

David Head QC

Email Address: dhead@3vb.com

Year Of Call: **1997**

Year Of Silk: **2016**



David Head QC is a highly regarded advocate and trial lawyer. He has a busy and varied commercial practice, including complex, high value litigation and arbitration as well as advisory work.

David is recommended by the UK and international legal directories as a leading silk in commercial dispute resolution, civil and commercial fraud, banking and finance and professional negligence. He is consistently praised for the quality of his advocacy, his strategic approach and his ability to work well with others to bring about optimum results for clients. Recent comments include:

“His sublime advocacy is underpinned by an incredibly strong work ethic.” (Legal 500, 2020)

“He cuts straight to the real issues, stays focused and doesn't allow himself to be distracted...” (Chambers and Partners, 2020)

“He is stellar.” (Legal 500, 2020)

“An unflappable lead advocate with sharp intellect and advocacy. He is very hands-on and user friendly.” (Chambers and Partners, 2018)

“A brilliant legal mind, who is very commercial and a great strategist.” (Legal 500, 2018)

“Good judgment and calm in a crisis.” (Legal 500, 2018)

“Responsive, helpful and easy to deal with.” (Chambers and Partners, 2020)

David's recent caseload reflects the breadth of his practice and includes a number of high profile cases, in the English courts and elsewhere. He has been instructed in a number of prominent civil fraud disputes, *SKAT v Solo Capital & Others* (tax fraud litigation), *Kazakhstan Kagazy v Zhunus, Lakatamia Shipping v Nobu Su, The World LLC v Dalal* and *Awbury v Karson* (a breach of confidence case) in the Commercial Court, *Kyrgyz Mobil Tel v BITELE* in the Isle of Man. He was instructed by the Receivers in the *BTA v Ablyazov* litigation as an English law expert witness in related proceedings in Virginia, USA. He was instructed on behalf of a funder in the *RBS Rights Issue Litigation*. He has acted in a number of cases concerning the alleged mis-selling and/or proper construction of swaps and derivative contracts (including a recent trial in the Commercial Court on behalf of the National Asset Management Agency of Ireland about the construction of standard ISDA terms). He has also been instructed in a number of large-scale investor and/or share sale disputes, including the *Destiny Investments* litigation (a dispute in the Companies Court between stakeholders

in the London Hilton Metropole Hotels) and *Salford Capital v Krys/New World Value Fund* (a dispute in the BVI and Privy Council between the partners in an offshore investment fund). He has appeared on behalf of Note Trustees in a number of cases in the Financial List as to the proper construction of certain CMBS contracts. He was instructed in *Al-Mojil v Protiviti*, a substantial professional negligence claim and one of the largest cases ever to be heard in the DIFC courts in Dubai.

David has wide experience of heavy interlocutory applications (including freezing and other injunctions, ancillary disclosure orders, search orders and other interim remedies) long trials and arbitration hearings, appeals in the higher courts, and substantial contempt/committal proceedings. His cases frequently involve high value claims, multiple parties, overseas clients and/or litigation in other jurisdictions, although he accepts instructions in cases of all sizes.

His practice covers a wide area, including civil and commercial fraud; banking, finance and insolvency; professional negligence and liability (especially lawyers, brokers, accountants, auditors and surveyors), company and shareholder disputes; insurance and reinsurance; media, entertainment and sports law.

Expertise

Commercial Dispute Resolution

David has considerable experience in complex contractual and commercial disputes, including high value multi-party litigation and arbitration. This experience, combined with a detailed knowledge of procedural law, provides a sound basis for providing realistic and creative advice on strategy, and for finding the most attractive way of presenting the client's case.

With an "expansive commercial practice" (Chambers and Partners 2018), David is "consistently praised...for the intellectual ability he brings to ...commercial dispute resolution " (Chambers & Partners 2014).

Recent and notable cases include:

SKAT (Skatteforvaltningen) v Solo Capital Partners & Ors (Comm Ct). Instructed by leading defendant group in £1.5 billion claim brought by the Danish Customs & Tax Administration against more than 100 defendants in England & Wales alleging fraud, conspiracy, negligence and restitutionary claims arising out of *cum-ex* trades and applications for the repayment of dividend withholding tax. One of the largest cases ever to be heard by the Commercial Court. Issues as to the content of Danish tax law and international double tax treaties, justiciability of revenue claims in England, beneficial ownership of dividends, legality of trades and significance of Danish and EU market practice.

The World LLC v Shokat Dalal (Commercial Court)(2019-) Claim by UAE company for recognition and enforcement of a judgment of the Dubai Civil Courts in the sum of approximately £35m relating to offshore land development plots in Dubai. Includes allegations that judgment was obtained by fraud and was inconsistent with related proceedings in the Dubai World Tribunal. Freezing injunction obtained April 2019, maintained after discharge application November 2019: [2019] EWHC 2993 (Comm).

Awbury Technical Solutions LLC v Karson Management (Bermuda) Limited (Commercial Court)(2019-) Claim for permanent injunction and damages arising out of breach of confidence and breach of Non-Disclosure Agreement by financing and insurance/reinsurance solutions boutique based in Connecticut, USA. Interlocutory injunction obtained January 2019.

Lakatamia Shipping v Nobu Su and Ors (Commercial Court)(2019-). Claim for unlawful means conspiracy and/or “Marex tort” in relation to alleged breach of 2011 freezing injunction and/or failure to satisfy 2014 Commercial Court judgments by the dissipation of US\$27m net proceeds of sale of Monaco villas.

BTA Bank v Kussainova (Circuit Court of Fairfax, Virginia)(2019). Instructed as English Law expert by receivers appointed by BTA Bank over the assets of Mr Ablyazov following the high profile proceedings in the Commercial Court in London arising out of the misappropriation of the Bank's assets in Kazakhstan. Virginia proceedings concerned enforcement against properties in Virginia held in the name of family member.

Kazakhstan Kagazy v Zhunus and others (Commercial Court)(2013-) US\$150m claim alleging sham construction contracts and fraudulent misappropriation of funds from Kazakh recycling and logistics group. Duties owed by corporate officers under Kazakh Law, application of Kazakh limitation law.

Alfred Street v National Asset Management Agency (Commercial Court)(2017-) claim by corporate claimant disputing valid extension of multiple interest rate swap agreements. Case involves proper interpretation of relevant ISDA forms, estoppel, waiver and restitution points.

Al-Mojil v Protiviti Member Firm (Middle East) Limited (DIFC Court, Dubai)(2017-) claim for negligence, misrepresentation and defamation against professional services firm in respect of its investigation and report prepared for the Saudi Capital Markets Authority alleging fraud and manipulation of financial reports following the collapse of a listed Saudi construction company.

RBS Rights Issue Litigation (Chancery Division)(2017). Application for security for costs under section 51 SCA 1981 and CPR 25.14 against Claimants' overseas funders shortly before trial in substantial group litigation. Judgment of Hildyard J [2017] EWHC 1217 (Ch).

Patel v Patel (Chancery Division) (2017-18) Contempt proceedings. Order for committal against individual found in earlier Chancery Division proceedings to have forged family will in order to obtain a US\$50m interest in a family company.

Bestolov v Povarenkin (Commercial Court)(2017-19) claim concerning alleged fraud and breach of contract in relation to services provided in developing mining operations in Yakutia, Russian Federation.

Deutsche Pfandbriefbank AG v BNP Paribas Real Estate (Commercial Court)(2017-18). Claim by German bank seeking substantial (> £50m) damages against city commercial real estate valuers for negligence and breach of contract in relation to substantial commercial mortgage lending. Case involves issues of negligence, valuation, limitation, exclusion clauses.

Orchard v Natwest Bank (Manchester District Registry)(2017-19) claim by a substantial corporate claimant seeking £48m for SWAPS mis-selling and negligence. Includes substantial limitation

issues.

Re TPD Investments Limited/Destiny v TH Holdings & Ors (Companies Court)(2016-17). Shareholder dispute. Claim by a minority shareholder alleging unfair prejudice, fraud and breach of contract in relation to the restructuring of bank finance and dilution of minority interests in a substantial UK hotel group holding structure.

New Ventures Capital v Moser (Commercial Court)(2016-18). Fraud and breach of contract claim asserting misappropriation of a Port facility and other corporate assets in Moldova.

Instructed to advise international bank on conflicts of interest / breach of confidence issues arising out of the representation of opponents in substantial financial litigation.

Hayfin Opal Luxco 3 SARL v Windermere VII VMBS plc & others (Financial List)(2016). Dispute between Class X Noteholder and Issuer/Cash Manager as to the proper calculation of Class X interest in substantial (€782million) commercial mortgage backed security issue.

Instructed to advise major international bank as to alleged negligence of solicitors in drafting complex security documents to secure lending on leisure and residential development.

Ruhan v Minardi (Commercial Court)(2016) US\$180m claim, part the wider *Orb v Ruhan* Litigation, concerning alleged fraud, forgery, money laundering and improper assignment of debts between offshore corporate vehicles.

Instructed by financial services company in relation to claim for negligence and breach of contract arising out of advice given to corporate stockbrokers as to the election between stock and cash distributions to shareholders.

Coral Reef v Silverbond (Chancery Division)(2015-16). Dispute as to ownership interests in West End Casino. Claims for rectification of the corporate register in reliance on documents with disputed authenticity.

Salford Capital Partners v Kryz & Ors (BVI High Court, Commercial Division)(2014-) Claim by special limited partners of investment fund against liquidators and limited partners as to value and rights of distribution in relation to distressed commercial assets in Russia and the Balkans. Duties owed by liquidators, appropriate valuation methodology, impact of political decisions on marketability.

Arcadia Group v Bosworth & Ors (Commercial Court)(2015-) US\$300m fraud claim and interim freezing relief by oil trading group against former senior management and others alleging diversion of transactional profits through network of offshore entities.

Kyrgyz Mobil Tel v BITEK LLC and others (Isle of Man High Court)(2011-13) US\$700m claim alleging fraudulent misappropriation of mobile telecoms operator in the Kyrgyz Republic. Freezing injunctions and other interim relief in multiple jurisdictions.

Merchant International Company Limited v Naftogaz (Commercial Court)(2013-18) US\$25m dispute between Delaware corporation and Ukrainian energy company. Third Party Debt Orders,

appointment of receiver by way of equitable execution, status of coupon payments made to Principal Paying Agent under US\$1.6bn bond issue.

International Arbitration under LCIA rules between joint venture partners over US\$20m property investment in Ukraine.

Investec Bank (Channel Islands) v Kamyab (QB)(2013-14) Dispute between Guernsey Bank and UK-based guarantor of BVI-registered property developer. Extent of mortgagee's responsibility for actions of LPA receiver, alleged misrepresentations by bank and estoppel against enforcement.

Fortress Value Recovery Fund v Blue Skye Group (Commercial Court)(2012) €200m claim by US hedge fund against investment managers alleging fraudulent re-organisation of investment structure. Freezing injunctions, stay of proceedings in favour of arbitration, reflective loss defences. Led by Ewan McQuater QC.

Kearns Brothers v Hova [2012] EWHC 2968 (Ch) Dispute between joint venture partners arising out of property developments. Whether binding agreements for profit share. Existence or otherwise of Pallant v Morgan Trusts.

Excalibur Funding (No.1) plc v LB Re Financing No.3 Ltd (In Administration)(Ch D) (2011-) Application in Lehmans insolvency for permission to sue administrators of insolvent SPV in relation to transfer of €722m subordinated note position in major securitisation.

ADS Aerospace v EMS Global Tracking (TCC)(2011-12) £2.7m claim for alleged breach of distribution agreement relating to satellite tracking device for aeronautics industry.

United Co Rusal plc v Debevoise & Plimpton LLP [2011] EWHC 404 (QB) (Tugendhat J) Norwich Pharmacal application brought in England against a firm of solicitors acting for litigants in substantive proceedings in Russia and St Kitts & Nevis relating to longstanding dispute over control of Russian Mining Conglomerate. Led by Timothy Dutton QC. Reported LTL 4.3.11.

SITA v Serruys and others (QB)(2010) £90m claim for deceit and breach of warranty arising out of the sale of a corporate metal recycling group. Alleged fraud of suppliers and customers, misappropriation of corporate funds and collusion in tax evasion. Contested freezing injunctions. Settled in eighth week of trial November 2010. Led by Adrian Beltrami QC.

Tom Hoskins plc v EMW Law [2010] EWHC 479 (Ch D) (Floyd J) Claim against solicitors for negligent negotiation, drafting and delay in execution of agreements relating to disposal of public house chain. Reported LTL 17.3.10. *Gumball 3000 Films v Revolver Films* [2010] EWHC 1190 (Ch) Claim by producer against UK film distributor for failure to account and negligent marketing and distribution of film in US. Led by Jonathan Nash QC. Reported LTL 21.7.10.

Automotive Latch Systems Ltd v Honeywell International Inc [2008] EWHC 2171, [2010] EWHC 2031 (Comm Ct) £600m claim for alleged breach of engineering collaboration agreement relating to novel automotive door latch system. Standard of performance of collaboration partner, exercise of contractual discretion to terminate, loss of contractual termination rights, loss of chance, damages in absence of contractual profit-share. 12-week trial April to July 2008. Led by Ewan McQuater QC. Judgment reported LTL 9.10.08 (Flaux J). Non-party costs order judgment reported LTL 26.08.10.

e.surv v Rowland & ors (Ch D) (2009) £6m claim by surveying firm against multiple defendants relating to employee's fraudulent valuation of buy-to-let properties and liabilities to lenders. Freezing injunction obtained against all defendants.

Attorney-General of Zambia v Meer Care & Desai & Ors [2007] EWHC 952 (Ch D) \$55m claim for fraudulent misappropriation of government funds via sham agreements (and alleged laundering via solicitors' client accounts) by former President and other government ministers of Republic of Zambia. Dishonest assistance, conspiracy, s.32 Limitation Act 1980. 14-week trial in London and Zambia October 2006 to June 2007, Jurisdiction application reported LTL13.10.05, 7.3.06 (CA). Judgment reported LTL 16.06.07 (Peter Smith J). CA judgment [2008] EWCA Civ 1007 reported LTL 31.07.08.

Platform Funding v Various (Ch D) (2009-) Claims by mortgage lender for negligence, breach of fiduciary duties and breach of trust against multiple professional defendants including solicitors and valuers relating to shortfalls in lending security.

Mortgage Express v Various (Ch D) (2009-) Claims by mortgage lender for negligence, breach of fiduciary duties and breach of trust against multiple professional defendants relating to shortfalls in lending security.

BCCI v Ali & Ors (Ch D) Instructed by English Liquidators of BCCI (Deloittes) in large scale group litigation between liquidators and former BCCI employees asserting "stigma" and misrepresentation claims arising out of insolvent bank's fraudulent activities, within a complex case management structure. Substantial case management hearings and specific applications and proceedings brought by and against individual ex-employees (2001-2008).

Abbey National v South Bank Solicitors (Ch D) (2008) Claim by mortgage lender in relation to fraud and laundering of funds by conveyancing solicitor.

Caring Together Limited (in liquidation) v Bauso (Ch D) £10m claim by administrators of charity subsidiary against former director and others for breach of fiduciary duty by fraudulent misappropriation of fundraising business. Section 317, 320 Companies Act 1985. Alleged ratification of breaches. Freezing injunction return date reported LTL 13.07.06 (Briggs J). Led by Stephen Phillips QC.

Taylor Aston v Aon Ltd [2005] EWHC 1684 LTL 10.08.05 (Comm Ct) US\$2m claim for alleged breach of brokerage-sharing agreement relating to emerging Kazakhstan insurance market. Application of agreement to retrocession commissions. Limitation, deliberate concealment.

Cable & Wireless & Pender v Valentine & Ors (Comm Ct) Claim against former risk management team of major plc for fraud and breach of fiduciary duty arising out of reinsurance arrangements of captive insurer. Led by Richard Salter QC.

BCCI v Rahim (Ch D) Claim by senior former employee of BCCI for substantial retirement benefits allegedly agreed prior to liquidation of bank. Interlocutory application (re hearing of evidence via video link due to ill health and fear of arrest of witness) reported LTL 30.11.05 (Lewison J).

Grant Thornton v Hartest Holdings plc (QB) Claim for negligence against accountants and auditors

in relation to acquisition due diligence work.

C v M (arbitration) Instructed by Guernsey Protected Cell Company in arbitration against UK reinsured alleging non-disclosure of sources of collateral fund supporting reinsurance programme.

Arief International Inc v Celador International Limited [2004] EWHC 1277, LTL 28.6.04 (Ch D) Wrongful termination of format licence for game show "Who Wants to Be a Millionaire?" Alienation/vicarious performance of contractual obligations.

DAR v Aon Limited [2004] 1 WLR 1395, [2004] 3 All ER 986 (CA) Dispute relating to brokerage sharing agreement concerning placement of aviation insurance. Jurisdiction of Court of Appeal to order security of defendant appellant's costs of proceedings below.

McMillan Williams v Range [2004] 1 WLR 1858, Times 16 April 2004 (CA) Application of Consumer Credit Act 1974 to commission claw-back provision in solicitor's employment contract.

Rock Nominees Ltd v RCO (Holdings) plc and others [2003] All ER (D) 138 (Ch D) Scope of disclosure obligations in takeover dispute. Striking out witness statement in advance of trial.

Miller v Collin & Ors Bristol Mercantile Court Prime bank instrument fraud of solicitor. Liability of firm for fraudulent acts of partner under s.10 Partnership Act 1890.

De Jongh Weill v Mean Fiddler Holdings Ltd [2003] EWCA Civ 1058, LTL 25.7.03 (CA) Claim for specific performance of agreement for share warrants in festival and entertainment group. Certainty of terms. Incomplete agreements. Valuation of warrants adopting Black-Scholes model. Led by Andrew Onslow QC.

Instructed by reinsurance broker in dispute over excess of loss cover on retailer's extended warranty scheme.

Firstcity v Orchard [2003] PNLR 9 (QB) Claim against solicitors and leading counsel alleging negligent failure to advance at first instance argument ultimately succeeding in the Court of Appeal. Led by Andrew Sutcliffe QC.

Dunlop Slazenger v Joe Bloggs Sports [2003] EWCA Civ 901 (QB and CA) Dispute concerning renewal of sports apparel licensing agreement. CA judgment concerns waiver of privilege by deployment of evidence in interlocutory proceedings.

Instructed by reinsurance broker in negligence claim relating to 'kidnap and ransom' policy.

Instructed by European football club in respect of transfer dispute with Premiership club in Court of Arbitration for Sport.

Eurofi v CMB LTL 9.7.02 (CA) Consolidated actions involving agreements for Euro-grant contingency fees.

Summit Group v Slaughter & May Times 2.4.99, LTL 6.4.99 (Ch D): action against solicitors alleging negligent drafting of buildings tax allowance commission agreement.

Instructed by professional footballer in dispute over termination provisions in agency agreement.

Instructed by leading life assurance company (in both litigation and mediation) in policy devaluation claim involving fraud of policyholders' agent

Civil and Commercial Fraud

David "took silk in 2016 and continues to take on prominent civil fraud instructions" (Chambers and Partners 2018). He is regularly instructed by claimants and defendants in cases of fraud and asset recovery, including international frauds, sham agreements, advance-fee and "prime bank instrument" fraud, frauds relating to property and lending, insurance, and money laundering. Having been "...instructed in a range of high-value fraud cases, he is valued by instructing solicitors for his calm and collected demeanour" (Chambers & Partners 2014). He "always has the ears of the judges in court" (Legal 500 2014). He has wide experience in obtaining and responding to urgent freezing injunctions and other protective or interim remedies.

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Banking & Finance

David "boasts strong expertise in...banking" (Legal 500, 2017). He is regularly instructed by banks, city institutions and others in financial disputes, including those relating to swaps and derivatives, structured finance, corporate and personal lending and security, leasing and hire-purchase, consumer credit, cheques and bills of exchange, guarantees, financial services and regulation, investment advice, and insolvency.

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Hayfin v Windermere VII (Chancery Division, Financial List) Instructed by note trustee in disputes relating to rights of Class X Noteholder in substantial commercial mortgage backed securitisation. Construction of complex securitisation documents as to calculation of interest and alleged event of

default.

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Bank of Ireland v Saul (QB)(2011) Guarantee claim against hotelier, and counterclaim for alleged breach of various duties to support company/failure to realise proper value of asset.

Bank of Scotland v Robinson (2011) Misrepresentation, regulatory compliance and enforceability of claims under the Consumer Credit Act in relation to vehicle finance.

Mehjoo v Harben Barker (QB) (2011) Claim against accountants for alleged negligent failure to advise in respect of shareholder's non-domicile status and CGT implications of corporate merger.

Advising offshore bondholders in relation to negligence claim against financial services firm

Platform Funding v Various (Ch D) (2009-) Claims by mortgage lender for negligence, breach of fiduciary duties and breach of trust against multiple professional defendants including solicitors and valuers relating to shortfalls in lending security.

Mortgage Express v Various (Ch D) (2009-) Claims by mortgage lender for negligence, breach of fiduciary duties and breach of trust against multiple professional defendants relating to shortfalls in lending security.

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BCCI v Rahim (Ch D) Claim by senior former employee of BCCI for substantial retirement benefits allegedly agreed prior to liquidation of bank. Interlocutory application (re hearing of evidence via video link due to ill health and fear of arrest of witness) reported LTL 30.11.05 (Lewison J).

McMillan Williams v Range [2004] 1 WLR 1858, Times 16 April 2004 (CA) Application of Consumer Credit Act 1974 to commission claw-back provision in solicitor's employment contract.

De Jongh Weill v Mean Fiddler Holdings Ltd [2003] EWCA Civ 1058, LTL 25.7.03 (CA) Claim for specific performance of agreement for share warrants in festival and entertainment group. Certainty of terms. Incomplete agreements. Valuation of warrants adopting Black-Scholes model. Led by Andrew Onslow QC.

Instructed by leading life assurance company (in both litigation and mediation) in policy devaluation claim involving fraud of policyholders' agent.

Professional Negligence

David is a "new silk who is frequently instructed in a broad range of professional negligence work" (Legal 500, 2017). He is instructed by claimants and defendants in cases concerning the negligence and liability of professionals, particularly solicitors, brokers, auditors and surveyors. He "...has a great standing in the professional indemnity worlds and is often called upon by solicitors for the most factually complex matters" (Chambers & Partners 2014). He is "particularly strong on financial matters and claims arising from negligent valuations" (Chambers and Partners 2015). He is familiar with the difficulties of causation and loss and the background insurance issues frequently arising in these cases.

Recent and notable cases include:

SKAT (Skatteforvaltningen) v Solo Capital Partners & Ors (Comm Ct). Instructed by leading defendant group in £1.5 billion claim brought by the Danish Customs & Tax Administration against more than 100 defendants in England & Wales alleging fraud, conspiracy, negligence and restitutionary claims arising out of *cum-ex* trades and applications for the repayment of dividend withholding tax. One of the largest cases ever to be heard by the Commercial Court. Issues as to the content of Danish tax law and international double tax treaties, justiciability of revenue claims in England, beneficial ownership of dividends, legality of trades and significance of Danish and EU market practice.

Al-Mojil v Protiviti Member Firm (Middle East) Limited (DIFC Court, Dubai)(2017-) claim for negligence, misrepresentation and defamation against professional services firm in respect of its

investigation and report prepared for the Saudi Capital Markets Authority alleging fraud and manipulation of financial reports following the collapse of a listed Saudi construction company.

Deutsche Pfandbriefbank AG v BNP Paribas Real Estate (Commercial Court)(2017-18). Claim by German bank seeking substantial (> £50m) damages against city commercial real estate valuers for negligence and breach of contract in relation to substantial commercial mortgage lending. Case involves issues of negligence, valuation, limitation, exclusion clauses.

Orchard v Natwest Bank (Manchester District Registry)(2017-19) claim by a substantial corporate claimant seeking £48m for SWAPS mis-selling and negligence. Includes substantial limitation issues.

Instructed by financial services company in relation to claim for negligence and breach of contract arising out of advice given to corporate stockbrokers as to the election between stock and cash distributions to shareholders.

Instructed to advise international bank on conflicts of interest / breach of confidence issues arising out of the representation of opponents in substantial financial litigation.

Advising major UK bank in claim against solicitors arising out of suite of security documents prepared for funding of hotel development, including complex causation and quantum issues.

NatWest v Colliers CRE (Ch D)(2012-13). £4m claim by lender against chartered surveyors in relation to valuation of development land used as lending security.

United Co Rusal plc v Debevoise & Plimpton LLP [2011] EWHC 404 (QB) (Tugendhat J) Norwich Pharmacal application brought in England against a firm of solicitors acting for litigants in substantive proceedings in Russia and St Kitts & Nevis relating to longstanding dispute over control of Russian Mining Conglomerate. Led by Timothy Dutton QC. Reported LTL 4.3.11.

Mehjoo v Harben Barker (QB) (2011) Claim against accountants for alleged negligent failure to advise in respect of shareholder's non-domicile status and CGT implications of corporate merger.

Advising solicitors' firm on coverage and notification issues in respect of professional indemnity policy.

Tom Hoskins plc v EMW Law [2010] EWHC 479 (Ch D) (Floyd J) Claim against solicitors for negligent negotiation, drafting and delay in execution of agreements relating to disposal of public house chain. Reported LTL 17.3.10.

Arriva plc v Aon (QB)(2011) Claim by bus operator against insurance broker for negligent failure to notify liability claim arising out of PSV fleet road risks.

Claim against accountants and business advisers for negligence and breach of fiduciary duty in relation to share sale agreement retention fund

e.surv v Rowland & ors (Ch D) (2009) £6m claim by surveying firm against multiple defendants relating to employee's fraudulent valuation of buy-to-let properties and liabilities to lenders.

Freezing injunction obtained against all defendants.

Advising offshore bondholders in relation to negligence claim against financial services firm

Attorney-General of Zambia v Meer Care & Desai & Ors [2007] EWHC 952 (Ch D) \$55m claim for fraudulent misappropriation of government funds via sham agreements (and alleged laundering via solicitors' client accounts) by former President and other government ministers of Republic of Zambia. Dishonest assistance, conspiracy, s.32 Limitation Act 1980. 14-week trial in London and Zambia October 2006 to June 2007, Jurisdiction application reported LTL13.10.05, 7.3.06 (CA). Judgment reported LTL 16.06.07 (Peter Smith J). CA judgment [2008] EWCA Civ 1007 reported LTL 31.07.08.

Platform Funding v Various (Ch D) (2009-) Claims by mortgage lender for negligence, breach of fiduciary duties and breach of trust against multiple professional defendants including solicitors and valuers relating to shortfalls in lending security.

Mortgage Express v Various (Ch D) (2009-) Claims by mortgage lender for negligence, breach of fiduciary duties and breach of trust against multiple professional defendants relating to shortfalls in lending security.

Grant Thornton v Hartest Holdings plc (QB) Claim for negligence against accountants and auditors in relation to acquisition due diligence work.

Miller v Collin & Ors Bristol Mercantile Court Prime bank instrument fraud of solicitor. Liability of firm for fraudulent acts of partner under s.10 Partnership Act 1890.

Abbey National v South Bank Solicitors (Ch D) (2008) Claim by mortgage lender in relation to fraud and laundering of funds by conveyancing solicitor.

Firstcity v Orchard [2003] PNLR 9 (QB) Claim against solicitors and leading counsel alleging negligent failure to advance at first instance argument ultimately succeeding in the Court of Appeal. Led by Andrew Sutcliffe QC.

Summit Group v Slaughter & May Times 2.4.99, LTL 6.4.99 (Ch D): action against solicitors alleging negligent drafting of buildings tax allowance commission agreement.

Insurance & Reinsurance

David acts for and against insurers, reinsurers, brokers and other intermediaries in all aspects of insurance and reinsurance disputes, including those relating to coverage and presentation, brokerage-sharing, and the alleged negligence of brokers.

Recent and notable cases include:

Advising solicitors' firm on coverage and notification issues in respect of professional indemnity policy.

Arriva plc v Aon (QB)(2011) Claim by bus operator against insurance broker for negligent failure to

notify liability claim arising out of PSV fleet road risks.

Taylor Aston v Aon Ltd [2005] EWHC 1684 LTL 10.08.05 (Comm Ct) US\$2m claim for alleged breach of brokerage-sharing agreement relating to emerging Kazakhstan insurance market. Application of agreement to retrocession commissions. Limitation, deliberate concealment.

Cable & Wireless & Pender v Valentine & Ors (Comm Ct) Claim against former risk management team of major plc for fraud and breach of fiduciary duty arising out of reinsurance arrangements of captive insurer. Led by Richard Salter QC.

C v M (arbitration) Instructed by Guernsey Protected Cell Company in arbitration against UK reinsured alleging non-disclosure of sources of collateral fund supporting reinsurance programme.

DAR v Aon Limited [2004] 1 WLR 1395, [2004] 3 All ER 986 (CA) Dispute relating to brokerage sharing agreement concerning placement of aviation insurance. Jurisdiction of Court of Appeal to order security of defendant appellant's costs of proceedings below.

Instructed by reinsurance broker in dispute over excess of loss cover on retailer's extended warranty scheme.

Instructed by reinsurance broker in negligence claim relating to 'kidnap and ransom' policy.

Instructed by leading life assurance company (in both litigation and mediation) in policy devaluation claim involving fraud of policyholders' agent.

Media & Entertainment

David acts for and against media content producers, musicians, television presenters, professional sportsmen and agents in disputes relating to those activities.

Recent and notable cases include:

Instructed by well-known media personality in dispute over ownership of Lamborghini motor car given as gift.

Gumball 3000 Films v Revolver Films [2010] EWHC 1190 (Ch) Claim by producer against UK film distributor for failure to account and negligent marketing and distribution of film in US. Led by Jonathan Nash QC. Reported LTL 21.7.10.

Arief International Inc v Celador International Limited [2004] EWHC 1277, LTL 28.6.04 (Ch D) Wrongful termination of format licence for game show "Who Wants to Be a Millionaire?" Alienation/vicarious performance of contractual obligations.

Dunlop Slazenger v Joe Bloggs Sports [2003] EWCA Civ 901 (QB and CA) Dispute concerning renewal of sports apparel licensing agreement. CA judgment concerns waiver of privilege by deployment of evidence in interlocutory proceedings.

De Jongh Weill v Mean Fiddler Holdings Ltd [2003] EWCA Civ 1058, LTL 25.7.03 (CA) Claim for

specific performance of agreement for share warrants in festival and entertainment group. Certainty of terms. Incomplete agreements. Valuation of warrants adopting Black-Scholes model. Led by Andrew Onslow QC.

Advising internet gaming group in relation to legality and money laundering implications of offshore operations.

Sony v McAlpine (QB) (2008) Claim by distributor against film producer in relation to breaches of distribution agreement and producer's guarantee obligations.

Roseman v Greene Claim by media agent against television presenter client. Scope of commission entitlement in agency agreement.

Instructed by European football club in respect of transfer dispute with Premiership club in Court of Arbitration for Sport.

Instructed by professional footballer in dispute over termination provisions in agency agreement.

Awards & Scholarships

Oxford University Mooting Prize, Varsity Moot Leader

Queen Mother's Scholar

Harmsworth Entrance Exhibitioner

Professional Memberships

Middle Temple

Commercial Bar Association

LCLCBA

Commercial Fraud Lawyers Association