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Cohen & Gresser's Richard Kovalevsky QC Helps Secure Landmark Victory in SFO Case before UK Supreme Court

LONDON (5 February 2021) – On 5 February 2021, the Supreme Court of the United Kingdom handed down a landmark judgment, delivering a decisive victory to KBR Inc. and agreeing to the arguments presented by Cohen & Gresser's [Richard Kovalevsky QC](#) and the rest of the KBR legal team. The Supreme Court held that the SFO could not compel a foreign company to produce documents held abroad under Section 2(3) of the Criminal Justice Act of 1987.

"This historic decision significantly alters how the SFO can conduct extraterritorial investigations and protects foreign entities from being forced to comply with far-reaching and unlawful demands for the production of documents and electronic materials under the threat of criminal charges," said Richard Kovalevsky QC, head of Criminal Defense for Cohen & Gresser's London office.

The Supreme Court's ruling in [KBR Inc. v The SFO \[2021\] UKSC 2](#) has broad implications for all foreign entities under investigation by the SFO and significantly curtails the agency's jurisdictional reach. The SFO will no longer be able to issue Notices under Section 2(3) as a tool to access the foreign records of companies outside of their jurisdictional limits. The ruling further calls into question the status of any foreign documents previously obtained by the SFO under a Section 2(3) Notice. These documents now raise several legal questions, and the SFO will need to determine how to handle these investigations moving forward.

Richard Kovalevsky QC represents KBR, Inc. in relation to the SFO's investigation and has served as counsel for the company in Judicial Review and before the UK Supreme Court.

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