman, KY-1-9010, Cayman Islands

Email: nlillington@campbellslegal.com – Tel: +1 (345) 526 6920

CAREER:

Attorney – Campbells LLP – Cayman Islands

Senior Associate: September 2021 - present

Notable Cases:

In re Performance Insurance Company SPC, FSD No. 70 of 2021, 6 April 2022 (unreported)

Acting for solvent segregated portfolios (“SPs”) of the segregated portfolio company, Performance Insurance Company, for the appointment of an additional joint official liquidator to act for the instructing SPs, in circumstances where there were competing interests between the solvent and insolvent parts of the SPC, and the joint official liquidators sought to pay general liquidation expenses from the SPs’ assets.

Barrister – 4 Stone Buildings – England & Wales

October 2012 – August 2021

Notable Cases:

ArcelorMittal USA LLC v Ravi Ruia & ors. [2020] EWHC 3349 (Comm)

This claim concerns long-running litigation between two competitors in the steel and mining industry, and the Claimant’s pursuit of an arbitration award. I acted for the Seventh Defendant who, together with the other nine Defendants, resisted certain parts of the Claimant’s application to amend its Particulars of Claim which Henshaw J had found did not to set out a good arguable case in a previous Worldwide Freezing Order application. Mr Justice Butcher agreed with the majority of the Defendants’ points and awarded costs to the Seventh Defendant on a summary assessment. I remain instructed on this matter.

Robert Tchenguiz & ors. v Grant Thornton & ors. [2018] (QB)

I acted for the Fifth Defendant. This case concerned allegations made by the property tycoon against the accountancy firm, two of its partners and a former lawyer of Kaupthing Bank (the Fifth Defendant). Mr Tchenguiz accused the Defendants of conspiring to encourage the Serious Fraud Office to launch an investigation into him after the bank’s collapse in 2008. Mr Tchenguiz discontinued his claims hours before having to give evidence in the case, and was ordered to pay indemnity costs to the Defendants.

Chesterfield United Inc (in liquidation) & anor. v Deutsche Bank AG & ors. [2016] (Ch)

I acted for the Claimants. This case concerned EUR 500 million litigation arising from the sale and purchase of credit linked notes (CLNs), including claims under the Financial Services and Markets Act 2000 (FSMA 2000) for market manipulation. Further claims included: unlawful means conspiracy, dishonest assistance and knowing receipt.

Blue Tropic Ltd & anor. v Ivane Chkhartishvili [2014] EWHC 2243

I acted for the Appellant/Defendant in relation to a jurisdictional challenge concerning EC Regulation 44/2001.

Rafed Al Khorafi & ors. v Bank Sarasin-Alpen (ME) Limited & anor. (CFI-026-2009)

I acted for the Claimants. The case concerned litigation in the Dubai International Financial Centre (DIFC) Courts, including claims for breach of statutory duty, breach of contract, misrepresentation and negligence, for the bank's failure to give proper investment advice, and the consequent sale of inappropriate investment products.

Membership of Professional Organisations:

- Commercial Bar Association (COMBAR)
- Chancery Bar Association (ChBA)

Education:

2020	HarvardX (online certificated course) – Information Technology for Lawyers (CS50)
2011-2012	Bar Professional Training Course (BPTC), London, UK
2010-2011	Graduate Diploma in Law (GDL), Oxford
2009-2010	Master of Laws (LL.M.) Harvard Law School, USA Harvard Program on Negotiation Harvard Negotiation and Mediation Clinical Program
2008-2009	Magister Juris (M.Jur.), University of Oxford (New College), UK
2007-2008	Master of Laws (LL.M.) <i>cum laude</i> , University of Leiden, NL
2003-2007	Bachelor of Laws (LL.B.) <i>cum laude</i> , University of Leiden, NL
2005-2006	Diplôme du Programme International, L'Institut d'Études Politiques (Sciences Po)

Scholarships & Academic Awards:

2011-2012	Lord Denning Scholarship, Lincoln's Inn
2011-2012	Hardwicke Entrance Scholarship, Lincoln's Inn
2010-2011	Oxford Brookes University Law Department Prize for Outstanding Performance
2009-2010	Dean's Scholar, Harvard Law School
2009-2010	Prins Bernhard Cultuurfonds Scholarship
2008-2009	The Huygens Scholarship
2008-2009	VSB Foundation Scholarship

PUBLICATIONS:

Nienke Lillington and Paul Kennedy, *Cayman Court intervenes to preserve segregation of captive insurance portfolios*, Campbells Client Advisory, May 2022.

Nienke Lillington and Paul Kennedy, *Freezing in the Caribbean*, FIRE Magazine, Issue 7, December 2021.

Litigation in the Time of Covid-19, e-book by 4 Stone Buildings, 9th ed. (15 February 2021), Editor and Author of Ch. 2 "Corporate Insolvency".

Nienke van den Berg and Eleanor Holland, *Seniority of debts flushed out in waterfall application*, Corporate Rescue and Insolvency (CRI), June 2014, p. 99-102.

LANGUAGES:

English (native), Dutch (native), French (advanced; DELF B2), Spanish & German (moderate).