



## Marc Keidan

Partner

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Marc Keidan co-founded Keidan Harrison LLP in May 2020. He is recognised by the leading legal directories as one of the UK's top disputes lawyers. Chambers & Partners describes him as 'a great strategist', and The Legal 500 says he is 'a no-nonsense lawyer who gets results for his clients' and has a 'willingness to get stuck into difficult fights'.

### Background

Marc obtained a First Class Honours degree from Manchester University and achieved a distinction in the Legal Practice Course at the College of Law, London. He trained with the international law firm Simmons & Simmons, joining the dispute resolution group of City of London firm Theodore Goddard upon his qualification as a solicitor in 1999. During his time with Theodore Goddard (subsequently Addleshaw Goddard) he acted for a number of blue-chip clients, both domestic and international, on various contentious matters, including complex High Court commercial, financial and insolvency cases.

In January 2009, Marc co-founded the successful City of London disputes boutique Cooke, Young & Keidan, assisting that firm to win the Boutique Firm of the Year at The Lawyer Awards in 2013. In May 2020, Marc co-founded Keidan Harrison LLP, together with Luke Harrison.

### Practice and experience

Marc advises on high value commercial and financial litigation and international arbitration across a range of industry sectors (including financial and professional, IT/tech, commercial property, manufacturing, mining and commodities). His expertise includes commercial agency and joint venture disputes, civil fraud and asset tracing cases, as well as partnership/LLP, shareholder and corporate disputes. He is experienced in bringing and defending claims for interim relief, including worldwide asset freezing injunctions.

Marc undertakes professional negligence actions, acting predominantly against investment managers, construction professionals, and law and accountancy firms. He also advises on substantial corporate insolvency (in relation to winding up petitions, cases involving officers of the company and third parties, including alleged claims of misfeasance or fraud) and personal contentious insolvency matters. Much of Marc's work has an international dimension and he has

undertaken extensive work with EU, US, CIS and, more recently, India and Africa dimensions, as well as cases connected to offshore centres.

Marc is well known for his work in the field of banking and financial disputes, where he advises professional counterparties, such as hedge funds and commercial bank customers, in high-stake and cutting-edge litigation against financial institutions, sometimes involving allegations of fraud. Marc is experienced in acting in high value disputes in the funds sector, including acting in LLP disputes where he assists departing members with negotiation of their exit, avoiding the need for litigation. Marc's international arbitration work includes substantial cases across a range of industry sectors, including mining and other commodities, as well as bringing and defending challenges to arbitration awards in the English Court (under ss68 and 69 of the Arbitration Act 1996).

Marc has experience of managing complex High Court trials and other substantial hearings, as well as expertise in assisting clients to resolve disputes through mediation and other forms of alternative dispute resolution (ADR).

## **What the legal directories say**

Marc has for many years been ranked as a leading lawyer by the Chambers and Partners Guide:

**"great at strategic thinking and getting commercial results for his clients" (2020)**

**"very energetic, engaged and hands-on, and really client-focused" (2019)**

**"solutions-focused" and "a great strategist" (2018)**

**"a hugely energetic lawyer, a creative thinker and leaves no stone unturned" and "absolutely passionate and determined" (2017)**

**"simply on the ball the whole time" (2016)**

Marc is also mentioned by The Legal 500 Guide (2019 ed) in the Commercial Litigation, Civil Fraud, International Arbitration, Partnership, Professional Negligence and Banking Litigation categories. For both Banking Litigation and Commercial Litigation, he is ranked as one of a small number of 'Leading Individuals' in the field based in London.

**"a real team player"**

**"bright and wholly committed to getting the right result for the client"**

**"going the extra mile"**

**"particularly proactive approach"**

**"great instinct for what approach is most likely to succeed"**

**"a force of nature, who is irrepressibly energetic, absolutely determined to find the right strategic solution, and hugely client focussed"**

**"ever-sensitive to the client's commercial – and cost – needs".**

Marc was listed in Thomson Reuters' London 'Super Lawyers' for Commercial Litigation.

## Representative case examples

### **Hardy v Government of India and IIFC (UK) [2018] EWHC 1916 (Comm)**

Acted successfully for IIFC (UK) in a Commercial Court case, discharging a third party debt order obtained in connection with an approx. US\$70 million arbitration award. The challenge was successful on two grounds: that the situs of the debt in question was abroad and that the debt was not due or accruing due. The judgment clarified the law in relation to the situs of debts and the jurisdiction of the English Courts to make third party debt orders.

### **Symbion Power LLC v Venco Intiaz Construction Company [2017] EWHC 348 (TCC)**

Acted successfully for the defendant, Venco, in this High Court case where the Court rejected an application to set aside an ICC arbitration award for serious irregularity under s.68(2)(d) of the Arbitration Act 1996 on the basis that the tribunal had failed to deal with issues which were put to it. Mishcon de Reya acted for Symbion Power, the unsuccessful claimant.

### **RBS v Highland Financial Partners LP & Ors [2013] EWCA Civ 328**

A high profile case relating to a claim brought by RBS for an anti-suit injunction seeking to block fraud claims against the bank in Texas for more than US\$100 million. Highland, a Texas-based hedge fund client, counterclaimed that RBS had obtained a judgment from the Court by fraud. The Court of Appeal dismissed RBS's claims and struck down RBS's judgment for fraud. RBS was represented by magic circle firm Linklaters.

### **RBS v Highland Financial Partners LP & Ors [2010] EWHC 3119 (Comm)**

A significant judgment in a banking litigation case relating to a failed CDO issue which terminated in late 2008. The bank was subjected to judicial criticism for conducting a "sham" auction of leveraged loans and was found to have deceived its counterparty. Herbert Smith initially acted for RBS but were replaced by Linklaters in mid-2011.

### **Deutsche Bank AG & Anr v Highland Crusader Offshore Partners LLP & Ors [2009] EWCA Civ 725; [2009] WLR (D) 254**

A leading Court of Appeal authority in relation to the grant of anti-suit injunctions. The hedge fund, for which the firm was acting in respect of its defence of a US\$70 million claim, was successful in the Court of Appeal in overturning the grant of an injunction preventing it from continuing its fraud proceedings commenced against the bank in Texas. The bank was represented by Allen & Overy.

### **A v B & Ors [2007] EWHC 54 (Comm) (23 January 2007)**

A substantial Commercial Court case arising out of a fraud claim and trusts dispute, concerning an award of indemnity costs against a party where court proceedings were commenced in breach of an agreement to resolve disputes through arbitration.

### **Gregg & Co. (Knottingley) Ltd & Anr v Emhart Glass Ltd [2005] EWHC 804 (TCC)**

A Technology & Construction Court case, successfully acting for a customer in a claim concerning the supply of defective industrial equipment.

### **Dadourian Group International Inc v Simms & Ors [2006] EWCA Civ 399**

A Court of Appeal decision in a substantial fraud case, concerning the exercise of the court's discretion to permit a party to enforce a worldwide freezing order in a foreign jurisdiction.

## Memberships

London Solicitors Litigation Association  
Commercial Litigation Association  
Financial Services Lawyers Association  
Association of Partnership Practitioners  
Law Society  
Commercial Fraud Lawyers Association