



John D. Magnin

Practice Area Leader - Litigation

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OVERVIEW

John Magnin is a partner with over 30 years' experience in international arbitration, commercial litigation and other forms of complex dispute resolution, often with a significant international dimension. Much of his time is spent advising clients on mitigating risk, and avoiding or preparing for litigation or arbitration.

John's experience includes: cross-border joint-venture disputes; acting for, and responding to activist investors; investment and transaction-related claims; boardroom disputes; proceedings under Companies, Insolvency and Financial Services legislation; investment, banking and financial services disputes; gas, especially LNG, and a variety of trading disputes; agency and distribution disputes; and sport and media related matters.

- Chambers 2008: "excellent judgment"
- Chambers 2009: "business-like and practical"
- Legal 500 2010: highlights "the sheer quality and depth of his advice"
- Legal 500 2011: "strategically brilliant"
- GAR 100 (5th Ed.): "a first-rate tactician"
- Chambers 2014: "very good at mapping out the course and planning the litigation"
- Legal 500 2015: "great strategic vision"
- Legal 500 2017: "a strong leader", and "knows when to get his hands dirty on clients' behalf"
- Chambers 2017: "able to provide consistent advice on delicate or tough matters"
- GAR 100 (12th Ed): did an "excellent job" in a case that was "key to the [client's] business"
- Legal 500 2020: "exceptionally easy to work with and pragmatic"
- GAR 100 (13th Ed): "excellent, accurate and responsive" and "understand[s] the client, work[s] endlessly to satisfy their needs and come up with great suggestions"
- Legal 500 2021: "exceptional" and ranked as a leading individual

PROFESSIONAL / CIVIC ACTIVITIES

- Head of Litigation, Nicholson Graham & Jones (2002 - 2004)
- Partnership Board, Nicholson Graham & Jones (2002 - 2004)
- Money Laundering Reporting Officer, London (1994 - 2014)
- Management Committee, K&L Gates (2005 - 2016)
- Global co-Practice Area Leader for Dispute Resolution and Litigation, K&L Gates (2005 - present)

EDUCATION

- LL.B., University College London, 1984

ADMISSIONS

- Solicitor of the Senior Courts of England and Wales
- Solicitor-Advocate (Higher Rights Civil)

THOUGHT LEADERSHIP POWERED BY HUB

- 1 December 2020, UK Supreme Court Issues Guidance on the Governing Law of an Arbitration Agreement: *Enka v Chubb* (*Alerts/Updates*)
- 2 September 2019, Brexit Update (*Alerts/Updates*)
- October 2017, Arbitration World (*Alerts/Updates*)
- 28 July 2017, Competition Appeal Tribunal Blocks Class Action Against MasterCard (*Alerts/Updates*)
- 22 February 2017, Mastercard Win Over Retailers for “Interchange Fees” (*Alerts/Updates*)
- December 2016, Arbitration World (*Alerts/Updates*)
- 15 August 2016, Brexit's Impact on ISDA Documentation (*Alerts/Updates*)
- 8 July 2016, Brexit: Governing Law, Jurisdiction and Arbitration Clauses (*Alerts/Updates*)
- June 2016, Arbitration World (*Alerts/Updates*)
- 3 June 2016, "Brexit Bites": Dispute Resolution Implications (*Alerts/Updates*)
- 27 May 2016, "Brexit Bites": Dispute Resolution (*Alerts/Updates*)
- January 2016, Brexit Briefing (*Alerts/Updates*)

OTHER PUBLICATIONS

- “Brexit, MiFID II, MiFIR and Cross-Border Dispute Resolution,” 19 August 2016
- “Taming Price Review Clauses: Lessons from the Transactional and Arbitration Battlefields,” *LNG18*, April 2016

NEWS & EVENTS

- 26 May 2016, K&L Gates, Lawyers Earn Honors in Chambers Global, Regional Guides (*Press Release*)
- 6 May 2015, K&L Gates, Lawyers Recognized as Leaders in Chambers Global Guides (*Press Release*)

AREAS OF FOCUS

- Securities and Transactional Litigation
- Complex Commercial Litigation and Disputes
- International Arbitration

INDUSTRIES

- Consumer Products
- Sports

REPRESENTATIVE EXPERIENCE

Over 30 years’ experience in international arbitration

- ICC arbitration concerning joint venture investment in Saudi Arabia involving issues of English, Sharia and Swiss law.
- ICC arbitration concerning joint venture investments in India, and associated litigation (freezing order, anti-suit injunction and determining the law of the arbitration agreement), *Shashoua -v- Sharma*, incl [2008] 2 All ER 74).
- ICC arbitration concerning sale of power plant from Baltic to India.
- ICC arbitration concerning termination of distributorships.
- ICC arbitration concerning participation arrangements for major sporting events.
- LCIA arbitration relating to financial services business in Kazakhstan.
- LCIA arbitration relating to rights connected with sporting event.
- LCIA arbitrations concerning Gas/LNG price reviews.

- LCIA and UNCITRAL arbitrations relating to supply of oil shipments to Kamchatka.
- UNCITRAL arbitration relating to LNG project in Africa.
- Fast-track arbitration for noteholders in a structured investment vehicle.
- Fast-track arbitration for policyholder under contingency event insurance.
- Ad hoc arbitration concerning a landmark building.
- Ad hoc arbitration concerning reinsurance disputes.
- Commodity trading arbitration involving sugar trading.
- Commodity trading arbitration involving cotton trading finance and letters of credit.
- Non-ferrous metals arbitration involving quality of alumina supplies.
- Non-ferrous metals arbitration involving economic effects of downturn in gallium market.

Over 30 years' Experience of Litigation in England and Internationally

- Challenging jurisdiction, Idemia -v- Decatur and Ors, [2019] EWHC 946.
- Acting for a Brazilian defence contractor discharging an injunction obtained by Israeli defence systems company concerning a Brazilian Air Force project, Rafael Advance Defence Systems -v- Mectron Engenharia [2017] EWHC 597.
- Acting for litigation funders successfully resisting security for costs in the RBS Rights Issue Litigation [2017] EWHC 1217.
- Acting for the Note Trustee in CSAM -v- Titan and Others (x4), Financial List trial concerning Class X Noteholder rights in securitisation structure, [2016] EWHC 969 (first instance) and [2016] EWHC Civ 1265 (Court of Appeal).
- Advising on limited partner disputes involving substantial real estate assets.
- Acting for non-executive directors in successful defence of disqualification proceedings in the Farepak litigation [www.judiciary.gov.uk/media/judgments/2012/farepak-judges-statement].
- Acting for an investment manager in recovery of its performance fee in Proteus -v- SAPRO [2011] EWHC 768.
- Acting for China International Mining in unfair prejudice proceedings leading to boardroom change at Mwana Africa.
- Acting for "WWE" striking out \$80m claim by World Wide Fund for Nature, [2008] 1 All ER 74.
- Sheikh Fahad -v- Grupo Torras [1999] EWHC 300 (Comm): multi-jurisdictional fraud claims.
- Euroalliages -v- Commission, ECJ [2003] ECR II - 2359 discontinuance of anti-dumping duties on ferro silicon.

- Central Bank of Ecuador -v- Conticorp [2015] UKPC 11: \$570m decision in the Privy Council.

Joint-venture, Transactional and Boardroom Disputes

- Joint venture dispute involving assets in Kazakhstan.
- Joint venture dispute involving assets in Kurdistan.
- Joint venture dispute involving assets in Nepal.
- Joint venture dispute involving assets in Ghana.
- “Unfair prejudice” proceedings resulting in a nine-figure buy-out of venture capital client.
- Activist investor dispute involving proceedings before the Takeover Panel and the Takeover Appeal Board.
- Successful defence of £43m warranty claims.
- Advising on favourable resolution of warranty claims on purchase of telecoms business.
- Recovery of \$18m through completion accounts expert determination.
- Advising on boardroom disputes involving severance and bad leaver provisions.
- Advising investment manager on limited partnership departures.

Sport and Media

- Advice to international cricket boards on separate disputes with players, promoters, sponsors and a broadcaster.
- Advising on the postponement and re-staging of the 34th Ryder Cup matches, and on insurance issues affecting the matches.
- Advising PGA European Tour on governance and accounting issues.
- Advising Ryder Cup Limited on governance issues.
- PGA European Tour -v- KLO re Dubai Desert Classic.
- Acting for The Racing Partnership Limited and Attheraces Limited in litigation concerning protection of data, confidentiality and conspiracy (including [2020] EWCA Civ 1300, [2019] EWHC 1156 and [2017] EWHC 431).
- Acting for Press Association in the British Horseracing Board/bookmakers litigation concerning data rights [2005] EuLER 924.
- Acting for ISP facing withdrawal of telecom network services and obtaining urgent injunctive relief to maintain services.
- Acting for European telecoms company on its withdrawal from joint ventures in Asia.
- Acting for major telecoms company on disputes over use and deployment of infrastructure assets.
- Copyright licensing dispute: K-Tel -v- Tring re licensing of sound recordings.

- Copyright licensing dispute: Palan -v- Nosebag re “Video Killed the Radio Star”.
- Acting for then-Chairman of Sheffield Wednesday FC in successful defence of libel action brought by Ken Bates.
- British Newspaper Printing Co -v- Kelly [1989] IRLR 222; Mirror Group Newspapers -v- Gothard [1988] ICR 729.

Finance and Financial Services Disputes

- Litigation over structured finance transactions.
- Litigation over bills of exchange and promissory notes.
- Litigation over security, guarantees and indemnities.
- Defending CFD broker against claims brought by customers alleging mis-selling, churning and provision of false information.
- Defending forex broker against claims brought by purported customers over the operation of sub accounts.
- Defending futures broker against claims brought by customers over the operation of stop loss instructions.
- Defending stock broker against claims brought by customers concerning inter-action of trading and loan accounts.
- Advising stock broker on regulatory investigation into trading execution practices.
- Advising stock broker on challenge to regulator's refusal to grant authorization.
- Advising investment bank on regulatory investigation into identity/disclosure of ultimate beneficial ownership of customer.
- Advising investment bank on regulatory investigation into alleged concert party involving a fund promoted by the bank.
- Advising investment manager on regulatory investigation into alleged concert party in takeover of listed company.
- Injunction proceedings involving departing team in financial services sector.
- Advising life insurer in mis-selling proceedings.