

## Stephen Houseman KC – Anti-Suit & Arbitration Injunctions

Stephen has unrivalled expertise in seeking and defending jurisdictional injunctions, especially anti-suit relief concerning potential, pending or concluded arbitrations. He is described in *Chambers Bar UK 2025* as the “go-to man for anti-suit injunctions” / “second-to-none on legally heavy work such as anti-suit injunctions” whilst another commentator stated: “For anti-suit injunctions and jurisdictional issues, there’s no one better at the bar”.

A number of these anti-suit cases (‘ASI’ for short) are considered to be leading authorities in specific areas, for example: arbitrability of foreign insolvency claims (*Nori / RiverRock*); vexatious collusion between participants in foreign litigation (*Russian Machines*) (see [note](#) entitled “*Arbitration Agreements & Collusive Litigation*” published in March 2020); exclusive curial/challenge jurisdiction arising from choice of English seat (*C v. D*); and, more recently, the test for non-contractual (post-judgment) coercive remedies (*Magomedov*).

These cases often involve ancillary issues, such as service of upon foreign defendants, the position of non-arbitrating or non-contracting parties, ascertaining the governing law of an arbitration agreement, expedition and urgency. Remedial variants include anti-anti-suit (AASI), anti-anti-anti-suit (AAASI), anti-arbitration (AAI) and pre- or post-judgment/award anti-enforcement (AEI) injunctions on a threatened or pending basis. Most cases involve foreign law elements, including aspects of the procedural or remedial law and practice of a foreign court system. Stephen was described some years before taking silk as having “a profound understanding of not only the law of this country but also that of many others” (*Chambers & Partners, UK Bar 2009*).

Stephen’s experience in this specialist field dates back to *Society of Lloyd’s v. White* in 1999-2000. He has since acted and advised in over 30 such matters. During this last year he represented the claimant in *UniCredit Bank v. RusChemAlliance* which is the leading ‘foreign seat’ case heard and decided by the Supreme Court in April 2024 with judgment following [2024] 3 WLR 659: see [note](#) entitled “*Anti-suit relief & foreign-seat arbitration*” published in September 2023.

Cases involving choice of arbitration fall into the three broad categories, with some non-arbitration cases comprised within [2] below for convenience. Details are anonymized where appropriate.

### [1] Post-Award Injunctions

*Noble Assurance Co & another v. Gerling-Konzern* [2008] Lloyd’s Rep IR 1; [2007] 1 CLC 85 (Toulson LJ) – Acted for Shell and its captive insurer, Noble. Proceedings commenced by reinsurers in Vermont seeking to set aside an award in London arbitration (Bermuda Form). Declaratory relief as to the meaning and effect of award granted in favour of both claimants, i.e. the arbitrating party (Noble) and also its parent company (Shell); ASI relief refused on discretionary grounds, including international comity. Instructed by **Fulbright & Jaworski International** (now Norton Rose Fulbright).

*C v. D* [2008] 1 All ER (Comm) 1001; [2008] 1 Lloyd's Rep 239 (CA) – Acted for major pharmaceutical company (insured). Proceedings in New York threatened by insurers by way of attack upon finality of arbitral award made in London (Bermuda Form). Together with the subsequent Court of Appeal decision in *Sulamérica* (see under [2] below), and as discussed by the Supreme Court in *Enka v. Chubb* in 2020, *C v. D* was one of the leading authorities on ascertaining the proper law of an English seat arbitration agreement. Instructed by **Allen & Overy**.

## **[2] Pre-Arbitration or Pre-Award Injunctions**

*Sulamérica Cia Nacional v. Enesa Engenharia SA* [2013] 1 WLR 102; [2012] 2 All ER (Comm) 795; [2012] 1 Lloyd's Rep 671 (CA) – Acted for local insurers in reinsurance-led all risks programme covering construction of hydroelectric facility in Brazil. ASI relief granted to restrain proceedings (including for interim anti-arbitration relief) in Brazilian courts. CA decision became the leading authority on ascertainment of the proper law of an (English seat) arbitration agreement contained within a substantive contract with an express choice of foreign law. (First instance decision of Cooke J is reported at [2012] 1 Lloyd's Rep 275.) The decision in *Sulamérica* has been the subject of published academic and practitioner analysis, and featured heavily in the analysis of the Court of Appeal and Supreme Court in *Enka v. Chubb* during 2020. Instructed by **Clyde & Co**.

*Joint Stock Asset Management Co Ingosstrakh-Investments v. BNP Paribas SA* [2012] 1 Lloyd's Rep 649; [2012] 2 CLC 312 (CA) – Acted for major bank seeking ASI (different forms, mandatory & negative, including 'anti-avoidance' injunctions) against six associated corporate defendants on both contractual and non-contractual grounds, including vexatious collusion/conspiracy. Underlying Russian proceedings reached cassation appeal. Jurisdiction and service-related issues, including service by alternative method upon foreign defendants. (First instance decision of Blair J reported at [2012] 1 Lloyd's Rep 61; [2011] 2 CLC 942; [2011] Arb LR 49; see also Teare J's decision on deemed retrospective service [2012] EWHC 1023 (Comm).) Instructed by **Clifford Chance**.

*Financing Dispute / Ukrainian Proceedings (Anonymous) (2012-2013)* – Acted on behalf of claimants obtaining urgent parallel ASI relief, i.e. from both LCIA tribunal and Commercial Court on the same day, to restrain pursuit of proceedings brought unlawfully by defendant in the Ukrainian Courts. Underlying dispute concerned escrow regime for retention monies following an asset sale and purchase. Simon J (as he then was) granted an interim order pursuant to s.44(3) of the 1996 Act / s.37 SCA 1981 against both the contracting (arbitrating) party and noncontracting (non-arbitrating) party, involving shareholder / subsidiary context. Instructed by **Baker & McKenzie**.

*International Finance Corporation & another v. Quantum Oil Terminals Ltd (2017-2018)* – Acted for injunction claimants, subsidiaries of the World Bank and OPEC, in ASI proceedings against a foreign defendant in respect of Ghanaian proceedings commenced after termination of development loans. ASI relief granted by Andrew Baker J (March 2017) and

Robin Knowles J (December 2017) including in the face of AASI and AAI relief threatened/obtained by defendant. Instructed by **Allen & Overy**.

*Nori Holdings Ltd & others v. Bank Otkritie Financial Corp* [2018] 2 Lloyd's Rep. 80, [2018] 2 All ER (Comm) 1009 – Acted for Russian bank (injunction defendant) resisting ASI relief sought by claimant companies in respect of Cypriot proceedings and Russian proceedings, respectively. Males J (as he then was) granted ASI relief in respect of Russian proceedings on the basis that insolvency-related claims were arbitrable; but refused ASI relief in respect of Cypriot proceedings on the basis of *West Tankers* decision of CJEU. Instructed by **Steptoe & Johnson**.

*Perkins Engines Co Ltd v. Ghaddar* [2018] 2 Lloyd's Rep. 197, [2019] 1 All ER (Comm) 371 – Acted for injunction defendants resisting ASI relief in respect of Lebanese proceedings commenced by them against a machinery supplier (Perkins) after termination of distribution agreement. Bryan J granted ASI relief, based on the proper meaning and effect of the conditional arbitration agreement in the parties' contract and reciprocal enforcement procedures in UK and Lebanon. Instructed by **Allen & Overy**.

*Aqaba Container Terminal Co v. Soletanche Bachy France SAS* [2019] 1 Lloyd's Rep. 431 – Acted for injunction claimant (ACT) seeking ASI relief against counterparty who commenced proceedings in The Hashemite Kingdom of Jordan seeking nullification of the parties' construction contract on constitutional grounds. ASI granted without notice by Jacobs J (August 2018), continued at contested return date by Moulder J (September 2018) and upheld at trial before Robin Knowles J in December 2018 (judgment handed down in March 2019). Instructed by **Allen & Overy**.

*Design Copyright Dispute / Ukrainian Proceedings (Anonymous) (2019)* – Acted for injunction claimant (German manufacturer) seeking and obtaining ASI relief against two defendants in respect of proceedings commenced by one of them in the Economic Court in Kyiv asserting copyright in certain designs relating to parts being supplied to the counterparty for installation into a drilling rig in Ukraine. Teare J upheld mandatory and negative ASI relief against both defendants at the return date (May 2019) including on the basis of vexatious collusion between them. Instructed by **Allen & Overy**.

*Financing Dispute / Russian Proceedings (Anonymous) (2020)* – Acted for potential injunction claimant (UK based securities broker-dealer) in respect of proceedings commenced against it in Moscow Arbitrazh Court by its contractual counterparty (an insolvent Russian bank) and another entity seeking invalidation of accounting reconciliations and arrangements to close out positions under a series of stock-lending, repo-financing and associated securities agreements governed by English law. Analysis involved inference of collusion between defendants who commenced foreign court proceedings to circumvent London arbitration by analogy to *Russian Machines* (see above). Instructed by **Signature Law**.

*RiverRock Securities v. International Bank of St. Petersburg* [2020] EWHC 2483 (Comm); [2020] 2 All E.R. (Comm) 1121; [2020] 2 Lloyd's Rep. 591 – Acted for claimant seeking and obtaining ASI relief against an insolvent Russian bank, acting through its official receiver (DIA), in respect of proceedings before St. Petersburg Arbitrazh Court claiming invalidation of contracts for sale and purchase of credit-linked notes. Contested interim injunction hearing (September 2019) before Foxton J leading to a detailed written judgment examining arbitrability of insolvency claims and role of public policy as a matter of English law, following and applying *Nori Holdings* (above). Final mandatory ASI and AEI relief granted together with indemnity costs by Sir Michael Burton GBE: [2020] EWHC 3324 (Comm). Instructed by **Jones Day**.

*Africa Finance Corporation & others v. Aiteo Eastern C & P Co Ltd* [2022] EWHC 768 (Comm); [2022] 1 CLC 877 – Acted for defendant in ASI proceedings before the Commercial Court in context of counter-injunctive relief granted by Nigerian courts and allegations of contempt of court in both jurisdictions. Issues relating to delay, comity, unclean hands, waiver and submission; plus jurisdiction challenge based on *forum non conveniens* rolled into final relief hearing. Underlying dispute concerns US£2 billion financing, one involving an optional/asymmetrical arbitration agreement governed by English law and another governed by Nigerian law. ICC arbitration proceedings on foot in parallel. Three day trial in Commercial Court in March 2022 resulting in judgment of Sir Nigel Teare in April 2022. Limited permission to appeal granted by Males LJ in May 2022. Appeal resolved after a related s.67 challenge was dismissed: see judgment of Foxton J [2022] EWHC 2912 (Comm). Instructed by **Stewarts Law & Omnia Strategy**.

*Louis Dreyfus Company Suisse SA v. International Bank of St. Petersburg* [2021] EWHC 1039 (Comm); [2021] Costs L.R. 441 – Acted for claimant who obtained ASI relief in respect of a discrete head of claim introduced into contractual invalidation proceedings by the Russian State Official Receiver (DIA) in the same bankruptcy proceedings in St. Petersburg Arbitrazh Court as considered in *RiverRock* (above). Final relief and indemnity costs granted by Calver J in April 2021. Instructed by **Orrick, Herrington & Sutcliffe**.

*Zambian Electricity Supply Dispute (Anonymous) / UNCITRAL Arbitrations (2021-2022)* – Acted for arbitral claimants seeking AAI in respect of fresh arbitral proceedings commenced by respondent seeking alternative relief in relation to the same contractual arrangements covered by pending arbitration. Issues as to abuse of process, implied obligations as to abusive or circumventive or unconscionable conduct on the part of arbitrating parties as a matter of English law. Separate claim for interim payment order pursuant to UNCITRAL Rules. Award issued in January 2022 subject to unsuccessful challenge in Commercial Court (see below). Instructed by **Allen & Overy**.

*Mining Dispute / Malian Proceedings (Anonymous) (2022)* – Acting for claimant seeking ASI in respect of civil proceedings commenced in late 2021 in the Bamako Commercial Court,

Republic of Mali.

Fuel Supply Agreement contains an arbitration agreement governed by English law and stipulating Paris seat arbitration under ICC Rules. A separate provision confers non-exclusive jurisdiction on the English Courts. Interim negative ASI granted by Calver J in March 2022. Final relief granted in May 2022. Instructed by **Allen & Overy**.

*EGF v. HVF & others* [2022] EWHC 2470 (Comm) – Acted on behalf of primary defendants (arbitral claimants / award creditors) in a set of curial challenges by arbitral respondent / award debtor under ss.24, 67 & 68 of the 1996 Act. Allegations of apparent bias and procedural misconduct on the part of the tribunal. Separate challenge to award granting interim payment order pursuant to Article 26 of UNCITRAL Rules. Related to *Zambian AAI* matter described above. Judgment of Andrew Baker J in September 2022 dismissed challenges. Instructed by **Allen & Overy**.

*Russian Corporate Conspiracy Dispute / BVI Proceedings (Anonymous) (2022-2023)* – Acted for arbitral respondent resisting claim for ASI relief by arbitral claimant in respect of substantive conspiracy proceedings commenced in BVI Court. ASI dismissed on grounds of delay by arbitral tribunal in London in October 2022. Instructed by **Seladore Legal**.

*Insurance Dispute / Ecuadorian Proceedings (Anonymous) (2023)* – Acting for reinsurers in connection with a coverage dispute concerning a damaged pipeline in Ecuador. The jurisdictional perspective arises from the fact that the local policyholder engaged the administrative jurisdiction of the national insurance superintendent and threatened to pursue a claim in the local civil courts under the policy. Instructed by **DAC Beachcroft**.

*UniCredit Bank v. RusChemAlliance* [2024] UKSC 30; [2024] 3 WLR 659 – Acted for the claimant bank seeking final ASI relief against a Russian entity part-owned by Gazprom. Proceedings were commenced in St. Petersburg Arbitrazh Court seeking payment of €450m+ under seven bonds relating to two major construction projects. Robin Knowles J granted interim relief without notice in August 2023. Sir Nigel Teare dismissed the ASI claim for lack of jurisdiction five weeks later: [2023] EWHC 2302 (Comm). The Court of Appeal allowed an expedited appeal in January 2024 and granted final mandatory ASI relief: [2024] 1 Lloyd's Rep. 350. The Supreme Court heard and dismissed RCA's jurisdictional appeal on an expedited basis in April 2024 and issued its judgment in September 2024. Instructed by **Latham & Watkins**.

*Magomedov & others v. PJSC Transneft & others* [2024] 4 WLR 48 – Acted for claimants seeking temporary AASI and subsequently AEI relief against a defendant state-owned entity (Transneft) which commenced ASI proceedings in Moscow whilst also challenging the English Court's jurisdiction. Foxton J granted temporary or so-called 'interim interim' AASI relief on a without notice basis in February 2024 pending the determination of the jurisdiction challenge in the English Court. Bright J heard the substantive return date in May 2024, upholding such

interim relief and granting AEI relief in respect of judgments obtained in Moscow in the meantime. Instructed by **Seladore Legal**.

*Infrastructure Dispute / Zanzibari Proceedings (Anonymous) (2024)* – Acted for the defendant in ASI proceedings commenced in February 2024 by a contractual counterparty to infrastructure joint ventures in Tanzania. Interim negative ASI relief granted by Andrew Baker J in February 2024. Substantive return date to be fixed. Issues concerning non-contracting parties and whether appropriate to have proceeded without notice. Instructed by **Allen & Overy**.

*Financing Dispute / Potential Luxembourg Proceedings (Anonymous) (2024)* – Advised finance parties as to potential pre-emptive coercive options in the context of multi-jurisdictional security arrangements concerning ultimate ownership of a major European football club close to redemption dates under various secured debt issuances and facilities. Instructed by **Quinn Emmanuel**.

*Financing Dispute / Potential Russian Proceedings (Anonymous) (2024)* – Advised a major international bank as to potential pre-emptive coercive options in the context of complex financing and security arrangements with a Russian-domiciled counterparty. This involves potential invocation of Arts.248.1 & 248.2 of the Arbitrazh Procedural Code, as considered in *UniCredit* and *Magomedov* summarised above. Instructed by **Clifford Chance**.

*Investcom Global Ltd v. PLC Investments Ltd & others* [2024] EWHC 2505 (Comm) – Acting for claimant in ASI+AEI proceedings in respect of different sets of proceedings brought by associated defendants in Liberia during March-June 2024. Shareholder dispute relating to telecoms and mobile payments services business. ICC arbitration on foot with seat determined by the ICC Court pursuant to Article 18 of the ICC Rules. Interim relief granted by Foxton J on a without notice basis in mid-July, including by reference to vexatious ‘outflanking’ of arbitration agreements in the absence of direct privity between parties. Henshaw J dealt with jurisdiction challenge in September 2024. Instructed by **Skaddens**.

*Share Valuation Dispute / Russian Proceedings (Anonymous) (2024)* – Advised a major professional services business in July 2024 as to potential coercive (including AEI) options in the context of Russian court judgments adverse to their interests arising out of a share valuation provided during an earlier corporate divestment. Instructed by **Clifford Chance**.

*Google LLC & another v. NAO Tsargrad Media & others (2024)* – Acting for claimants seeking post-judgment AEI+AASI relief against three Russian-domiciled defendants in the context of civil judgments obtained in Moscow which the relevant judgment-creditor has since sought to enforce against potential group corporate assets in several foreign jurisdictions. Interim relief granted by HHJ Pelling KC in August 2024. An expedited final hearing, including any jurisdiction challenge and set aside application, is listed for late November 2024. Instructed by **King & Spalding**.

*Contractual Dispute / Potential Israeli Proceedings (Anonymous) (2024)* – Advising parties against whom collateral court proceedings have been threatened by a corporate counterparty in the context of a pending arbitration. Instructed by **Skaddens**.

*Atlas Holdings LLC v. Aviator LLC (2024)* – Acting for the defendant in non-contractual post-judgment AEI proceedings related to a trial judgment of the court in Tblisi, Georgia concerning IP rights over online gaming business. Pending ICC arbitral proceedings between claimant and other parties. Allegations of vexatious collusion by analogy to cases such as *Russian Machines* summarised above. Instructed by **A&O Shearman**.

### [3] Substantive Injunctions

*Law Debenture Trust Corp v. Elektrim Finance* [2005] 2 All ER 476; [2005] 2 Lloyd's Rep 755 (Mann J) – Acted for major bondholders in pre-emptive proceedings designed to protect proposed arbitration. Decision concerns the interplay of ss.9 & 72 of the 1996 Act, as well as proper construction of a combined jurisdiction and arbitration clause giving one party a unilateral option to select arbitration. Underlying dispute related to default / acceleration under €510m Elektrim bond issue (related HL decision in *Concord Trust v. Law Debenture Trust Corp* [2005] 1 WLR 1591). Instructed by **Bingham McCutcheon**.

*Digicel v. West Indies Cricket Board (2008)* – Acted for Caribbean telecoms company which was exclusive sponsor of West Indies Cricket Team, seeking interim injunction from Commercial Court under s.44(3) of the 1996 Act in order to hold the ring pending expedited arbitration for final relief. Underlying dispute related to the '*Stanford '20/20 for \$20 million'*' cricket match held in Antigua on 1 November 2008 (which the England Cricket Team lost...) Instructed by **Jones Day**.

*Telenor East v. Altimio Holdings* [2011] EWHC 735 (Comm); [2011] Arb LR 9 (Gloster J) – Acted for defendant shareholder (Altimio) resisting mandatory interim injunction under s.44(3) of the 1996 Act designed to prevent a proposed strategic merger in the mobile telecoms sector, involving VimpelCom. The merger subsequently completed in April 2011, creating the world's sixth largest mobile telecoms provider by subscriber numbers at the time. Instructed by **Skaddens**.

*Ouais Group Engineering & Contracting v. Saipem* [2013] EWHC 990 (Comm) (Poplewell J) – Acted for claimant seeking interim prohibitory and mandatory injunctive relief under s.44(3) of the 1996 Act to prevent payment out under a series of on demand guarantees / performance bonds issued by Lebanese banks, against backdrop of pending arbitration in London. Underlying dispute concerned termination of contracts for onshore gas field installation. Instructed by **Addleshaw Goddard**.

*LLP Expulsion / Financial Services Dispute (Anonymous) (2015-2016)* – Acted for LLP members resisting injunctive and other relief sought by an expelled member. LCIA arbitration award, including emergency arbitrator appointment and interim relief. Issues as to good faith and due process in expulsion regime. Instructed by **Addleshaw Goddard**.

*Rafael Advanced Defense Systems v. Mectron Engenharia* [2017] EWHC 597 (Comm) – Acted for intervening party resisting grant of injunctive relief relating to alleged misuse of confidential information in the defence procurement context (Brazilian Air Force). Teare J dismissed the interim injunction. Instructed by **Clifford Chance**.

*Consilient Health Ltd v. Gedeon Richter PLC* [2022] EWHC 1744 (Ch) & [2022] EWHC 1956 (Ch) – Acting on behalf of claimant / award creditor seeking enforcement of a final award issued in The Netherlands, which requires transfer of registered trade marks, marketing



authorisations and associated registration & manufacturing information in respect of long-term pharmaceutical collaboration agreement. Seeking final mandatory injunctive relief and order pursuant to s.39 SCA 1981 for a court officer to sign relevant transfer instrumentation in the event of default by the defendant / award debtor. Recognition and enforcement adjourned pursuant to s.103(5) of the 1996 Act by Miles J in June 2022. Instructed by **Allen & Overy**.

*LLP Expulsion / Financial Services Dispute (Anonymous) (2022-2023)* – Acted for claimant in a dispute about threatened expulsion from LLP. Interim injunction granted by Robin Knowles J in October 2022 pursuant to s.44(3) of the 1996 Act to preserve assets pending potential mediation and arbitration process. Tiered dispute resolution regime. Set aside challenge listed for January 2023 in Commercial Court. Instructed by **White & Case**.

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