



Frederico Singarajah

Year of call: 2009

Call: +44 (0)20 7242 2523

Email: frederico.singarajah@hardwicke.co.uk

Introduction

Frederico has a broad commercial practice which focuses on high value, complex, international commercial litigation and arbitration. He prides himself on the quality of his written and oral advocacy across a wide spectrum of industry sectors, including banking, commodities, shipping, aviation, oil & gas, infrastructure and insurance & reinsurance cases. Many of his cases are multi-disciplinary, often involving issues of fraud or economic torts in a commercial context.

His niche expertise in Brazil & Latin America related disputes is well known and involves him in legal opinions on matters relating to contracts governed by English law, potential litigation in England & Wales and arbitrations around the world. His ability to speak native Portuguese and working knowledge of Spanish gives him a significant advantage over his counterparts. In addition to Latin America, his experience has led him to represent clients from all over the world, including the Ukraine, Cyprus, Portugal, Spain, Ghana and Angola.

Frederico has previously worked in-house in the technology, pharmaceutical and finance industries and continues to accept instructions from these sectors. Before coming to the Bar, he worked as a solicitor and solicitor-advocate, which expertise he puts to good use and gives him experience well beyond his year of call.

As well as his practice, Frederico sits as an arbitrator in international disputes and is a visiting lecturer at the University of Westminster in commercial dispute resolution.

Qualifications

- BA (Hons)
- Admitted to the Roll of Solicitors (England & Wales)

- Admitted to the Brazilian Bar Association (Foreign Consultant)
- FCI Arb

Professional Associations

- International Committee of the Bar Council, responsible for Latin America
- Gray's Inn Barristers' Committee
- International Bar Association
- Lex Anglo-Brasil, founder and co-chair
- Chartered Institute of Arbitrators
- Comite Brasileiro de Arbitragem
- London Court of International Arbitration
- International Chamber of Commerce (Brasil) Arbitration & ADR Committee
- International Council for Commercial Arbitration
- Scottish Arbitration Centre
- Newton Arbitration
- COMBAR
- TECBAR
- LCLCBA
- Ordem dos Advogados do Brasil (Brazilian Bar Association)
- European Circuit

International Arbitration

Frederico is experienced in a variety of international arbitrations, regularly acting as sole counsel or arbitrator. He has advised and represented parties in international arbitrations under ICC, LCIA, UNCITRAL, SCC, CAM-CCBC and LMAA rules. His experience covers disputes in a wide variety of sectors including international sale of goods, commodities, oil & gas, mining, insurance & reinsurance, infrastructure, exclusive distribution, franchising and technology.

He has experience in working with English and foreign law international arbitrations, directly instructed by lawyers from around the world. He acts as sole counsel, often against English silks and senior foreign lawyers.

Frederico is a fellow of the Chartered Institute of Arbitrators and is pleased to accept instructions as a sole or panel arbitrator for international arbitrations in English, Portuguese or Spanish.

Recent Work

- SCC – €820k dispute on failure to deliver goods within contractual deadline.
- Ad Hoc - US\$110 million dispute on the breach of a 'collateral management agreement' involving parties in Ghana and Thailand.

- LMAA - U\$2.6 million claim for breach of an agreement to supply iron ore under an amended FOB contract.
- UNCITRAL - U\$20 million dispute for breach of exclusive distribution agreement under Brazilian law, representing Brazilian company against Chinese, state-owned company.
- LCIA (settled) - U\$1.1 million dispute regarding the acquisition of a group of companies in the IT sector, advising majority shareholder against US Fund and UK acquiring group.
- ICC - A U\$6.2 million dispute over a letter of credit for the purchase of human grade sugar from Brazil to Bangladesh, governed by Bangladeshi law.
- ICC – A U\$75k dispute relating to a breach of an exclusive franchise agreement by a Turkish franchisee, granted by a Dutch company.

Commercial Litigation

Frederico's commercial practice makes good use of his international as well as domestic experience. He deals with a wide variety of cross-border disputes from breach of contract and economic torts to shareholder and joint venture disputes, covering areas as diverse as aviation and film funding.

In the international context, Frederico is particularly experienced at advising on and appearing in interim hearings for contesting jurisdiction and conflict of laws, emergency interim injunctions such as freezing and *Norwich Pharmacol* orders and security for costs applications. He has particular experience in international corporate disputes representing Brazilian "administrators" in claims against British parent companies, debt recovery for and against Latin American domiciled corporations and a wide range of dry shipping disputes including charterparty, cargo and letters of credit.

Before coming to the Bar, he worked in 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 - QBD [2017]* a £2.1 million dispute in respect of payments made by an importer of luxury speedboats, appropriated by the defendant.
- *Cestrain Imaging Ltd -v- MText Technologies Ltd - TCC [2017]* £130k dispute on whether or not a commercial printer is of satisfactory quality.

- *Phione Ltd -v- Intercol Ltda (Colombia) – ChD [2012]* litigation for breach of contract for the supply of metal coils engineered to specification.
- *Pinto & Ors v John Menzies Plc (Scotland) & Ors (settled) - QBD (Commercial Court) [2012]* complex aviation insolvency and restructuring claim issued for £12 million, involving parties in England, Scotland, Brazil and the US.
- *Domingo Penayo-Vaida (Paraguay) v Intertransfers Inc (USA) & Ors - [2012] EWHC 410 (Comm)* successfully defended a claim for £1.5 million and set aside a worldwide freezing injunction, in respect of alleged debts arising from a deficit caused by the compulsory insolvency of a bank, by the US government.
- *Michael Radford & Anr v Gheko Productions (Spain) & Ors – QBD [2011]* successfully defending a Spanish defendant in a £1.1 million dispute for funding for the film 'La Mula' together with a worldwide freezing injunction.
- *Mediterranean Shipping Co SA v Worldwide Biorecyclables Ltd & Ors – TCC [2010]* a £730k dispute relating to the exporting of allegedly toxic waste from the UK to Brazil in breach of Basle Convention.

Civil Fraud

Frederico's experience with emerging markets has given him wideranging experience of cases involving fraud. He has advised and represented client in respect of financial investments into Latin America, money laundering in Ukraine and the Russia CIS region and the African continent.

He is also experienced in asset tracing and trusts cases, having worked on the recovery of funds involving an equitable tracing exercise to trace the proceeds via numerous acquisitions and dispositions of properties. He also represented a client whose interest in property arising under the *Stack v Dowden* principles, needed to be equitably traced through a series of transactions after her husband made false representations to the Serious Organised Crime Agency, under Proceeds of Crime Act proceedings.

Hi experience extends to merits and evidential burden, equitable and legal tracing, misrepresentation, directors' liabilities, deceit and conversion. As well as advising civil clients, Frederico has also been instructed, off-panel, by the Serious Fraud Office.

Recent work

- *SFO v AS & Anr [2017]* a multi-million pound fraud involving an unregulated

collective investment scheme involving the UK and Brazil.

- *KDB (Receiver of Rex Venture Group LLC) (USA) v SS & Ors* [2016] enforcement of U\$1.75 million in respect of fraudulent payments from a 'ponzi' scheme. The Securities and Exchange Commission prosecuted the offending North Carolina company and appointed receivers who sought to recover payments made to the UK.
- *SW v CF* [2016] £650k dispute in respect of whether a property in Brazil had been lawfully transferred to the proposed claimant.
- *AH & KAM (Joint trustees in bankruptcy of the estate of DW) v MW* [2014] a £500k dispute as to whether or not the wife of a bankrupt had an interest in property, which subsisted after the fraudulent disposition of the same by her husband.
- *RE: SB Property Investment* [2014] a class action, representing some 80 private investors in the UK, involving the purported acquisition, parceling and development of land in the northeast of Brazil.