



Frederico Singarajah

Year of call: 2009

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Practice overview

Frederico is an experienced trial advocate with a broad practice in international commercial dispute resolution. He advises and acts in English Court proceedings at all higher court levels, and overseas, and has a considerable international arbitration practice (including LCIA, ICC, LMAA, DIAC, CAM-CCBC, AIAC, ACICA and UNCITRAL). He also accepts mediator and arbitrator appointments as sole and panel arbitrator and as chairman of three-member tribunals.

Frederico has a commercial practice focusing on international dispute resolution across a wide spectrum of industry sectors including: banking & finance, corporate, M & A, commodities, dry shipping, aviation, upstream oil, renewables, mining, infrastructure & EPC, and insurance cases.

As well as his practice, Frederico is a Ministry of Justice appointed court examiner and a visiting lecturer in commercial dispute resolution.

Commercial Dispute Resolution

Banking & Finance

Frederico is experienced in advising and representing parties in respect of finance and banking disputes. He has particular experience in obtaining Norwich Pharmacol orders against banks, trade disputes involving letters of credit, securitisation, private equity, syndicated loans and other financial instruments.

Recent Work:

- *B3* – advised on a R\$1.3 billion arbitration dispute, governed by Brazilian law, relating to the wrong calculation of payment and redemption values of a FIDC non-real estate backed securitisation.
- *Roundshield Partners LLP v CRIA SL & Ors* [2018] QBD (Comm) – advising and representing defendants as sole counsel, in claims in breach of contract and defamation for, in relation to a €70 million facility agreement for the acquisition and operation of an airport in Spain.
- ICC – advised an English commodities broker against a Bangladeshi state-owned company and its bank in a \$6.2 million dispute, seated in Dhaka, over the wrongful issue of a letter of credit for the purchase of ICUMSA 45 sugar from Brazil to Bangladesh, governed by UCP 600.

Civil Fraud & Asset Tracing

Frederico's experience with emerging markets has given him wide ranging experience of cases involving fraud and corruption. He has acted for private clients, the Serious Fraud Office and the National Crime Agency in respect of international fraud, corruption investigations, asset tracing, trusts cases, legal professional privilege, misrepresentation, directors' liabilities, deceit and conversion. He holds full security clearance.

Recent Work:

- *NCA & DoJ* [2018] – assisting the National Crime Agency's International Corruption Unit as off-panel counsel in a \$1 billion corruption investigation in the oil & gas sector, of an African state. Mutual assistance requested from the US Department of Justice. Acting in a quasi-judicial role to determine privilege in communications between lawyers and their clients.
- *SFO v AS & Anr* [2018] – assisting the Serious Fraud Office as off-panel counsel in a £30 million fraud involving an unregulated collective investment scheme in an opaque company and trust structure involving Brazil, UAE, US and England. Acting in quasi-judicial role determining privilege.
- *KDB (Receiver of Rex Venture Group LLC) (US) v SS & Ors* [2016] – advised the Securities and Exchange Commission appointed receivers in the enforcement of US\$1.75 million of North Carolina judgments relating to fraudulent payments from a 'Ponzi' scheme.

Commercial Arbitration

Frederico is experienced in a variety of international arbitrations, regularly acting as sole counsel. He has advised and represented parties in international arbitrations under ICC, LCIA, UNCITRAL, SCC, CAM-CCBC and LMAA rules in a wide variety of sectors including M & A, international sale of goods, upstream oil, renewables, mining, reinsurance, infrastructure, distribution & franchising and technology. His recent practice has involved arguing foreign as well as English law.

Recent Work:

- *LCIA* – advised and represented in a 5-day trial disputes between Maltese, UAE and Indian sugar producers against UK and US traders in a €12 million dispute governed by 2 marketing agreements governed by English law and seated in London. Led by Paul Reed QC.
- *SCC* – advised and successfully represented a Russian/UK entity in a €820k dispute against a Swiss manufacturer, in respect of a contract governed by Swiss law and seated in Stockholm, for failure to deliver on the basis of a void variation entered into with the end-buyer.
- *Ad Hoc* – advised a Thai company and its Ghanaian subsidiary in a US\$110 million dispute on the breach of a ‘collateral management agreement’ against a Ghanaian bank, governed by English law seated in Accra.
- *LMAA* – advised and successfully represented in a 3-day trial, as sole counsel, a Honduran mine against a US iron ore broker in a \$2.6 million claim for breach of an agreement to supply to China under an amended FOB contract, governed by English law and seated in London.

Commercial Litigation

In the international context, Frederico is particularly experienced at advising and representing in interim hearings and trials in the High Court, contesting jurisdiction and conflict of laws, emergency interim injunctions and security for costs applications. Before coming to the Bar, he worked in large cases including a multi-million-dollar trademark dispute between TEVA and GSK and a £360 million dispute in oil & gas related to a joint venture between Odebrecht and Maersk.

Recent Work:

- *NDT -v- SIL [2019] Comm* – advising and representing as sole counsel an ongoing £3.1 million dispute for breach of contract or restitution, in the alternative. Representing a Brazilian exporter against an English manufacturer of luxury speedboats for the recovery of payments made and recorded at the Brazilian Central Bank.
- *Cestrian Imaging Ltd -v- MTex Technologies Ltd – TCC [2017] EWHC 3142 (Ch)* – successfully defended and counterclaimed in a 5-day trial, as sole counsel, an English subsidiary of a Portuguese manufacturer of industrial printers, represented by a silk, in a £130k dispute on whether the goods were compatible with pre-existing software and workflow. Also successful in resisting a consequent appeal.
- *Lakes Food Euro Ltd v Trading Corporation of Bangladesh & Anr [2015] Comm* – advised and represented an English broker of commodities on an interim remedies in support of arbitration proceedings against a Bangladeshi state-owned commercial entity.
- *Mediterranean Shipping Company SA v Worldwide Biorecyclables Ltd & Ors [2010] (TCC)* – defended, as sole counsel, an English company in respect of a £730k claim brought by the MSC, relating to the exporting of allegedly toxic waste to Brazil, in breach of Basle Convention.

Directors & Shareholders

Frederico's experience is both domestic and international in the area of corporate disputes. He is experienced in advising and representing clients in unfair prejudice and derivative actions, shareholder disputes and claims against rogue directors. He has developed a special niche in representing Brazilian administrators for claims against international holdings.

Recent Work:

- *Alexander v Willow Court (2016) Ltd & Ors [2018] EWCH 597 (Ch) (Insolvency and Companies List)* – successfully represented as sole counsel a nominee purchaser and shareholders in a £500k section 994 unfair prejudice claim relating to the disposition of real property. The matter was disposed of in a 2-day trial.
- *Pinto & Ors v John Menzies Plc (Scotland) & Ors (settled) [2012] QBD (Commercial Court)* – advised and successfully represented as sole counsel a number of Brazilian “administrators”, following the lifting of the corporate veil of a Brazilian subsidiary. A £12 million claim was brought in the English High Court against English and Scottish public limited parent companies, as well as the Florida registered group company.

Franchising

Frederico has represented parties in disputes relating to franchising and distribution agreements. He specialises in cross-border disputes involving a range of subject matters, including breach of warranty and exclusivity claims.

Recent Work:

- *UNCITRAL* – successfully represented, as sole counsel in a 5-day trial, a Brazilian exclusive distributor against a Chinese state-owned principal, for \$20 million for breach of an implied duty of good faith, governed by Brazilian law, seated in London.
- *ICC* – advised and successfully represented, as sole counsel, a Turkish exclusive franchisee against a Dutch principal in a U\$75k dispute in the retail food sector, governed by English law, seated in Istanbul.

Intellectual Property

Frederico has experience in intellectual property matters. He worked in-house at TEVA Pharmaceuticals UK before coming to the bar, with trademarks, licensing and MHRA authorisation. Since coming to the bar, he has dealt with trade mark disputes passing off and funding relating to IP.

Recent Work:

- *RE: Casa Brasil [2016]* – represented in a 1-day hearing, as sole counsel, objecting to an application for the cancellation of a trademark of a retail entity against the application of a restaurant chain for the trade mark in class 43.

- *Michael Radford & Anr v Gheko Productions (Spain) & Ors – QBD [2011]* – successfully represented, as sole counsel, a Spanish client alleged to have loaned monies to a Spanish company in the film production sector, in a £1.1 million claim brought by director Michael Radford, in a dispute relating to funding for his film ‘La Mula’.

Companies, Joint Ventures & Partnerships

Frederico advises and represents clients in respect of disputes involving JVs and SPVs whether they take form of private limited companies or limited liability partnerships.

Recent Work:

- *RE: Limassol Port [2017]* – advising lead bank in syndicated banking structure on the legal risks of investing in a SPV for the granting of a concession agreement for the construction and operation of a multi-purpose port in Limassol, Cyprus.
- *Odebrecht SA v MAERSK [2010] (settled)* – successfully advised and represented, as sole counsel, a Brazilian upstream oil & gas company in respect of a JV company, formed to design and construct a new type of FPSO. The claim settled in excess of £360 million, following disclosure.

Private International Law

The majority of Frederico’s work is international. His niche expertise in Brazil & Latin America related disputes is well known and involves him in legal opinions, litigation and arbitrations governed by English and foreign law. His ability to speak native Portuguese and knowledge of Spanish gives him a significant advantage over his counterparts.

Recent Work:

- *CAM-CCBC* – advised a Brazilian entity in the renewables sector on a dispute arising from the acquisition of a Spanish company, from a syndicate of US banks for US\$300 million and sought a declaratory remedy on the interpretation of a clause in a contract governed by English law, for an indemnity of withholding tax applied by Brazilian tax authorities.
- *RE: SB Property Investment [2014] a £20 million class action, representing some 80 private investors in the UK, UAE, NZ and US, involving the purported acquisition, parceling and development of land in the northeast of Brazil. The claim for fraudulent representation involved an opaque corporate structure involving companies in Brazil, Belize, Jersey and England.*
- *Domingo Penayo-Vaida (Paraguay) v Intertransfers Inc (USA) & Ors [2012] EWHC 410 (Comm)* – successfully represented as sole counsel, the US parent and English subsidiary companies in the foreign exchange sector, against a Paraguayan company and its owner in a £1.5 million claim. The claim was brought in respect of alleged

debts arising from a deficit caused by the compulsory insolvency of a bank, by the US government.

- *Phione Ltd -v- Intercol Ltda (Colombia) [2012] (Ch)* – advised and successfully represented as sole counsel, an English company in a debt action against a Colombian company for payments due following the supply of metal coils engineered to specification.

Construction & Engineering

Construction & Engineering

Frederico is familiar with standard form and ad hoc contract disputes and has experience of issues including delay and disruption, variations and defects in design and construction as well as related commercial issues including issues relating to project finance, guarantees and performance bonds. He has been involved in disputes of widely varying size, value and scope. He has appeared before a variety of tribunals including in the Technology and Construction Court (TCC). His experience of construction and engineering disputes encompasses a wide range of industry sectors. He has extensive international experience as well as in domestic cases.

Recent Work:

- *Kentish International Trader (BVI) v Ganter Interior GmbH & Ganter UK Ltd [2018]* – advised on the merits of bringing a claim in the England in respect of breaches of contract governed by German law.
- *RE: Limassol Port [2017]* – advising syndicated banking structure on the legal risks of investing in a SPV for the granting of a concession agreement for the construction and operation of a multi-purpose port in Limassol, Cyprus.
- *Bolingo Hotel & Towers Ltd v Legacy Group Holdings (Pty) Ltd [2016]* – advising a Nigerian client for causes of action arising from delay in respect of a series of contracts for the construction, operation and management of a hotel complex in Abuja.

Energy & Renewables

Frederico has strong experience of energy and renewables cases often with an international element. He often advises on where risk and liability lie under the contract, conflicts of laws issues, calls on bonds and limitation of liability provisions. He has acted for owners, EPC contractors, subcontractors and insurers in relation to disputes in upstream oil, wind, photovoltaic, hydro, nuclear and ethanol sectors.

Recent Work:

- *CAM-CCBC* – advised a Brazilian entity in the renewables sector on the acquisition of a Spanish company, from a syndicate of US banks in a claim for US\$100 million and sought a declaratory remedy on the interpretation of a clause in a contract governed by English law, for an indemnity of withholding tax applied allegedly in respect of capital gains.

- *Odebrecht SA v MAERSK [2010] (settled)* – successfully advised and represented as sole counsel a Brazilian upstream oil & gas company in respect of a JV company, formed to design and construct a new type of FPSO. The claim settled in excess of £360 million.

When a dispute involves two or more countries, issues of applicable law, competent jurisdiction, enforcement of judgments or awards, international procedure and service or evidence are likely to arise. The rules of law which govern these issues are the conflict of laws. A very high proportion of the work undertaken by Frederico has an international element and international law is therefore relevant to much of his work. Frederico has made extensive appearances in the English Court and in many international arbitration/commercial matters for and against individuals, corporations and governments. His international practice encompasses both private and public law.

Recent Work:

- *Roundshield Partners LLP v CRIA SL & Ors [2018] QBD (Comm)* – advising and representing defendants as sole counsel, in claims in breach of contract and defamation for, in relation to a €76 million facility agreement for the acquisition and operation of an airport in Spain.
- *LCIA* – advised and represented in a 5-day trial disputes between Maltese, UAE and Indian sugar producers against UK and US traders in a €12 million dispute governed by 2 marketing agreements governed by English law and seated in London. Led by Paul Reed QC.
- *NDT -v- SIL [2018] QBD (Comm)* - advising and representing as sole counsel an ongoing £3.1 million dispute for breach of contract or restitution, in the alternative. Representing a Brazilian exporter against an English manufacturer of luxury speedboats for the recovery of payments made and recorded at the Brazilian Central Bank.
- *LMAA* – advised and successfully represented in a 3-day trial, as sole counsel, a Honduran mine against a US iron ore broker in a \$2.6 million claim for breach of an agreement to supply to China under an amended FOB contract, governed by English law and seated in London.

Related news

8 November 2018 Frederico Singarajah leads panel discussing LatAm arbitrations at Legal Business Arbitration Summit

5 November 2018 Frederico Singarajah comments on UK trade links with Brazil

3 October 2017 What is the impact of third party funding on the involvement of quantum experts?

Related articles

1 March 2019 Is Brexit a breach of the UK's BITs?

10 January 2019 Is legal professional privilege waived by communications exchanged between lawyers, clients and third-party funders?

15 November 2018 Corruption in International Arbitration

15 June 2018 Insecurities arbitration

8 January 2018 A firm view on conflicts of interest

Upcoming events

12 April 2019 Frederico Singarajah sitting as arbitrator at 26th Vis Moot, Vienna

Previous events

14 November 2018 Arbitration in Brazil: A Practical Guide

07 November 2018 Frederico Singarajah speaks at Legal Business Arbitration Summit

Related Events

Frederico Singarajah sitting as arbitrator at 26th Vis Moot, Vienna

Arbitration in Brazil: A Practical Guide

Frederico Singarajah speaks at Legal Business Arbitration Summit

Languages

- Native Portuguese
- Spanish

Professional associations

- Member of International Committee of the Bar Council (Latin America)
- Member of Gray's Inn Barristers' Committee
- Member of International Bar Association (IBA)
- Founder and Co-chair of Lex Anglo-Brasil

- Fellow of Chartered Institute of Arbitrators (CIArb)
- Member of Comitê Brasileiro de Arbitragem (Cbar)
- Member of London Court of International Arbitration (LCIA)
- Member of International Chamber of Commerce (ICC), Arbitration & ADR Committee
- Member of International Council for Commercial Arbitration (ICCA)
- Fellow of Australian Centre for International Commercial Arbitration (ACICA)
- Member of Panel of Arbitrators of Asian International Arbitration Centre (AIAC)
- Member of Society of Construction Law (SCL)
- Member of British Insurance Law Association (BILA)
- Member of Commercial Bar Association (COMBAR)
- Member of Technology & Construction Bar Association (TECBAR)
- Member of London Common Law and Commercial Bar Association (LCLCBA)
- Member of Brazilian Chamber of Commerce in London
- Member of the International Association of Young Lawyers (AIJA)
- Supporting Member of the London Maritime Arbitrators Association (LMAA)
- Member of Instituto de Advogados do Brasil (IAB), Arbitration Commission
- Associate Member of the American Bar Association (ABA)

Qualifications

- BA (Hons)
- Admitted to the Roll of Solicitors of England & Wales
- Admitted to the Brazilian Bar Association (OAB)
- Ministry of Justice Appointed Court Examiner
- Accredited Mediator
- Full SFO Security Clearance

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