

Arbitrators

AT 24 LINCOLN'S INN FIELDS



Anna Dilnot KC

Anna actively accepts arbitration appointments and has over 20 years commercial litigation experience. Anna qualified as a commercial litigation solicitor in 2002, becoming a solicitor advocate before being called to the Bar in 2008, and taking silk in 2021.

Who's Who 2023 notes that Anna draws widespread recommendations for her asset recovery expertise, with commentators endorsing her as "an absolutely excellent silk". Anna was also recognised as an expert (global and national leader) in Who's Who Legal Asset Recovery 2018 – 2022, she is described as having a "super sharp mind", being both a "persuasive advocate" and "very impressive on her feet in complex proceedings". For 2023, Anna is also recognised as a leading silk for commercial dispute resolution and asset recovery in Chambers & Partners and Legal 500.

Anna has a broad commercial and commercial chancery practice, with specialisms in conflicts of laws and civil fraud. She is experienced as an advocate in both court proceedings and international arbitration (*ad hoc*, LCIA, ICC, GAFTA and SIAC). Anna is also accustomed to applying laws other than English law, with recent experience in the laws of Thailand, Russia, Kazakhstan, BVI, France and Spain.

Arbitration (including arbitration-related court applications)

Anna advises and acts in a wide range of arbitral proceedings conducted both domestically and internationally. She also has experience of seeking (and resisting) injunctive relief (including anti-suit and anti-enforcement injunctions) and receivership orders pursuant to s.44 of the 1996 Act, enforcing or resisting the enforcement of arbitral awards and appeals to the High Court pursuant to ss.68 and 69. Recent examples of cases include:

- *London Steam-ship Owners' Mutual Association Ltd v Spain* [2021] EWCA 1589: Anna acts for the French State in two actions brought by the London Steamship Owners' Mutual Association against France and the Kingdom of Spain in relation to judgments in excess of EUR 1.5 billion obtained by those

states against the Club as liability insurer of the M/T Prestige, the total loss of which caused huge environmental and economic damage to the states.

- Anna recently represented France in two jurisdiction challenges involving complex and novel issues of arbitration law, jurisdiction and state immunity. Anna successfully represented France (and indeed Spain) in the 5-day appeal which saw the Court decline jurisdiction in respect of both claims commenced by the Club.
- Anna also currently represents France in a substantial related ad hoc arbitration before Dame Elizabeth Gloster involving the application of the conditional benefit principle to third parties, equitable compensation for breach of an arbitration agreement, anti-suit and anti-enforcement injunctions, as well as damages in lieu under the successor to Lord Cairn's Act.
- *Deutsche Bank v the Central Bank of Venezuela [2021-2022]*: Anna acts for Deutsche Bank in proceedings brought under s.44 Arbitration Act 1996 for a receivership order and to determine whether the board of the Central Bank of Venezuela appointed by Juan Guaidó or that appointed by Nicolás Maduro is authorised to represent the Central Bank in an LCIA arbitration. The proceedings have now been joined with those brought by the Central Bank against the Bank of England. Anna made novel use of a receivership order to protect the bank against both contractual default and the imposition of US sanctions.
- LCIA arbitration [2022]: Dispute between several wealthy Russian businessmen in relation to a diamond business. Anna represented the Respondent, with Sophia Hurst, in the 2-week LCIA arbitration.
- LCIA Arbitration [2018]: Anna successfully represented the Claimant in a shareholders' dispute in an LCIA arbitration, obtaining specific performance of a shareholders' agreement and the transfer of shares to her client. Involved issues of contractual construction, estoppel and equitable remedies.
- *Tau Power BV & Ors v (1) The Republic of Kazakhstan (2) JSC Shulbinsk (3) JSC Kamenogorsk GES [2018]*: Anna acted for Tau Power, along with David Foxton KC, to obtain injunctions against the defendants under s.44 AA 1996, including the Republic of Kazakhstan, to prevent escrow monies from being paid away following a substantial ICSID arbitration and a series of decisions in the Kazakh court.
- LCIA Arbitration [2016/7]: Defending proceedings brought by a Turkish intermediary for fees arising out of a consultancy agreement in respect of military hardware provided to the Turkish military. The case involved questions of contractual construction and bribery.
- *Ikon International (HK) Holdings Plc v Ikon Finance & Ors [2016]*: Anna acted for the claimant in an ad hoc arbitration seeking damages in respect of the operation of a joint venture relating to online forex trading. Anna further acted for the claimant in Commercial Court proceedings brought in respect of sums due pursuant to various letters of credit and guarantees (settled).
- SIAC arbitration: Anna defended a Delaware company and a director and shareholder of that company in a contract and shareholder dispute with a substantial Indian co-operative. The matter concerned a prospective

phosphorus rock off-take agreement in relation to one or more Australian mines.

- Ad hoc arbitration: Anna acted for a wealthy individual in a dispute related to the proposed demolition of a valuable London property. Anna also obtained interim relief pursuant to s.44.
- *London Steam Ship Owners Mutual Insurance Association v (1) Spain and (2) France (the Prestige)* [2013] EWHC 3188 (Comm) and [2015] EWCA Civ 333: Anna represented Spain and France at first instance and on appeal in resisting s.66 applications to enforce negative declarations granted in Awards made against them in relation to their attempts to seek compensation for losses of over €4 billion caused by the ecological disaster arising out of the sinking of the M/T Prestige in 2002. Sovereign immunity, conflicts of laws, arbitrability, the Judgments Regulation and ss.67/72 of the Arbitration Act 1996. (With Joe Smouha KC)
- LCIA arbitration [2012]: Anna acted as sole advocate in a two week arbitration representing a seller of wafers for photovoltaic panels in a dispute relating to a long-term 'take or pay' contract. She obtained an Award of circa \$13 million for her client.
- LCIA arbitration (Dubai) [2012]: Anna acted for a large international law firm in a partnership dispute (settled).
- LCIA arbitration [2010]: Anna acted for an international energy commodity trader in an LCIA international commercial arbitration concerning an oil pipeline in Ghana (settled).
- LCIA arbitration [2009-2010]: Anna acted for a large international telecoms and technology company in an LCIA international commercial arbitration concerning the implementation of a 3G network (settled after the final hearing and Award).
- *Emmott v Michael Wilson & Partners Ltd* [2009] EWHC 1 (Comm): The first reported (and widely commented upon) decision on the Court's powers under s. 42 Arbitration Act 1996 with regard to enforcement of a peremptory order made by a Tribunal.
- Ad hoc arbitration [2008-2010]: Anna acted in the hearing of a very substantial ad hoc commercial arbitration regarding alleged breaches of fiduciary and contractual duties (including the diversion of business opportunities) arising out of a business venture in the Republic of Kazakhstan.

Career

2021: Silk

2008: Call

2002-2008: Solicitor, Commercial Litigation (Stephenson Harwood and Simmons & Simmons)

Education

1999: Legal Practice Course

1998: Law and French Law at University College London

1997: Université d'Assas

Languages

French (fluent)

Italian (working)

Spanish (working)