

## Pia Dutton

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Year Of Call: **2013**



Pia's practice covers a broad range of commercial litigation with particular focus on banking, civil fraud and professional negligence. Pia also has experience in matters involving company, insolvency and regulatory law. She is led in complex, high-value, commercial disputes, including recent appearances in the Court of Appeal and Supreme Court. She has also appeared as sole advocate in trials and applications in the High Court and County Courts.

Before joining Chambers, Pia worked and studied in a number of different jurisdictions. After completing her LL.M at the University of Chicago Law School, and the BCL at Oxford, she taught international law and published work on Burmese politics whilst working for the Burma Lawyer's Council on the Thai Burma border. In 2012, she acted as foreign law clerk to Mr Justice Edwin Cameron at the Constitutional Court of South Africa and in 2013 she moved to New York to complete an internship in the Commercial Litigation and Appeals departments of Jones Day.

Notable and recent cases include:

- ***School Facility Management Ltd et ors v Christ the King College et anor***- Pia (led by Timothy Straker QC) represented SFM in a trial involving a dispute over whether or not a Hire Contract for a modular building constituted a finance or operating lease. Foxton J held that the Contract was a finance lease and therefore ultra vires the College, but that the College was nevertheless liable to SFM for restitution of unjust enrichment for the period in which it had not paid SFM for use of the building: see [2020] EWHC 1118 (Comm). The College appealed the award of restitutionary damages and Pia (led by Simon Salzedo QC) successfully argued that the principle of counter restitution did not apply in this case so as to bar SFM's claim for restitution of unjust enrichment: see [\[2021\] EWCA Civ 1053](#).
- ***NOx Emissions Litigation*** - Pia (led by Adam Kramer QC and Ben Jaffey QC) is instructed on cases involving allegations of the use of unlawful defeat devices in emissions control systems employed by a number of high-profile vehicle manufacturers.
- ***Addlesee et ors v Dentons Europe LLP*** - Pia (led by Patrick Lawrence QC) is instructed on a dispute involving allegations of deceit and dishonest assistance against a law firm.
- ***Duet Capital Holdings Ltd*** - Pia (led by Jamie Riley QC) successfully obtained a freezing injunction with a limit of £20 million against a former director of the Company and related subsidiaries.
- ***CFH Clearing Ltd v Merrill Lynch International [2020] EWCA Civ 1064*** - Pia (led by Andrew Twigger QC) successfully applied for summary judgment against a claim for an alleged breach of duty to retrospectively adjust the price of 27 spot FX trades which took place during

a period of severe market volatility. CFH appealed the decision of Moulder J to summarily dismiss the claim: [2019] EWHC 963 (Comm). Pia and Andrew successfully defended the decision below in the Court of Appeal.

- **RIFW v Amber** – Pia (led by Peter Ratcliffe and Jonathan Whitting QC) acted for the Welsh government in professional negligence claims arising from the management of a property/regeneration fund.
- **Toys “R” Us Limited (In Administration)** – Pia (led by Adrian Beltrami QC) was instructed on an application by the Administrators for directions in respect of a floating charge created by Debenture entered into between a company and collateral trustee.
- **McAfee v DSG Retail Ltd** – Pia (led by Jonathan Nash QC) was instructed by McAfee in respect of allegations against Dixons for breach of a Retail Software and License Agreement.
- **GPP Big Field LLP v Solar EPC Solutions SL [2018] EWHC 2866 (Comm)** – Pia (led by Matthew Parker QC) successfully acted in a trial in the Commercial Court for investors in five solar plants seeking recovery of sums due under EPC contracts for their construction.
- **Shulman v Bogolyubov and Kolomoisky [2018] EWHC 160 (Ch)** – Pia (led by Ali Malek QC and Conall Patton QC) acted for Mr Bogolyubov in a successful application challenging the English Court’s jurisdiction to try a claim by Mr Shulman against him and Mr Kolomoisky.
- **Impact Funding Solutions v AIG Europe Insurance Limited [2016] UKSC 57** – Pia (led by Timothy Dutton CBE, QC and Richard Chapman QC) acted as junior counsel in the Supreme Court. The case concerned whether Impact, as lender to clients of solicitor firms, was able to recover under the Third Party (Rights Against Insurers) Act 1930 against the insurer under the terms of the professional indemnity insurance policy after the firm went into liquidation.
- **Dinglis Properties Limited v Dinglis Management Limited** – Pia (led by David Peters) represented Dinglis Management Limited in a two-week trial in the Chancery Division defending a high-value claim for fraud. Pia and David were also successful in obtaining the discharge of a Freezing order in these proceedings: *Dinglis Properties Limited v. Dinglis Management Limited* [2016] 4 W.L.R. 72. Pia is still instructed on a related piece of litigation involving a claim by Dinglis Properties Limited against Dinglis Estates Limited for breach of an alleged loan agreement.

## Directory Quotes

“one of the premier finance sets in the country, and a chambers that offers a universal service.”

Chambers & Partners UK 2015

“one of the go-to chambers for high-level commercial and banking matters,” ..“It has the necessary strength and depth to assist us and our clients ably at every level.”

Chambers & Partners UK 2015

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## Expertise

### Commercial Litigation

Pia has extensive experience in commercial litigation and her practice covers the full spectrum of commercial disputes. Cases of particular note are as follows:

- ***School Facility Management Ltd et ors v Christ the King College et anor [2021] EWCA Civ 1053*** - Pia (led by Simon Salzedo QC), successfully argued that the principle of counter restitution did not bar the recovery by the Claimant of restitution for unjust enrichment during the period when the College had had the benefit of use of the building but failed to pay for it.
- ***NOx Emissions Litigation*** - Pia (led by Adam Kramer QC and Ben Jaffey QC) is instructed on cases involving allegations of the use of unlawful defeat devices in emissions control systems employed by a number of high-profile vehicle manufacturers.
- ***AOHope Ltd v M.P. Moran & Sons Ltd (2021)*** - Pia, acting as sole advocate, settled a Defence in a matter alleging a debt in respect of facemasks. The manufacturer purported to sell the facemasks to the Defendant on the basis that they were capable of being sold as personal protective equipment (PPE) in the United Kingdom. In the event, it was discovered that the facemasks were not capable of being sold as PPE in the UK and were supported by counterfeit certifications.
- ***McAfee v DSG Retail Ltd (2019)*** - Pia (led by Jonathan Nash QC) was instructed by McAfee in respect of allegations against Dixons for breach of a Retail Software and License Agreement.
- ***GPP Big Field LLP v Solar EPC Solutions SL [2018] EWHC 2866 (Comm)***.
- **Claim for breach of a Sale and Purchase Agreement (2021)** - acting as sole advocate, Pia advised on the merits, and likely quantum, of a claim for breach of warranty.

### Banking & Finance

Pia has acted for a significant number high-profile financial institutions in commercial and banking litigation. Pia's experience extends to advising on potential high-value mis-selling claims to defending banks and other financial institutions against claims arising out of the Consumer Credit Act and Financial Services and Markets Act 2000.

In 2015, Pia took up a secondment at Dentons UKMEA LLP, in the banking and financial markets litigation team, for four months. Pia assisted on high-profile cases defending allegations of the mis-selling of interest rate hedging products and LIBOR/Euribor manipulation by the Royal Bank of Scotland Plc.

Since then, Pia has both been led and acted as sole advocate in a number of notable banking disputes. In particular:

- ***CFH Clearing Ltd v Merrill Lynch International [2020] EWCA Civ 1064***.
- ***Fabb v Close Bros Invoice Limited*** - Pia, acting as sole advocate, successfully represented the Bank in an application for strike out of a claim for £8 million.

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## Civil Fraud

Pia's practice in civil fraud has covered a wide range of disputes, including claims for deceit, breach of fiduciary duties, misrepresentation and knowing receipt/dishonest assistance.

Notable cases include:

- ***Addlesee et ors v Dentons Europe LLP (2021)*** - Pia (led by Patrick Lawrence QC) is instructed on a dispute involving inter alia allegations of deceit and dishonest assistance against the law firm.
- ***Duet Capital Holdings Ltd (2021)*** - Pia (led by Jamie Riley QC) successfully obtained a freezing injunction with a limit of £20 million against a former director of the Company and related subsidiaries.
- ***Shulman v Bogolyubov and Kolomoisky [2018] EWHC 160 (Ch)***.
- ***Dinglis Properties Limited v Dinglis Management Limited [2016] 4 W.L.R. 72***

## Professional Negligence

Pia has experience in a broad range of professional negligence disputes involving financial market professionals, investment advisers and legal professionals.

Notable cases include:

- ***RIFW v Amber (2020)*** - Pia (led by Peter Ratcliffe and Jonathan Whitting QC) acted for the Welsh government in professional negligence claims arising from the management of a property/regeneration fund.
- ***Addlesee et ors v Dentons Europe LLP (2021)*** - Pia (led by Patrick Lawrence QC) is instructed on a dispute involving inter alia allegations of deceit and dishonest assistance against the law firm.
- ***Impact Funding Solutions v AIG Europe Insurance Ltd [2016] UKSC 57***.

## Education

BCL (Keble College, Oxford) - Distinction (2011)

LLM (University of Chicago Law School) (2010)

BA (Hons) in Jurisprudence (Keble College, Oxford) (2009)

## Scholarships, Prizes and Publications

### Scholarships and Prizes

Queen Mother Scholarship (Middle Temple)

University of Chicago Law School: 1st in year in Jurisprudence (2010)

Colombos International Law Essay Prize (2010, Middle Temple)

## **Publications**

Ian Wilson and Pia Dutton, "[Reclaiming Funds following fraud](#)", LexisNexis Financial Services Blogs, 4 March 2015:

"Modern Distinctions Between the U.K and U.S. Commercial Legal Systems", LexisNexis Mealey's International Arbitration Legal News (2014)

"Action in Burma: The International Rule of Politics" LawKa PaLa Legal Journal on Burma No.39 (August 2011) p.46 [www.burmalibrary.org](http://www.burmalibrary.org)

"Politics and Injudicious Heroism" Cambridge Student Law Review, Volume 6, Number 1 (2010) p.316

## **Professional Memberships**

COMBAR

Middle Temple