



Frederico Singarajah

Year of call: 2009

Email:

frederico.singarajah@hardwicke.co.uk

Direct: +44 (0)20 7691 0290

Hardwicke

A leading set specialising in commercial, construction, insurance and property law

+44 (0)20 7242 2523
enquiries@hardwicke.co.uk
hardwicke.co.uk

Practice overview

Frederico is a specialist in international trade and investment disputes. He practiced law as a solicitor and in-house lawyer before being called to the bar. As a native Brazilian he speaks Portuguese (and Spanish), is often involved in Latin American, Iberian and Lusophone disputes and is able to provide quick advice without the need for translations or interpreters. He is specifically sought out for his unique expertise by English, International and foreign firms as well as third-party funders and government.

He is an experienced trial advocate. During his time at the bar he has advised and acted for states, state entities, public and private companies in English court proceedings, and has a considerable international arbitration practice (including under the institutional rules of the LCIA, ICDR, ICC, LMAA, DIAC, CAM-CCBC, AIAC, ACICA and UNCITRAL).

Frederico's practice spans across a wide spectrum of industry sectors including banking & finance, corporate, M & A, commodities, maritime, aviation, energy, mining, infrastructure and insurance cases.

Frederico is recognised in the International Arbitration Powerlist by Legal 500 and Who's Who Legal, amongst the most experienced and notable international arbitration practitioners at the English bar. He sits as an arbitrator and is included in the lists or panels of arbitrators in many institutions across the world including the LCIA, ICC, ACICA, AIAC, KCAB, VIAC, CACM to name a few.

In 2017, Frederico was appointed by the Ministry of Justice as a Court Examiner, undertaking depositions predominantly for the district courts of New York, Texas and California. Frederico is also an accredited mediator and is happy to accept appointments. He is one of the first barristers to become an accredited Digital Dispute Resolution Specialist and sit on ADR ODR's DDRS panel.

Commercial Dispute Resolution

Banking & Finance

Frederico has advised and represented 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.

- *In re Interest Rate Swaps Antitrust Litigation 2018 WL 2332069 (SDNY) [2019] QBD* – US multi-million civil claim, resulting from US Securities and Exchange Commission (SEC) adverse findings that a group of banks had withheld information on buy-side interest rate swaps on an electronic exchange platform.
- *Commerzbank AG v Bank of New York Mellon & Bank of New York Mellon Trust Company [2019] QBD* – US multi-million claim for breach of trustee obligations in respect of a securitisation.
- *PCA – c. \$2 million claim brought by a Swiss entity against a Colombian contractual counterparty in a contract for the purchase of carbon credits arising from a project in Medellin, Colombia. Arbitration seated in Zurich, Switzerland.*
- *B3 – c. R\$1.3 billion dispute, governed by Brazilian law, relating to the wrong calculation of payment and redemption values of a FIDC non-real estate backed securitisation.*
- *ICC – English commodities broker claims against a Bangladeshi state-owned company and its bank in a c. \$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 exposure to 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 with the SFO.

Recent Work:

- *NCA & DoJ (US) [2018]* – National Crime Agency's International Corruption Unit assisting US Department of Justice in a c. \$1 billion corruption investigation in the oil & gas sector, of an African state.
- *SFO v AS & Anr [2018]* – Serious Fraud Office prosecution in c. £30 million fraud involving an unregulated collective investment scheme in an opaque company and trust structure involving Brazil, UAE, US and England.
- *KDB (Receiver of Rex Venture Group LLC) (US) v SS & Ors [2016]* – US Securities and Exchange Commission (SEC) appointed receivers enforcement of c. \$1.75 million of North Carolina judgments relating to fraudulent payments from a 'Ponzi' scheme.
- *RE: SB Property Investment (Brazil) [2014]* – a c. £20 million class action, representing some 80 private investors in the UK, UAE, NZ and US, involving the purported acquisition, parcelling 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.

Commercial Arbitration

Frederico is experienced in a variety of international arbitrations, mostly 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 practice has involved arguing foreign as well as English law on a regular basis.

Recent Work:

- *GAFTA – Brazilian company bringing a c. \$10 million claim against a BVI subsidiary of a multinational group, for breach of payment term on the sale of Maize under the standard form of Brazilian cereal association ANEC. Arbitration seated in London.*
- *LCIA – English subsidiary of a US emergency disaster company for the recovery of a debt arising from a contract governed by English law against an airline for services where a Boeing landed in the sea in South East Asia. Arbitration seated in London.*
- *LCIA – 5-day trial between Maltese, UAE and Indian sugar producers against UK and US traders in a c. €12 million dispute governed by 2 marketing agreements governed by English law and seated in London. Led by Paul Reed QC.*
- *SCC – English subsidiary of Russian entity in a c. €850k 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.*
- *CAM-CCBC – Brazilian entity in the renewables sector with claims against a syndicate of US banks c. \$300 million arising from the acquisition of a Spanish company, for declaratory relief on the interpretation of a clause in a contract governed by English law, for an indemnity of withholding tax applied by Brazilian tax authorities. Arbitration seated in São Paulo, in Portuguese.*
- *Ad Hoc – Thai company and its Ghanaian subsidiary in a c. \$110 million dispute on the breach of a ‘collateral management agreement’ against a Ghanaian bank, governed by English law seated in Accra.*
- *LMAA – 3-day trial between a Honduran mine against a US iron ore broker in a c. \$2.6 million cargo claim for breach of an agreement to supply to China under an amended FOB contract, governed by English law and seated in London.*
- *UNCITRAL – 5-day trial between a Brazilian exclusive distributor against a Chinese state-owned principal, c. \$20 million for breach of an implied duty of good faith, governed by Brazilian law, seated in London.*
- *ICC – Turkish exclusive franchisee against a Dutch principal in a c. \$75k dispute in the retail food sector, governed by English law, seated in Istanbul.*

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 very large cases including 100 million-dollar plus cases such as a trademark dispute between TEVA and GSK in the pharmaceutical sector and in oil & gas related to a joint venture between Odebrecht and Maersk.

Recent Work:

- *Roundshield Partners LLP v CRIA SL (Spain) & Ors [2019] EWHC 2733 (QB) – breach of contract and defamation relating to a €70 million facility agreement for the acquisition and*

- operation of an airport in Spain.
- *NDT (Brazil) -v- SIL [2019] (Comm)* – c. £4 million claim by Brazilian buyer breach of manufacture of motor yacht contract.
- *Cestrian Imaging Ltd -v- MTex Technologies Ltd – TCC [2017] EWHC 3142 (Ch)* – 5-day trial against a silk. English subsidiary of a Portuguese manufacturer of industrial printers, c. £150k dispute on whether the goods were compatible with pre-existing software and workflow.
- *Domingo Penayo-Vaida (Paraguay) v Intertransfers Inc (USA) & Ors [2012] EWHC 410 (Comm)* – English subsidiary of a US company in the foreign exchange sector, against a Paraguayan company and its owner in a c. £1.5 million claim. Claim 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)* – English company in a debt action against a Colombian company for payments due following the supply of metal coils engineered to specification.
- *Michael Radford & Anr v Gheko Productions (Spain) & Ors – QBD [2011]* – Spanish natural person alleged to have loaned monies to a Spanish company in the film production sector, in a c. £1.1 million claim brought by director Michael Radford, in a dispute relating to funding for his film ‘La Mula’.
- *Mediterranean Shipping Company SA (Switzerland) v Worldwide Biorecyclables Ltd & Ors [2010] (TCC)* – English company defending c. £750k claim brought by the MSC, relating to the exporting of allegedly toxic waste to Brazil, in breach of Basle Convention.

Companies, Joint Ventures & Partnerships

Frederico has advised and represented clients in respect of disputes involving JVs and SPVs whether in the form of private limited companies or limited liability partnerships. His experience is both domestic and international in the area of corporate disputes. He has advised and represented 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.

- *Refco Group LLC v Cantor Fitzgerald LP [2019] QBD* – derivative claim for c.\$15 million brought by minority shareholder for the unlawful or unfair disposition of technology for mobile gambling representing the initial investment.
- *Alexander v Willow Court (2016) Ltd & Ors [2018] EWCH 597 (Ch) (Insolvency and Companies List)* – 2-day trial between nominee purchaser and shareholders in a c. £500k dispute under section 994 unfair prejudice, relating to the disposition of real property.
- *Pinto & Ors v John Menzies Plc (Scotland) & Ors (settled) [2012] QBD (Commercial Court)* – Brazilian “administrators” claim for compensation following the lifting of the corporate veil of a Brazilian subsidiary. A c. £12 million claim was brought in the English High Court against English and Scottish public companies, as well as the Florida registered group company.

Private International Law

Frederico’s work is international. His niche expertise in Brazil & Latin America, and more generally, emerging markets 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 combined with the high quality of his legal work gives him a significant advantage over his counterparts.

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:

- *CeCAP – Dispute c. \$40 million between Costa Rican claimant and Spanish respondent on commission payments due and owing for consultancy services relating to the tender, construction and operation of a water and sewage treatment plant in Panama. Arbitration seated in Panama, in Spanish.*
- *Kentish International Trader (BVI) v Ganter Interior GmbH & Ganter UK Ltd [2018]* claim in the English High Court in respect of breaches of contract governed by German law for design supply and manufacture of bespoke interior design.
- *RE: Limassol Port [2017]* – syndicated banking structure investing in a SPV for the grant 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]* – Nigerian land owner claiming 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 as counsel and arbitrator of energy and renewables cases often with an international element. He has advised on risk and liability, 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. He is experienced in FPSO construction and leasing disputes.

Recent Work:

- *ICC – dispute relating to the construction of a photovoltaic plant for claims c. \$40 million in respect of delay and disruption from the E & M contractor against the employer. Arbitration seated in Geneva, Switzerland and governed by Brazilian law.*
- *LCA – claim from US multinational claimant c. £5 million for defects in the partial design and manufacture of feedwater heaters for a nuclear power plant in Latin America. Seated in London with English law governing.*

- *CAM-CCBC* – claim c. \$100 million in renewables sector, relating to the acquisition of a Spanish company, being sold by a syndicate of US banks under a contract governed by English law, for an indemnity of withholding tax applied in respect of capital gains.
- *ICC* – c. \$350 million delay claims brought by Norwegian company against Brazilian operator relating to the contracting of subsea umbilicals, risers and flowlines (SURFs) provided for the exploration and production of oil in the pre-salt Santos basin in Brazil.
- *Odebrecht SA v MAERSK [2010] (Comm) (settled)* – claim against 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 c. £360 million.

International

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. Almost all of Frederico's work has an international element. He has made extensive appearances in the English courts and in many international arbitration/commercial matters for and against individuals, corporations and states. His international practice encompasses both private and public law. Please see commercial litigation and arbitration for a list of recent cases.

Related news

- 9 December 2020** Halliburton with a Brazilian Twist: Supreme Court assistance on the hot topics of conflicts of interest and arbitrator's duties
- 15 January 2020** Hardwicke Construction, Real Estate and Arbitration Team Members in Who's Who Legal Top Barristers
- 12 June 2019** The Hardwicke team are supporting The London Legal Walk 2019
- 26 March 2019** Nigel Jones QC, Paul Reed QC and Frederico Singarajah appear on Legal 500's International Arbitration Powerlist
- 15 November 2018** International arbitration in Brazil – opportunities and experiences

Related articles

- 9 December 2020** Halliburton with a Brazilian Twist: Supreme Court assistance on the hot topics of conflicts of interest and arbitrator's duties
- 4 November 2020** Battle of the Virtual Hearing Protocols
- 3 July 2020** The Hitchhiker's Guide to Virtual Hearings
- 17 January 2020** Cultural differences in international arbitration
- 1 March 2019** Is Brexit a breach of the UK's BITs?

Related events

- 14 December 2020** Frederico Singarajah speaking at virtual moot on law and procedure

08 October 2020 Battle of the Virtual Hearing Protocols

16 September 2020 CAR Seminar Series: The meaning of damage and inherent vice – what is the difference?

18 June 2020 J2J Commercial: Obtaining and resisting injunctions: strategies, pitfalls and the duty of full and frank disclosure

18 June 2020 Frederico Singarajah speaking at a webinar on 18 June hosted by CIArb Brazil Branch and NYIAC

03 June 2020 #HardwickeBrew – Break the log jam with online ADR – Online arbitration part I: the practicalities of putting on and running an online arbitration

27 May 2020 Frederico Singarajah to speak on comparative international arbitration

23 October 2019 Frederico Singarajah speaks at CIArb Brazil Branch launch

21 October 2019 Frederico Singarajah speaking at VI Congresso CAM-CCBC de Arbitragem Arbitration Conference

14 October 2019 Cultural differences in international arbitration

23 August 2019 Arbitrations involving states and state entities in Latin America

05 June 2019 J2J Commercial Fraud Conference

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

14 November 2018 Arbitration in Brazil: A Practical Guide

07 November 2018 Frederico Singarajah speaks at Legal Business Arbitration Summit

Languages

- Native Portuguese
- Spanish

Professional associations

- Member of International Committee of the Bar Council
- Member of Gray's Inn Barristers' Committee (2018-19)
- Founder and Co-chair of Lex Anglo-Brasil
- Honorary Member of the Instituto de Advogados do Brasil (IAB)
- Associate Member of the American Bar Association (ABA)
- Fellow of the Institute of Advanced Legal Studies (IALS)
- Member of International Bar Association (IBA)
- Member of Society of Construction Law (SCL)
- 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
- Fellow of Chartered Institute of Arbitrators (CIArb)
- Fellow of Australian Centre for International Commercial Arbitration (ACICA)
- Supporting Member of the London Maritime Arbitrators Association (LMAA)
- 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)
- Member of Comitê Brasileiro de Arbitragem (Cbar)
- Member of Panel of Arbitrators of Asian International Arbitration Centre (AIAC)

- Member of the Panel of Arbitrators of the Mozambique Centre for Arbitration, Conciliation and Mediation (CACM)
- Member of the List of Practitioners, Vienna International Arbitral Centre (VIAC)
- Member of the Panel of International Arbitrators for Korean Commercial Arbitration Board (KCAB) International
- List of Arbitrators of the Hong Kong International Arbitration Centre (HKIAC)

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
- Accredited Full SFO Security Clearance
- Digital Dispute Resolution Specialist (DDRS)
- Sits on ADR ODR's DDRS panel

Directory Recommendations

Legal 500 International Powerlist
Who's Who Legal – Arbitration

Practice Manager Details:

Amy McClean

Email:

amy.mcclean@hardwicke.co.uk

Direct:

+44 (0)20 7691 0102

Natasha Devlin-Clingham

Email:

natasha.devlin@hardwicke.co.uk

Direct:

+44 (0)20 7691 0004