



John Passmore KC

Called: 1992

Silk: 2015

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John Passmore KC has a commercial arbitration and litigation practice, covering a wide range of business sectors including aviation, banking and financial services, commodities, construction, derivatives, energy, healthcare, hospitality, insurance (marine and non-marine), mining, real estate, shipbuilding, shipping (wet and dry), telecoms and travel.

John is first and foremost an advocate, with experience in arbitrations and courts in England and Wales (up to and including the UK Supreme Court), Singapore, Hong Kong, the Middle East, and the Caribbean. He is particularly known for his cross-examinations of witnesses, and has carried out successful cross-examinations of a Head of State, an Attorney General, heads of government departments, senior diplomats, oligarchs, underwriters, derivatives traders, fraudsters, and schoolchildren. John has also successfully cross-examined some of the leading experts in fields of biological science, chemistry, engineering, fire investigation, management, medicine, meteorology, seamanship and navigation, naval architecture, underwriting, business valuation, accountancy, and foreign laws.

John is an experienced team-leader. His approach is inclusive, and ensures that all members of the team, from the business to General Counsel, and from partners to associates, as well as junior Counsel, contribute to strategy and tactics. John was appointed a Recorder in May 2023.

What the directories say

- *"John is considered and brings a level of calmness to even the most difficult and tense matters."*(Chambers UK, 2024)
- *"John is able to communicate effectively with commercial people as well as lawyers."*(Chambers UK, 2023)
- *"He is intelligent, focused, versatile and practical. John is one of the sharpest minds."*(Chambers UK, 2023)
- *"John is a very clever barrister when faced with difficult issues."*(Chambers UK, 2023)
- *"John is an intelligent barrister who communicates in a clear and straightforward manner."*(Legal 500, 2023)
- *"He is an exceptional all-round barrister with a good eye for detail. John has an excellent grasp of complex technical evidence."*(Chambers UK, 2022)
- *"One of the sharpest brains I have ever come across. Extremely intelligent together with an ability to translate the most complex of arguments into a structured, succinct and flawless explanation."*(Legal 500, 2022)
- *"John Passmore is very astute and quick-thinking, he's a very good advocate."*(Chambers UK, 2021)
- *"He is very good technically, approachable and can be reached at any time."*(Chambers UK, 2021)
- *"His insight, written work and advocacy for a complex case was exceptional."*(Legal 500, 2021)

- *"He's good on his feet and on paper, and he's able to process enormous amounts of information while retaining focus on the key issues."*(Chambers UK, 2020)
- *"He's intellectually solid and is a great performer."*(Chambers UK, 2020)
- *"Very practical and provides excellent legal insight."*(Legal 500, 2020)
- *"He exhibits fantastic attention to detail, especially in technical matters, and has a very quick turnaround time for written advice."*(Legal 500, 2020)
- *"He has an impressive ability to engage with large amounts of detailed technical material."*(Legal 500, 2020)
- *"He is immediately approachable and provides concise, useful advice."*(Legal 500, 2019)
- *"He exhibits fantastic attention to detail, especially in technical matters, and has a very quick turnaround time for written advice."*(Legal 500, 2019)
- *"Very good on paper and very measured in his approach."*(Legal 500, 2019)
- *"Committed, highly intelligent and commercially minded."* *"He is able to present complex issues with clarity and precision."*(Chambers UK, 2019)
- *"Very good to work with and very bright."*(Chambers UK, 2018)
- *"John is technically gifted and really grasps complex legal and factual claims, whilst understanding the commercial imperatives."*(Chambers UK, 2018)
- *"...He gets to the core issues quickly to provide excellent guidance on how to address them..."*(Legal 500, 2017)
- *"...Exceptional on technical matters, he is a match for any expert in cross-examination and his advocacy has great force..."*(Legal 500, 2017)
- *"...Very good on paper and very measured in his approach..."*(Legal 500, 2017)
- *"...Proactive and imaginative..."*(Legal 500, 2016)
- *"...incisive and reliable with a good grasp of commercial realities..."*(Legal 500)
- *"...one of the most impressive barristers of his generation..."*(Legal 500)
- *"...exceptionally forthright yet amiable...."; "...Responsive, practical and precise..."*(Chambers UK)
- *"...he is a forceful, no nonsense advocate who appreciates the importance of client relations..."*(Chambers UK)
- *"...he is concise on paper and punchy when on his feet.."; "...he get the results I need..."*(Chambers UK)
- *"...very accomplished..."*(Legal 500)
- *"...has skill at pulling out the main issues from the quagmire, making sense of them and then moving on..."*(Chambers UK)
- *"...an able lawyer and a succinct advocate who knows the ins and outs of the aviation industry..."*(Chambers UK)

Commodities & International Trade

John has experience in a wide variety of international trade and commodities disputes. Illustrative examples include:

- **Buyer v Seller** (2017). Acting for buyers in a dispute concerning a long-term minerals supply contract, with issues of fraudulent misrepresentation.
- **Iron Ore Buyer v Seller** (2016). Acting for the buyer against the seller in a dispute concerning a large iron ore sale and purchase contract, with issues regarding variation, nomination, substitution, fraud, economic duress and quantum including availability of market.
- **Buyer v Seller** (2015). Acting for an alleged seller in a dispute concerning a large commodities supply contract, with issues including identification of parties.
- **Shipowners v Cargo Underwriters** (2015). Representing cargo underwriters in proceedings for an emergency sale of a cargo of wheat.
- **Seller v Buyer** (2014). Representing Buyers in a US\$ 75 million dispute about a terminated contract for the sale

and purchase of 12 Cape-size loads of thermal coal, with issues of delayed letters of credit, exceptions to time of the essence, and liability for hedging losses.

- ***Seller v Buyer*** (2014). Acting for the seller of chrome ore in a dispute including issues of the applicability of the Convention on the International Sale of Goods.
- ***Swiss Bank v Steel Trading House***. Representing a steel trader in a US\$ 10 million claim regarding wrongful refusal to release pledged steel.
- ***Aluminium Smelter v Alumina Seller***. Representing Central/Eastern European smelter in an LCIA arbitration regarding multiple alleged breaches and termination of a contract for a large proportion of the smelter's annual requirement of alumina.
- ***Commodities Broker v Buyers***. Representing a broker in a claim for commission arising from multiple contracts for sale and purchase of seeds, with issues of conflicts of law and the *Ralli and Foster v Driscoll* principles.

Shipping

John has considerable experience in wet and dry shipping matters. He has particular experience of collisions, grounding claims, mechanical breakdowns, and unsafe port claims. He deals with general average and salvage, and all manner of charterparty and bill of lading disputes. John also has considerable experience in ship sale and purchase disputes.

- ***Claim for mandatory injunctions to enforce LOIs*** (2021). Representing charterers in applications for mandatory injunctions for security to release an arrested vessel.
- ***Off-spec bunkers claim*** (2021). Representing charterers in a claim arising from allegedly off-spec bunkers causing breakdown of main and auxiliary engines, with complex engineering evidence.
- ***Stema Shipping v Saga Shipholding, Stema Shipping v RTE*** (2019-2021). Representing P&I insurers and hull underwriters in US\$ 60 million collision and limitation claims, including damage to subsea cables, in the Admiralty Court and Court of Appeal.
- ***Cargo interests v Shipowners*** (2021). Representing shipowners in a US\$ 10 million claim for heated soyabeans.
- ***Owners v Charterers*** (2020). Representing owners in a claim against charterers for failing to discharge a hydrocarbon cargo, with issues of suitability of stripping/cleaning equipment.
- ***Subsea cable claim*** (2020). Advising shipowners on a claim for damage to subsea cables, including issues of jurisdiction and recognition of limitation claims, and availability of anti-suit injunction.
- ***Unsafe Port Claim*** (2019). Representing owners and insurers in a US\$ 150 million claim regarding the total loss of a Cape-size bulk carrier departing a South African port, with hot-tubbing of experts.
- ***Unsafe Port Claim*** (2018). Representing owners and insurers of a bulk carrier in a US\$ 10 million claim following a fatal accident involving the girting and sinking of a tug in a South American river.
- ***Cargo insurers v Shipowners*** (2018). Representing cargo insurers in a claim for loss of an entire cargo of coal following total loss of a Cape-size bulk carrier off Madagascar, with issues of lack of unseaworthiness due to incompetence of the Master in passage planning and navigation, including a worldwide freezing injunction.
- ***Owners v Slot Charterers*** (2018). Representing owners of a car carrier in claim against slot charterers arising from heavy weather in the North Sea, with issues in relation to GA, weight and package limitation and conflict of laws, and owners' duties regarding appraisal of heavy weather.
- ***Owners v Charterers*** (2017). Representing Owners in a claim arising from off-spec bunkers with complex engineering and chemistry evidence.
- ***Glencore v MSC*** (2017). Representing cargo interests in the Commercial Court and Court of Appeal in a claim for misdelivery resulting from e-fraud in shipping documents, with issues of the applicability of basic principles of shipping law to e-commerce.
- ***BAT v Essers and Kazemier*** (2016). Appeal to the Supreme Court concerning the interpretation of jurisdiction provisions in international carriage conventions.
- ***Owners v Bill of Lading Holders and Charterers*** (2016). Representing Owners in a claim arising out of a Korean insolvency, interception of bill of lading freight and liens on sub-freights, with issues of conflicts of laws and principles of international insolvency.
- ***Collision claim*** (2016). Representing a widow in a claim arising from a collision between a dredger and a yacht in the North Sea.
- ***Collision claim*** (2015). Representing claimant owners in a claim arising from a collision in foul weather between a 72m superyacht and a ro-ro ferry off Turkey, with issues of loss of use.
- ***Collision claim*** (2015). Advising tanker owners in relation to a collision with a warship.
- ***Owners v Managers*** (2015). Representing owners in US\$ 12 million claim for breach of a ship management agreement (Shipman) following multiple technical failures and PSC detentions.
- ***Owners v Charterers*** (2014). Representing owners in a dispute about the relationship between clauses on

performance and utmost despatch, and Article IV rule 2(a) of the Hague Rules, including an appeal to the Commercial Court.

- ***Sellers v Buyers***. Representing sellers of a bulk carrier under Norwegian Saleform in a dispute following alleged repudiatory breach.
- ***Buyers v sellers***. Representing buyers of 2 bulk carriers in a claim arising from defective cranes with issues regarding causation of defects and quantum.
- ***Collision claim***. Representing Defendant owners in a claim arising from a putting by in the River Plate with issues of stability.
- ***Collision claim***. Representing Claimant owners in a claim arising from a collision in the Amazon with issues of safe anchoring practices.
- ***Collision claim***. Representing owners in a claim arising from a collision in Northern Ireland waters with issues regarding liability for wreck removal and limitation.
- ***Grounding claim***. Representing owners in claims resulting from the wrecking of a containership in New Zealand's worst maritime disaster, with issues of alleged unseaworthiness by reason of incompetence, and conflicts of laws in relation to credit against multiple limitation funds.
- ***GA claim***. Acting for cargo interests in a GA claim with a rule D defence and multiple issues of main engine maintenance.
- ***Owners v Salvors***. Representing salvors in a dispute over a Towhire contract in relation to a salvage operation off Lampedusa.
- ***Crew v owners***. Representing owners in claim by crewman for serious personal injury off the coast of West Africa, with issues on conflict of laws.
- ***Limitation claim***. Acting for owners in a dispute about the crew exception to limitation and a liability claim for life-changing injuries, with issues of conflict of laws.
- ***PI Claimant v Port Authority***. Acting for a port authority in a claim for brain damage, with issues of contingencies other than mortality, pension entitlement and care.
- ***Unsafe port claim***. Representing Charterers in an alleged unsafe port claim regarding a laden bulk carrier colliding with a breakwater whilst entering a Turkish port.
- ***Cargo Interests v Owners***. Representing owners in a claim arising from alleged short delivery of LPG, with issues regarding construction of the Half Percent Loss Clause.

Shipbuilding

John is experienced in shipbuilding disputes, including disputes with complex engineering issues, and complex issues of delay.

- ***Buyers v Shipyard***. Acting for a European shipyard in a €50 million dispute about the cancellation of 2 offshore supply vessels, including issues of delay, multiple delay theories and analyses, applicability of the prevention principle, applicability of the Delay and Disruption Protocol, contractual EOTs, and changing regulations regarding damage stability.
- ***Buyers v Shipyard***. Acting for buyers in a dispute about the specifications and regulatory compliance of helicopter landing facilities, including issues of delay and confidentiality.
- ***Buyers v Shipyard***. Representing European superyacht builders in a claim arising from alleged defects including in relation to coatings.
- ***Sub-contractor v submarine builder***. Advising a submarine builder in a pricing dispute with issues regarding measurement of the sub-contractor's works.
- ***Buyers v Shipyard***. Acting for buyers in a US\$ 25 million dispute with a Chinese shipyard with issues of modifications, EOTs, misrepresentation, estoppels, refund guarantees, relief from forfeiture and unjust enrichment.
- ***Owners v Shipyard***. Acting for owners in a dispute with a yard about works for an anticipated sale and purchase, with issues of unjust enrichment, liens, wrongful arrest and the concealment principle.
- ***Buyers v Shipyard***. Acting for buyers in an €11 million claim based on multiple technical defects in 2 bulk carriers.
- ***Buyers v Designers and Builders***. Acting for buyers of 10 large sailing yachts in a dispute about failed steering systems.

Aviation & Travel

John's aviation experience extends to sale and purchase, financing, and wet and dry leasing. He has obtained injunctions over passenger aircraft, including aircraft in scheduled service. John also deals with substantial travel

cases, particularly those involving fatal accidents and disease, and cases involving issues of private international law. Illustrative cases include:

- ***Class action against cruise-ship owners and operators***(2021). Acting as expert witness on English law, on English rules on conflict of laws in accidents at sea, the Athens Convention, limitation of liability, and consumer protection laws relating to holidays and travel, in a foreign class action arising from multiple fatalities and illness due to Covid-19.
- ***Class action against international airline*** (2019). Acting as expert witness on English aviation law in foreign class action regarding Regulation (EC) No. 261/2004, including consumer protection legislation and the relationship between EU and non-EU air passenger rights legislation.
- ***Class action against international airline*** (2018). Acting as expert witness on English aviation law in foreign class action regarding charging and refunding of Air Passenger Duty.
- ***Holiday Operator v Holiday Operator*** (2016). Representing a holiday operator in a dispute about breach of a sale and purchase contract for an entire season of airline seat capacity between UK and Turkey, concerning issues of political and terrorism risks.
- ***Lessor v Lessee*** (2016). Advising a lessor on repossession of two Airbus A2200300s following defaults under leases.
- ***Leasing Company v Airline*** (2016). Representing aircraft owners in a dispute about repudiatory breach of the lease of an ATR 42 aircraft by the airline lessee.
- ***APFL v Alitalia*** (2015). Representing a national flag carrier in a dispute about the sale of, and assignment of leases for, six Airbus A319s and eight Airbus A320s.
- ***Corporate Oil and Gas v Marshall Aviation Services*** (2015). Representing owners of a Hawker 800A aircraft in a dispute about breach of a servicing program and the enforceability of a lien.
- ***Airline v Aircraft Owners*** (2014). Representing an airline in a dispute about the condition on delivery into charter of an Airbus A340.
- ***PK AirFinance v Blue Sky, Balli Group and Mahan Air***(to 2013). Representing the financier in the US\$ 150 million Blue Sky case involving three Boeing 747-400s, with issues of conflict of laws, foreign laws (Iranian, Armenian, Netherlands), mortgages, trusts, leases, bills of sale, fraud, conversion, unjust enrichment, contempt of court and freezing injunctions.
- ***Brokers v Aircraft Sellers***. Representing brokers in a claim arising from the sale of an Airbus A300 to Libyan interests.
- ***Passenger v P&O Cruises Ltd.*** Representing P&O in a claim by a child for life-changing injuries allegedly suffered on board a cruise-ship, including chronic pain syndromes. Claims dismissed at trial. Also representing P&O in related Court of Appeal proceedings on third party costs orders.
- ***Crewman v Shipowners***. Representing owners in a claim by an injured crewman with serious brain damage, including issues of conflict of laws, particularly choice of forums for liability and limitation claims.
- ***PI claimant v Yacht Owners***. Representing a claimant rendered quadriplegic in an accident onboard on a yacht, with issues of limitation of liability.
- ***Carriers by air v cargo interests*** Representing carriers by air in a multi-million US\$ claim regarding the transporting of military hardware under a long-term multi-party contract.
- ***Dependents v Boat hire company***. Representing insurers of a pleasure-craft hire company in a claim resulting from death by drowning in inland waters.
- ***Catastrophic injury case***. Representing liability underwriters in a case involving a water-skiing surgeon suffering life-changing injuries as a result of being run down by his wife, with issues of conflict of laws and limitation.
- ***Dependents v jet-ski rider***. Representing liability insurers of a jet-ski rider in a claim arising from a fatal accident involving an inflatable toy, with issues of valuation of dependency and psychiatric damage.
- ***Dependents and PI claimant v jet-ski rider***. Representing liability insurers of a jet-ski rider in a claim arising from a fatal collision between 2 jet-skis, with issues of quantum for facial scars and psychiatric damage.

Banking

John's banking and financial services practice covers asset financing, trading in debt and equity securities, and all manner of exchange-traded and OTC derivatives, ranging from currency options to stock-lending options, and from metals futures to energy derivatives to FFAs. John has over 20 years' experience of the ISDA Master Agreement. John also has particular experience in matters of fraudulently obtained finance. Illustrative cases include:

- ***Investor v Owner and operator of market index***(2019). Advising the owner and operator of a global index in relation to a large claim threatened by derivatives investors, including issues of contractual and non-contractual duties owed by the index operator, applicability of IOSCO Principles, and availability of relief including injunctions

and declarations.

- ***Borrower v Various Banks*** (2018). Representing the borrower under US\$ 400 million facility in a dispute about the banks' rights to use sub-participation or assignment with or without consent.
- ***Borrower v Bank*** (2018). Representing the borrower under US\$ 200 million facility in a dispute about the bank's contractual duty to consult and contractual option to assign.
- ***HSBC v Kyraelma*** (2016-2018). Representing the borrower and beneficial owners of assets under a US\$ 20 million facility in debt, repossession, freezing injunction and committal proceedings, including issues of full and frank disclosure and personal liability.
- ***Deutsche Bank v Borrowers and Guarantors*** (2015). Representing the lending bank in proceedings on US\$ 75 million asset finance facilities.
- ***Standard Chartered Bank v Varun Cyprus Ltd*** (2015). Representing the lending bank in proceedings on US\$ 260 million loan facilities, with mortgages subject to foreign laws.
- ***Borrowers v Swiss Bank*** Representing borrowers in a dispute about purported termination of a US\$ 550 million facility with issues regarding insurance of security.
- ***Derivatives trading/ISDA matter for biomass plant*** Advising one of the largest biofuel producers in Europe in relation to derivatives trading and ISDA issues.
- ***Fund v Fund Managers***. Representing fund managers in a dispute about alleged renunciation of a Fund Administration Agreement.
- ***Fund v Investment Bank***. Representing an investment bank in relation to a claim for "warehousing loss" on a US\$ 490 million CDO portfolio, with issues of the meaning of "commercially reasonable efforts", duration of duty and enforcement of an agreement to negotiate.
- ***Investors v Life Assurance Fund***. Representing investors in a dispute concerning single, dual and swing pricing, and dilution, in a unitized life assurance fund.
- ***Sellers of Company v Bank***. Representing sellers of a company in a claim under a letter of credit, including a dispute about the bank's own duty to issue documents for presentation.
- ***Barclays Bank v Borrower***. Representing lending bank in the Commercial Court and Court of Appeal in a fraud case involving issues of jurisdiction and parallel proceedings, applicable law, equitable mortgages of personal property, piercing the corporate veil, constructive trusts and asset following and tracing.

Chancery Commercial

John advises and appears as advocate in cases involving real estate, and in company and partnership disputes.

Illustrative cases include:

- ***London EC2*** (2019). Advising landlord of 45,000 sq ft of office space on enforceability of contested options for renewed leases under contractual equivalent of section 30(1) of Landlord and Tenant Act 1954.
- ***London WC2*** (2019). Advising seller of combined commercial/residential block on rights to compel completion, terminate an agreement for lease and enforce an adjudication clause.
- ***International hotel operator v landlord*** (2019). Representing an international hotel operator in a Part 8 claim relating to pre-emption rights for 9 hotels, with allegations of breach of contractual duties of utmost good faith in a bidding process, and related insolvency applications.
- ***Stockbrokers v accountants***. Representing accountants in proceedings brought by stockbrokers in relation to stock-transfer frauds committed by a partner.
- ***Project owners v design consultants***. Representing project owners in a claim for declaratory relief and an anti-suit injunction against lighting design consultants, with issues of confidentiality, proprietary information, UK unregistered design rights, originality, method or principle of construction and other issues under s213 CDPA 1988, qualifying persons under s217 of CDPA 1988, infringement, UK copyright, and U.S. copyright.
- ***Harbour Commissioners v owners of mooring rights*** Representing owners of mooring rights in proceedings for termination, with issues of estoppel by representation, promissory estoppel, proprietary estoppel, and estoppel by convention.
- Further Chancery Commercial cases are shown under Commercial Dispute Resolution.

Civil Fraud

John has considerable experience in cases of fraud and alleged fraud in business sectors including banking and financial services, insurance, real estate, aviation and shipping. Illustrative cases include (see the relevant substantive practice areas for further details of these cases):

- ***Seller v Buyer of commercial property and others*** (2021). Representing a parent company, its officers, and

advisers in a claim including unlawful means conspiracy arising out of default by a subsidiary in a £17 million commercial real estate transaction.

- ***Seller and Guarantor of Tenant v Tenant in administration***(2020). Advising the seller and guarantor of a tenant of a chain of retail outlets in relation to unlawful interference, unlawful means conspiracy, and injunctions.
- ***Consultancy company v healthcare company***(2019). Representing a Swiss healthcare group in SIAC arbitration proceedings following an attempted takeover, with issues relating to breach of fiduciary duty, conspiracy to injure, unlawful means conspiracy and fraudulent misrepresentation.
- ***Parent of landlord v International hotel operator, officers and employees***(2018). Representing an international hotel operator in a US\$ 600 million claim with allegations of misrepresentation, unlawful interference, unlawful means conspiracy, conspiracy to injure, and including an application for discovery under 28 USC §1782.
- ***Seller v Buyer***(2017). Representing the seller of an electricity generating plant, including allegations of fraud and an anti-suit injunction against a foreign freezing injunction.
- ***Glencore v MSC***(2017). Representing cargo interests in the Commercial Court and Court of Appeal in a claim for misdelivery resulting from e-fraud.
- ***Seller v Buyer***(2017). Acting for buyers in a dispute concerning a long-term minerals supply contract, with issues of fraudulent misrepresentation.
- ***Buyer v Seller***(2016). Acting for buyer against seller in a dispute concerning a very large iron ore sale and purchase contract, with multiple allegations of fraud and economic duress.
- ***Shipowners v hull insurers***(2015). Representing Indian insurers in a voyage policy dispute arising from fire and breakdown off Australia, with issues of fraud.
- ***PK AirFinance v Blue Sky, Balli Group and Mahan Air***(to 2013). Representing the financier in the US\$ 150 million Blue Sky case involving three Boeing 747-400s, with issues of trusts, fraud, conversion, unjust enrichment, contempt of court and freezing injunctions.
- ***Barclays Bank v Borrower***. Representing lending bank in the Commercial Court and Court of Appeal in a fraud case involving constructive trusts, piercing the corporate veil, and asset following and tracing.
- ***Stockbrokers v accountants***. Representing accountants in proceedings brought by stockbrokers in relation to stock-transfer frauds committed by a partner.
- ***Building contractors v liability underwriters***. Representing liability underwriters in claim by building contractors under a liability policy following a catastrophic fire, with issues of fraud.
- ***Accountants v D&O underwriters***. Representing accountants in a claim against D&O underwriters following fraud by a partner.
- ***Residential healthcare provider v underwriters***. Representing liability insurers in a policy dispute with issues of fraudulent device.
- ***Superyacht owners v underwriters***. Acting for underwriters in a dispute about an alleged fraudulent superyacht abandonment, grounding, explosion and fire.
- ***Insurance brokers v E&O insurers***. Acting for E&O insurers in a coverage dispute arising from a broker's failure to place insurance against failure of a film finance tax scheme, with issues of misrepresentation and deceit.

Commercial Dispute Resolution

John deals with commercial disputes in a wide range of business sectors from construction to telecoms, and from hospitality to healthcare (in addition to aviation, banking and financial services, energy and natural resources, insurance and reinsurance, international trade and commodities, shipbuilding and shipping, as featured in other sections).

- ***Seller v Buyer of commercial property and others***(2021). Representing a parent company, its officers, and advisers in a claim for inducement of breach of contract and unlawful means conspiracy arising out of default by a subsidiary in a £17 million commercial real estate transaction.
- ***Seller and Guarantor of Tenant v Tenant in administration***(2020). Advising the seller and guarantor of a tenant of a chain of retail outlets in relation to continuing obligations under an SPA, inducement of breach of contract, unlawful interference, unlawful means conspiracy, and injunctions.
- ***Consultancy company v healthcare company***(2019). Representing a Swiss healthcare group in SIAC arbitration proceedings following an attempted takeover, with issues relating to trusts, breach of fiduciary duty, conspiracy to injure, unlawful means conspiracy, fraudulent misrepresentation, and Singapore and Swiss law.
- ***Parent of Landlord v International hotel operator, officers and employees***(2018). Representing an international hotel operator in a US\$ 600 million claim with allegations of misrepresentation, breach of confidence, inducement of breach of contract, unlawful interference, unlawful means conspiracy, lawful means

conspiracy and reflective loss, and including an application for discovery under 28 USC §1782.

- ***Aquaculture developer v Caribbean State*** (2016-2017). Representing an aquaculture business developer at a 6-week hearing of a Caribbean-seated arbitration in a US\$ 200m claim for expropriation, breach of Development Agreement, breach of leases and restrictive covenants, and defamation.
- ***Richmond v Bitumen*** (2017). Representing guarantors in Commercial Court and Court of Appeal proceedings regarding a commercial kidnapping, ransom payment, and a performance bond, with issues including the effect of a conclusive evidence clause.
- ***Owners v contractors*** (2015). Representing contractors in a dispute relating to failures in commissioning systems in a newbuild hospital.
- ***Corporate lenders v guarantors*** (2014). Representing corporate lenders in Commercial Court and Court of Appeal proceedings, with issues of foreign illegality, the application of the Rome I Regulation and Mazur Media and Owusu, and universalism of Indian insolvency proceedings.
- ***Middle East State v Land Developers***. Representing a Middle East sovereign state in a US\$ 68 million land development dispute concerning the building of a hotel in the Middle East in proximity to a mosque, with issues of misrepresentation, recovery of economic loss in tort, and vicarious liability.
- ***Beauty clinic v competitor***. Advising a chain of beauty clinics in relation to anti-solicitation covenants and confidential information.
- ***National Telecom Company v Government***. Advising a national telecom company in relation to multiple alleged breaches of an e-voting infrastructure contract.

Energy

John's practice includes substantial disputes concerning energy and natural resources. He has dealt with cases arising from the breakdown of critical mining plant causing total suspension of operations at one of the largest mines in the world, and complex pricing disputes. Illustrative examples include:

- ***Seller v Buyer of Generating Plant***. Representing the seller of an electricity generating plant, including anti-suit injunction against a foreign freezing injunction, and allegations of fraud.
- ***Production and exploration company v Contractor***. Advising a production and exploration company in a dispute under IADC terms, with issues about the duration and expiry of the contract.
- ***Global Mining Company v Alumina Buyers***. Representing a global mining company in relation to long-term alumina supply contracts in a pricing mechanism dispute concerned with de-coupling from LME prices depressed by "warehouse queues".
- ***Uranium Buyers v Global Mining Company***. Advising a global mining company in relation to force majeure under multiple long-term uranium supply contracts following fatal accident, major breakdown and suspension of operations at an Australian mine, with issues of causation.
- ***Weather Derivatives Trader v Data Supplier***. Advising weather derivatives trader in relation to a claim against a government-owned data supplier.

International Arbitration

John is experienced in arbitration proceedings in all the major arbitral institutions, including ICC, SIAC, HKIAC and LCIA. Illustrative cases include the following (further details of these and other international arbitrations can be found under the relevant sector practice areas):

- ***SIAC Arbitration*** (2019). Representing Swiss healthcare group in SIAC arbitration proceedings following an attempted takeover, with issues relating to breach of fiduciary duty, conspiracy to injure, unlawful means conspiracy and fraudulent misrepresentation.
- ***HKIAC Arbitration*** (2018). Representing shipowners in a substantial claim by cargo interests.
- ***Caribbean-seated ad hoc arbitration*** (2016-2017). Representing an aquaculture business developer at a 6-week hearing of a Caribbean-seated arbitration in a US\$ 200 million claim for expropriation, breach of Development Agreement, breach of leases and restrictive covenants, and defamation.
- ***SIAC Arbitration*** (2016). Acting for the buyer against the seller in a dispute concerning a large iron ore sale and purchase contract, with issues regarding variation, nomination, substitution, fraud, economic duress and quantum including availability of market.
- ***SIAC Arbitration*** (2015). Acting for alleged seller in a dispute concerning a large commodities supply contract, with issues including identification of parties.
- ***LCIA Arbitration*** (2014). Representing Buyers in a US\$ 75 million dispute about a terminated contract for the sale and purchase of 12 Cape-size loads of thermal coal, with issues of delayed letters of credit, exceptions to

time of the essence, and liability for hedging losses.

- **ICC Arbitration** (2014). Acting for the seller of chrome ore in a dispute including issues of the applicability of the Convention on the International Sale of Goods.
- **LCIA Arbitration**. Representing Central/Eastern European smelter in an LCIA arbitration regarding multiple alleged breaches and termination of a contract for a large proportion of the smelter's annual requirement of alumina.

Insurance

John's marine and non-marine insurance practice extends to every major class of risk, from hull & machinery, P&I and cargo to business interruption, property, CAR, public liability, product liability, professional indemnity, employer's liability and D&O.

- **Underwriters v IAT** (Malta) (2021). Representing hull underwriters in a US\$ 41 million policy dispute regarding an alleged CTL following grounding off Greenland, with issues including the correct test for CTL and scope and cost of repairs.
- **Shipowners v Hull Underwriters** (2020). Representing shipowners in a claim for indemnity against loss caused by failure of stern tube bearings under marine perils and Additional Perils Clauses.
- **Shipowners v Hull Underwriters** (2019). Representing hull underwriters in a claim for indemnity against CTL suffered in Hurricane Irma. Issues of mechanism of loss and scope of exclusions.
- **Shipbuilders v Public and Product Liability Insurers** (2018). Representing liability insurers in a claim by shipbuilders for indemnity under public liability and product liability policies, including exclusions regarding liability under contract, defective products and liability for advice.
- **Power Station Owner/Operator v Property Underwriters** (2015). Representing property underwriters in a US\$ 65 million policy dispute arising out of an explosion at a power station in Libya.
- **Nationwide Security Company v Professional Indemnity Underwriters** (2015). Representing professional indemnity underwriters in a policy dispute arising from hoax telephone calls and armed robberies.
- **Contractors/Consultants v Liability Insurers** (2015). Representing liability insurers in a £10 million policy dispute with contractors/consultants engaged at Royal Victoria Hospital, Belfast.
- **Cover-holder v Liability Underwriters** (2015). Representing the holder of a binding authority in a dispute with underwriters arising from collision and total loss of fishing vessel, including liability for lost fish and lost future catch, with issues of scope of binding authority and rectification of policy.
- **Shipowners v Hull Insurers** (2015). Representing Indian hull insurers in a voyage policy dispute arising from fire and breakdown off Australia, with issues of fraud.
- **Holiday Company v Business Interruption Insurers**. Representing a holiday company in a business interruption policy dispute following the abduction and murder of a tourist.
- **National Sports Association v Liability Underwriters**. Representing liability underwriters in a policy dispute following a fatal accident, with issues of scope of exclusions and notification, and an underlying claim against a national sports association regarding design of sports facilities.
- **Building Contractors v CAR Underwriters**. Representing CAR underwriters in policy dispute following a catastrophic fire during hot works at a community centre, with issues of fraud.
- **Accountants v D&O Underwriters**. Representing accountants in a claim against D&O underwriters following fraud by a partner, with issues of notification under successive policies.
- **Residential Healthcare Provider v Insurers**. Representing liability insurers in a policy dispute with issues of scope of cover, exceptions and fraudulent device.
- **Air Ambulance Services v Insurers**. Advising air ambulance services in relation to recovery of operating costs from motor insurers under statutory schemes.
- **Shipowners v Hull Underwriters**. Acting as expert on English insurance law in Geneva court proceedings, including issues of multiple proximate causes, Inchmaree clause, latent defect, negligence and perils of the seas.
- **P&I Club v Charterers**. Acting for a P&I Club in a coverage dispute in relation to cover for the total loss of a vessel carrying iron ore fines off the west coast of India.
- **Yacht Owners v Public Liability and Product Liability Underwriters**. Acting for public liability and product liability underwriters in a policy dispute regarding the capsizing of a hired yacht causing a fatality.
- **EL Insurers v EL Insurers**. Advising on issues of apportionment between multiple EL insurers in a claim for serious psychiatric injury.
- **Superyacht Owners v Hull Underwriters**. Acting for hull underwriters in a dispute about an alleged scuttling of a superyacht by abandonment, grounding, explosion and fire.
- **Insurance Brokers v E&O Insurers**. Acting for E&O insurers in a coverage dispute arising from a brokers' failure to place insurance against failure of a film finance tax scheme, with issues of scope of cover, non-disclosure and

misrepresentation, notifications, and deceit.

- *Shipowners v Hull Underwriters*. Representing underwriters in a claim for indemnity for the total loss of a fishing vessel, with issues of breach of warranty.
- *Shipowners v Hull Underwriters*. Representing underwriters in a policy dispute, up to the Court of Appeal, with issues of multiple proximate causes.
- *Shipowners v Hull Underwriters*. Representing owners in a policy dispute following the total loss of a bulk carrier with issues of seaworthiness and alleged breach of warranty.
- *Shipowners v Hull Underwriters and Brokers*. Representing underwriters in a policy dispute arising from the total loss of a dredger in UK waters, with issues of breaches of conditions.
- *Shipowners v Hull Underwriters*. Representing underwriters in a policy dispute arising from breakdown of turbochargers on a bulk carrier, with issues of causation by latent defect and negligence, and due diligence.
- *Shipowners v Hull Underwriters*. Representing underwriters in a policy dispute arising from a total loss and a claim for damages for breach of jurisdiction clause.

Alternative Dispute Resolution

John is regularly instructed to act as a negotiator for parties at mediations and joint settlement meetings. John is a CEDR-accredited mediator.

Academic

LLB (Hons)

Ranking



Appointments

Called to the Bar of Northern Ireland

CEDR-accredited mediator

Recorder (May 2023)

Presentations

John regularly speaks and writes about commercial law. He was previously an examiner and occasional lecturer in commercial law at the College of Law.

Memberships

Commercial Bar Association

London Common Law and Commercial Bar Association

London Maritime Arbitrators' Association (Supporting Member)

London Shipping Law Centre

Member of the Bar Pro-Bono Unit

Interests

Travelling, running, cinema, food.