
Jonathon Milne Curriculum Vitae

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Introductory blurb:

I am qualified to practice in New Zealand, NSW Australia, Ireland and the Cayman Islands. I am also a Solicitor Advocate in England and Wales, having obtained Higher Rights of Audience in 2012.

Having spent the past decade in insolvency and litigation teams at top-tier law firms in major common law jurisdictions, I have settled in Cayman to establish myself here. During 2012, I completed a secondment to the litigation and recoveries team at the Royal Bank of Scotland (London).

I pride myself on listening and responding to clients' unique requirements, ensuring a commercial and collaborative approach to every instruction. I have forged and maintained relationships with key stakeholders at intermediary firms and clients across the globe. Many of my former partners at previous firms now instruct me on significant matters.

I am a regular contributor to leading industry publications such as INSOL World, LexisNexis, Cayman Financial Review and the Global Restructuring Review. I have also drafted *Amicus Curiae* briefs on key regulatory and policy issues.

What the legal directories say:

- Described by clients as an *'exceptional'* lawyer *'with impressive analytical and writing skills and deep knowledge and understanding of commercial law issues'*: Legal 500 Caribbean, 2019.
- Recommended by clients as *'highly rated'* in dispute resolution: Legal 500 Caribbean, 2018.

Sample of Cayman litigation and insolvency experience (acting as lead associate):

- Advising the liquidators of Primeo Fund, one of the largest Madoff feeder funds, on the day-to-day administration of the multi-billion dollar estate, including in respect of detailed liquidation committee and stakeholder reporting, fee remuneration and other sanction applications, and complex priority and distribution matters.
- Advising the liquidators of Primeo Fund in relation to a US\$2 billion breach of duty claim against HSBC as the fund's custodian and administrator, including briefing expert and factual witnesses, drafting submissions, appearing at a four month first instance trial and the longest appeal in

Cayman history (10 days) dealing with issues of limitation, reflective loss, causation and contributory negligence.

- Advising the liquidators of Primeo Fund and appearing before the Court of Appeal in relation to a dispute in respect of privilege attaching to served witness statements.
- Advising the liquidators of Primeo Fund in relation to various applications to collect in documents and information, including letters of request for assistance from foreign courts.
- Advising the liquidators of Primeo Fund in relation to representative litigation with the liquidators of Herald Fund, another substantial Madoff feeder fund, in respect of redemption creditor issues, statutory interest entitlement, and the appropriate methodology for rectification of the shareholder register. Various streams of litigation between Herald and Primeo have been appealed to the Privy Council.
- Advising several defendants to separate conspiracy and petition proceedings arising out of the Torchlight fund litigation.
- Advising on discrete Cayman issues arising out of the US\$126bn fraud and related *Saad* proceedings, including rights to documents and litigation costs issues.
- Advising financial institutions, creditors and investors with an interest in the Abraaj Holdings and Abraaj Investment Management liquidations.
- Advising the liquidators of Alpha Re, including in relation to potential claims against former directors and service providers.
- Advising both creditor and contributory petitioners and subsequently the liquidators in relation to the winding up of several Cayman companies. Appearing on both contested and non-contested hearings.
- Advising a number of investors in different Cayman funds in respect of rights to information, derivative proceedings, just and equitable winding up petitions and other available remedies.

Sample of other common law litigation and insolvency experience:

- Acting for Access Bank plc (Nigeria) in relation to successful fraud and tracing claims against a former CEO and founder of the bank, culminating in a £700 million damages award, including preparing for and appearing at a two month long trial held in both Lagos and London.
- Advising Ryanair on 'hidden fees' EU litigation and various other contentious matters, including a two-week trial in respect of commercial terms negotiated with Aer Rianta and Dublin Airport.
- Advising UK parties to the Bell Group litigation in Australia, one of the longest running cases in history.
- Acting for Oaktree Capital in the multi-million dollar debt for equity swap and receivership asset sale of MediaWorks Group (New Zealand's largest television and radio network).

- Advising a group of syndicate retail banks on the restructuring of facilities for a private equity firm's ownership of one of the largest fast food chains in the world.
- Acting for a major unsecured creditor in the voluntary administration of the Postie Plus retail chain.
- Advising Lakeland Credit Union on liquidity events of default and its eventual transfer of engagements to First Credit Union.
- Advising an Australian private equity group and Malaysian state-owned entity on the acquisition of mining permits and land by way of a deed of company arrangement, including obtaining Overseas Investment Act consent and New Zealand Petroleum & Minerals approval.
- Assisting ANZ Bank in relation to the receivership, liquidation and bankruptcy of directors of Easy Group Limited.
- Advising Nando's in relation to the receivership and liquidation of the New Zealand franchisor, including exercising a first right of refusal for the New Zealand franchisor rights.
- Acting for Hancock Forestry Management Group in relation to voidable transactions and claw back claims by liquidators in relation to certain repayments made under a tri-partite arrangement.
- Advising Deulemar Shipping S.p.A. and Deulemar Compagnia Navigazione S.p.A. in Commercial Court proceedings resulting from shipping derivative contracts, specifically Forward Freight Agreements and the International Swap Dealers Association Master Agreement.
- Acting for the Royal Parks in relation to disputes arising from products sold within Hyde Park and St. James' Park in London.
- Advising South Dublin County Council on arbitration proceedings resulting from disputes with regards to the construction of the multi-million euro M50 upgrade.
- Acting for the Irish Health Service Executive on an interlocutory injunction and subsequent High Court proceedings brought by dentists involving the Dental Treatment Services Scheme.
- Advising the Irish Health Service Executive on an interlocutory injunction, High Court proceedings and Supreme Court appeal in relation to 'wholesale margins' built in to pharmacist's contracts.
- Acting for a petrochemical distributor in arbitration proceedings involving a major multi-national petrochemical supplier. The proceedings concerned allegations of cartel behaviour and price-fixing in the industry.
- Advising the Irish Data Protection Commissioner on the data protection obligations of record labels and internet service providers in relation to personal and sensitive information in the context of 'three strikes' proceedings and legislation.

Secondment to the Royal Bank of Scotland plc

- The Royal Bank of Scotland plc is one of Bryan Cave Leighton Paisner's largest clients and, after a selection process, I was chosen to complete a six month secondment in the Recoveries and Litigation team.

My experience at RBS included:

- Appointing administrators and fixed charge receivers.
- Instructing solicitors, valuers, forensic accountants and experts on a variety of cases.
- Complaint handling from customers including Financial Ombudsmen and LIBOR-related issues.
- Advising on professional negligence claims against valuers, solicitors and monitoring surveyors.
- Providing training to Bank employees on data protection, privilege, Civil Procedure Rules, disclosure and evidence.
- Managing a significant multi-million pound portfolio of recoveries and active insolvency management connections.

Career history (top tier litigation firms in each jurisdiction):

- Mourant Ozannes (Cayman) – Counsel (Partner Track) - June 2015 to present date
- Russell McVeagh (Auckland) - Senior solicitor – July 2013 to May 2015
- Bryan Cave Leighton Paisner (London) – Associate – August 2011 to July 2013
- Philip Lee (Dublin) – Associate - April 2009 to August 2011
- Russell McVeagh (Auckland) – Solicitor – January 2008 to April 2009

Qualifications and continuing professional development:

- Completed the South Eastern Circuit advanced advocacy programme at Keble College, Oxford University, 2018
- Completed the College of Law (New Zealand) advanced litigation skills programme, 2014
- Solicitor Advocate, England and Wales (Higher Rights of Audience), 2012
- Admitted to practise in New Zealand (2008), NSW Australia (2008), Ireland (2011) and the Cayman Islands (2015)
- Undergraduate degrees from Victoria University of Wellington in Law (LLB) and Arts (BA majoring in criminology and political science)
- Awarded a Russell McVeagh scholarship for the study of law

- 'A' bursary across five subjects (Maths, English, Geography, History, Classical Studies)

Personal highlights:

- Raising my daughter (now 18 months' old)
- Head Boy of Francis Douglas Memorial College (the New Zealand High School with the most All Blacks in the last decade)
- Captaining 1st XV rugby and 1st XI cricket teams at High School and University level
- Representing Ireland at the Touch Rugby World Cup
- Representing the Cayman Islands in Touch Rugby
- Completing the London marathon