

LITIGATION

COMMERCIAL DISPUTES DEALS LIST

USING THE COURTS WHEN REQUIRED

Acting for a sports marketing firm in legal proceedings between the firm and a former partner concerning restrictive covenants in the partnership agreement and financial disputes following the resignation of the partner who set himself up in competition. Obtaining an interim injunction against the former partner to prevent breaches of the restrictive covenants.

Acting for a company in a dispute with a rival alleged to have infringed the company's patents, design rights and confidential information; seeking pre-action disclosure of key information and pursuing this issue to a contested hearing which was widely reported in the legal press. Also acting for the company in a dispute with three former employees now working for the same rival.

Acting for a firm of surveyors in High Court proceedings for misrepresentation against a procurement business with which they had entered into a contract. Resolving the matter on favourable terms following extensive correspondence concerning the failure of the procurement business to provide complete disclosure in accordance with directions of the Court.

OR ARBITRATION

Acting for a hotel in relation to an arbitration concerning the terms of an underlease and in particular the clauses that relate to the provision of air handling at the building.

OR MEDIATION

Acting for an oil broking company in a claim for professional negligence in relation to their former solicitor's conduct in the negotiation of provisions in a lease that left the client unnecessarily exposed. Pursuing a claim in the High Court and dealing with the third party proceedings brought by the solicitors against Counsel. Obtaining a very satisfactory outcome at a mediation.

As part of the claim for professional negligence and in order to attempt to mitigate the company's loss, acting for the same company in the Court of Appeal case of *Littman -v- Aspen Oil (Broking) Limited* which was widely reported in the legal press. The case is an interesting example of a situation in which it may be possible to "rectify" a mistake in a document by construction and the Court of Appeal judgment contains noteworthy comment of the basis upon which an order for rectification can be made.

Acting for an agent of a French company in legal proceedings in the High Court and pursuing a claim for compensation under the Commercial Agents Regulations after her dismissal. Obtaining a very satisfactory outcome during a mediation.

COST EFFECTIVE STRATEGIES – USING PART 36 OFFERS

Acting for an insurance consultant in proceedings issued against him in the High Court claiming a substantial commission following the alleged introduction of business to the consultant. Dealing with the proceedings through to disclosure and reaching a settlement following the acceptance of a part 36 offer made on the consultant's behalf.

Obtaining substantial damages for a firm of architects on an infringement of copyright dispute with a developer who used their designs without permission. Rejecting the part 36 offer made by the developer on the basis that they had not provided sufficient information to enable us to evaluate the offer. Making a counter offer under part 36 at a significantly higher amount which was accepted by the developer.

NOVEL SOLUTIONS

Acting for a US client in the enforcement of a judgment obtained in Oklahoma for the recovery of a substantial debt, including dealing with the opposition of other creditors including those who asserted a prior right to the funds by reason

of security. Obtaining an order for the appointment of an equitable receiver over a reversionary interest in a trust administered by Lloyds of London and receiving substantial sums in accordance with that order.

Acting for a German company and English subsidiary in a product liability claim and forcing the claimant to withdraw the claim against the English subsidiary as it was not a party to the relevant contract. Thereafter being successful in having the claim against the German company withdrawn shortly before the hearing of our application to dispute jurisdiction.

SETTLING OUT OF COURT WHERE POSSIBLE

Acting for a publisher of children's books following safety concerns relating to a small rattle which formed part of one of the books. Arranging for tests on the rattle to be carried out and advising on the claim against the manufacturer of the rattle. Advising on the settlement negotiations and resolving the dispute without the need for legal proceedings.

Acting for a private individual in relation to a claim against a well known bank. The bank had deducted substantial fees from sums due to our client whilst acting on the administration of her husband's estate. Working with her financial adviser to obtain an apology and a substantial refund from the bank.

INDEPTH UNDERSTANDING OF OUR CLIENTS' NEEDS

On behalf of a US agrochemicals company, making substantial written representations to the relevant authority in relation to the authority's allocation of data ownership to various companies as part of the EU review of agrochemicals. Meeting with the authority in relation to the review report prepared at the end of the EU review process and obtaining substantial amendments to that report before it was published.

Acting for an agrochemical company in relation to business-critical legal matters arising out of the EU review of pesticides and seeking, in particular, an extension to the deadline to submit Annex II data to the Pesticides Safety Directorate. Proceedings for judicial review were prepared but an extension of time was granted very shortly before they were to be issued. The same arguments were thereafter pursued with the Spanish, Portuguese and Italian regulatory authorities who also accepted the arguments and extended the deadline.

SECURING THE BEST POSSIBLE OUTCOME FOR OUR CLIENTS

Acting for an American couple in legal proceedings against a world famous country house hotel after the hotel refused to honour their request for compensation after the couple's room was burgled. Ensuring that they received full compensation for the items stolen. As the hotel did not insist on confidentiality as a condition of settlement the case received widespread publicity in the national press.

Acting for a large property investment and development company and successfully defending an application for summary judgment made following a dispute relating to defects and the final payment due to a construction firm. Obtaining an order for costs against the construction firm and subsequently resolving the matter through further negotiation.

Advising members of the cockle industry on their dispute with local authorities and the Food Standards Agency regarding the validity of testing methods used to check for toxins in cockles. These produced "atypical" results which led to the closure of cockle beds throughout England and Wales. Assisting them with the preparation of their evidence for the Environment, Food and Rural Affairs Select Committee, whose report subjected the Food Standards Agency to fierce criticism. As a result of the challenges made by the cockle industry the testing methods have been changed.

CONTACT

If you would like to receive more information about our Commercial Litigation practice please contact:

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