



Emmet Coldrick

Called: 2004

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Emmet has a broad commercial practice, with a particular emphasis on shipping and transport, international trade and commodities, general commercial/ contractual disputes (including civil fraud) and arbitration.

In addition to his work as part of a team of counsel, Emmet has extensive experience as a sole advocate, from final hearings in London arbitrations and Commercial Court trials, to applications relating to freezing injunctions, jurisdiction and anti-suit injunctions, ship arrest and orders for sale, security for costs and summary judgment.

Emmet has acted for a wide range of UK and overseas based clients, from clearing banks and well known global corporations to SMEs and individuals. He is frequently instructed by lawyers based in other jurisdictions, including Singapore, Hong Kong, Dubai and Switzerland.

While a large part of Emmet's practice is in arbitration, since joining Quadrant in 2005 he has represented clients in the Commercial Court, the Chancery division, the Admiralty Court and the general Queen's Bench Division, as well as on appeal in the Court of Appeal and the House of Lords. Notable recent or reported court cases include:

- *Globalink Transportation and Logistics Worldwide LLP v DHL Project and Chartering Ltd* [2019] EWHC 225 (Comm). Emmet acted as sole counsel for DHL in this project cargo freight forwarding dispute in the Commercial Court, which concerned the availability of a set-off defence and the effect of a force majeure clause.
- *Latin American Investments Limited v Maroil Trading Inc* (Commercial Court 2017-2019). Emmet appeared (led by Poonam Melwani QC or as sole counsel) in 5 hearings in the Commercial Court in this US\$100 million joint venture / civil fraud dispute, including in relation to freezing injunctions, security for costs and the enforcement of a settlement agreement and previous court orders.
- *Agarwal Coal Corp (S) Pte Ltd v Harmony Innovation Shipping Pte Ltd* [2017] EWHC 3556 (Comm); [2017] 11 WLUK 468. Sole counsel in Commercial Court proceedings challenging an arbitral award under s.67 and s.68 of the Arbitration Act 1996.
- *MSC Mediterranean Shipping Co SA v Cottonex Anstalt* [2016] EWCA Civ 789; [2017] 1 All E.R. (Comm) 483; [2016] 2 Lloyd's Rep. 494. Emmet acted for the claimant in the Commercial Court and the Court of Appeal in this case which raised issues of general importance relating to the repudiation of contracts, frustrating delay and liquidated damages. Led in the Court of Appeal by Michael Davey Q.C.
- *Touton Far East Ltd v Shivanth Rai Harnarain (India) Ltd* [2016] EWHC 1765 (Comm); [2016] 3 WLUK 542. Freezing injunctions. Led by Chirag Karia Q.C.
- *Hanaro Shipping Co Ltd v Cofftea Trading Co Ltd* [2015] 10 WLUK 638. Sole counsel for ship owners in a jurisdiction/ anti-suit injunction dispute in the Commercial Court.
- *Glenbrook Capital LP v Hamilton* [2014] EWHC 2297 (Comm); [2014] 7 WLUK 447. Sole counsel for the claimant investment fund in a Commercial Court civil fraud trial.
- *Nomikos v. The owners of the vessel "Prodomos"* (Admiralty Court, July 2014). Sole counsel for the claimant in Admiralty Court trial.
- *Commerzbank v Karamehmet* (Commercial Court, Teare J, 31 Jan. 2014). Sole counsel for the claimant bank in summary judgment application under a guarantee.
- *Raayan Al Iraq Co Ltd v Trans Victory Marine Inc* [2013] EWHC 2696 (Comm); [2013] 6 Costs L.R. 911.

Extensions of time and relief from sanctions.

- *Royal Bank of Scotland Plc v FAL Oil Co Ltd* [2012] EWHC 3628 (Comm); [2013] 1 Lloyd's Rep. 327. Commercial Court dispute concerning the court's power to grant a freezing injunction and asset disclosure orders in aid of foreign proceedings.
- *TTMI Sarl v Statoil ASA* [2011] EWHC 1150 (Comm); [2011] 2 All E.R. (Comm) 647. Arbitration appeal on jurisdiction. Formation of contract by conduct and performance.
- *Cinematic Finance Ltd v Ryder* [2010] EWHC 3387 (Ch); [2012] B.C.C. 797. Availability of derivative action procedure under Part 11 of the Companies Act 2006.
- *Datec Electronic Holdings Ltd v United Parcels Service Ltd* [2007] UKHL 23; [2007] 1 W.L.R. 1325. Leading decision of the House of Lords on the proper approach of appellate courts to appeals on questions of fact.
- *Galaxy Special Maritime Enterprise v Prima Ceylon Ltd (The "Olympic Galaxy")* [2006] EWCA Civ 528; [2006] 2 All E.R. (Comm) 902. Jurisdiction and forum non conveniens.

A large part of Emmet's practice concerns disputes which have been referred to arbitration, including LMAA, LCIA, ICC and commodities trade association arbitrations. Indicative examples of work include:

- Sole counsel for the final hearing of a charterparty dispute in an LMAA arbitration.
- Sole counsel in a US\$30 million commodities (oil/gas) contract dispute in an LCIA arbitration, governed by a foreign law.
- Junior counsel in the final arbitration hearing of disputes arising out of the grounding of a laden bulk carrier.
- Sole counsel in final hearing in a US\$60 million shipbuilding dispute in London arbitration.
- Sole counsel in a commodities (grain) sale contract dispute in an ad hoc London arbitration.
- Junior counsel in final hearing in a high value commercial contract dispute (aviation sector) in LCIA arbitration.
- Sole counsel in a cargo claim (steel products) dispute in LMAA arbitration.
- Junior counsel in an ICC arbitration.
- Acting as sole counsel in a dangerous goods dispute in London arbitration.

Emmet has law degrees from Trinity College Dublin (LLB (First Class Hons.)) and Oxford University (BCL (Distinction)). He was called to the bar in 2004 at Gray's Inn, where he was awarded the Prince of Wales and the Atkin scholarships.

Further details of Emmet's practice and experience can be found under the headings below.

Shipping

Emmet has almost 15 years of experience of practice as a shipping barrister. His work encompasses a wide range of shipping and transport matters, from charterparty and bill of lading claims to project cargo/ heavylift/ off-shore support matters, and from Admiralty and 'wet shipping' matters to shipbuilding and ship sale contract disputes.

Charterparty disputes

Emmet has extensive experience of charterparty disputes, under all of the main time and voyage charter forms. Most of this work is in London arbitration, but he also has experience of disputes in the English courts and in arbitration in Singapore and Hong Kong. Emmet has also given written expert evidence on English law in respect of disputes in foreign courts, including the US Federal Courts.

Examples of work include:

- Final hearing of a dispute in LMAA arbitration concerning the construction of charterparty clauses.
- An unsafe port dispute in London arbitration.
- Acting for shipowners in a repudiation of charterparty dispute in Hong Kong arbitration.
- Final hearing in London arbitration in respect of charterparty claims arising out of the grounding of a vessel.
- Final hearing in an LMAA arbitration arising out of the termination of several time charterparties.
- Acting for charterers in a dangerous cargo charterparty dispute in London arbitration.
- Final hearing of a demurrage claim under a voyage charterparty in London arbitration.

Emmet's work in relation to charterparties extends to the jurisdictional and contract formation issues that arise from time to time. Notable examples of arbitration appeals/ challenges in this field include:

- *Agarwal Coal Corp (S) Pte Ltd v Harmony Innovation Shipping Pte Ltd* [2017] EWHC 3556 (Comm).
- *TTMI Sarl v Statoil ASA* [2011] EWHC 1150 (Comm); [2011] 2 All E.R. (Comm) 647. Arbitration appeal on jurisdiction. Formation of contract by conduct and performance.

Cargo / bill of lading claims

Emmet is an experienced advocate in cases concerning loss of and damage to cargo, from soft commodities (e.g. grain, rice, fruit) to hard commodities (e.g. metal ores, oil) to manufactured goods (from steel beams to computer chips).

The majority of his work in this field is in London arbitration, but he also has acted in bill of lading claims in the High Court, both as sole advocate at trial in the Commercial Court (*MSC Mediterranean Shipping Co SA v Cottonex Anstalt* [2015] EWHC 283 (Comm); [2015] 2 All E.R. (Comm) 614; [2015] 1 Lloyd's Rep. 359; *Univeg Direct Fruit Marketing DFM GMBH v MSC Mediterranean Shipping Company S.A.* [2013] EWHC 2962 (Comm)) and in interim applications, such as in *Hanaro Shipping Co Ltd v Cofftea Trading Co Ltd* ([2015] 10 WLUK 638 (Commercial Court application for anti-suit injunction in relation to claims under bills of lading).

Project cargoes, heavylift and off-shore support

Emmet has developed specialist expertise and experience in project cargo/ heavylift cargoes, both in respect of off-shore work and more generally.

He has lectured on specialist contract forms, including Supplytime, Heavycon, Heavyliftvoy and Projectcon, at BIMCO Masterclasses in Dubai, Singapore and Houston.

Examples of work in this area include:

- *Globalink Transportation and Logistics Worldwide LLP v DHL Project and Chartering Ltd* [2019] EWHC 225 (Comm). Sole counsel for DHL in this project cargo freight forwarding dispute in the Commercial Court, which concerned the availability of a set-off defence and the effect of a force majeure clause. Contract for the arrangement of multi-modal transport of large items of refinery plant/ machinery.
- Dispute in London arbitration concerning a failed attempt to lift/ load a project cargo aboard a heavylift vessel.
- Dispute in London arbitration arising out of the termination of an off-shore support vessel contract (Supplytime).

Admiralty and 'wet shipping' matters

Emmet's practice encompasses a range of Admiralty and 'wet shipping' matters.

He is frequently instructed in relation to disputes arising out of ship groundings, allisions and collisions. Examples include the grounding of a laden bulk carrier, a collision between a lighter barge and an oil tanker, the severing of undersea electricity cables by a cable laying vessel, the allision of a tanker ship with a terminal jetty, damage to an undersea pipeline by a vessel dragging anchor and the grounding of a general cargo vessel.

Emmet has appeared as sole counsel in an Admiralty Court trial (*Nomikos v. The owners of the vessel "Prodromos"*) (Admiralty Court, July 2014). He also has extensive experience of ship arrest and sale proceedings, including issues of priority, both before the Admiralty Registrar and the Admiralty Judge and in related applications in the Companies Court.

From time to time, Emmet accepts instructions on a pro bono or conditional fee basis on the behalf of seafarers and their families. A notable example is the fatal accident case of the "Manhattan Bridge" (explosion of container ship's auxiliary boiler in port at Felixstowe).

Shipbuilding

Emmet has acted, as sole counsel or as part of a team of counsel, in several shipbuilding and ship sale disputes, particularly disputes about the meaning and effect of contractual terms but also disputes concerning delays and quality of work.

Examples include:

- Sole counsel in final hearing in a US\$60 million dispute arising out of the termination of several shipbuilding contracts.
- Junior counsel in a case concerning supply of 'Buyers' Supplies' items.
- Preliminary issue hearing in London arbitration concerning issues of the meaning and effect of terms of a shipbuilding contract.
- Warranty/ defect claims in London arbitration.

- Arbitration in relation to instalments said to be due under a ship sale agreement.

Commodities & International Trade

A substantial part of Emmet's practice is in international trade and commodities. He has extensive experience of both hard and soft commodities work, and also has experience of disputes concerning international trade in manufactured goods.

The majority of Emmet's hard commodities work concerns disputes under contracts for the sale of oil or petroleum products. Examples include:

- US\$25 million dispute under contracts for the sale of petroleum products (High Court).
- Sole counsel in a final hearing in an ad hoc London arbitration arising out of a contract for the sale of petroleum products.
- US\$30 million LCIA arbitration concerning long-term contracts for the supply of petroleum products.

Emmet has experience of a range of soft commodities work. Indicative examples include:

- Advisory and drafting work in relation to trade association arbitrations (BCA, FCC, FOSFA and GAFTA).
- Applications to the Commercial Court seeking enforcement of awards, freezing injunctions and asset disclosure orders (e.g. *Touton Far East Ltd v Shivnath Rai Harnarain (India) Ltd* [2016] EWHC 1765 (Comm) (led by Chirag Karia Q.C.); *Oriental Coffee & Commodities Pte Ltd v P.T. Indokom Citra Persada* (Commercial Court, Leggatt J, Oct. 2013) (sole counsel)).

Commercial Dispute Resolution

General commercial work has always formed a significant part of Emmet's practice. Over almost 15 years, he has built up extensive experience of general commercial/contractual disputes, debt recovery work and civil fraud matters.

Since first obtaining a freezing injunction (on behalf of a clearing bank) over 10 years ago, he has acted in over a dozen matters in which freezing orders were obtained. He has advised in respect of and appeared in a wide range of related applications, including applications for summary judgment, for committal for contempt of court and for sequestration of assets, for the appointment of receivers and for recognition and enforcement of judgments. He also has experience of related insolvency matters. Notable cases include:

- *Globalink Transportation and Logistics Worldwide LLP v DHL Project and Chartering Ltd* [2019] EWHC 225 (Comm). Summary judgment application in Commercial Court.
- *Touton Far East Ltd v Shivnath Rai Harnarain (India) Ltd* [2016] EWHC 1765 (Comm); [2016] 3 WLUK 542. Freezing injunctions. Led by Chirag Karia Q.C.
- *Commerzbank v Karamehmet* (Commercial Court, Teare J, Jan. 2014). Sole counsel for the claimant in a US\$10 million summary judgment application, on personal guarantees, against a prominent Turkish businessman.
- *Oriental Coffee & Commodities Pte Ltd v P.T. Indokom Citra Persada* (Commercial Court, Leggatt J, Oct. 2013). Freezing injunction application following failure to pay arbitration awards.
- *Royal Bank of Scotland Plc v FAL Oil Co Ltd* [2012] EWHC 3628 (Comm); [2013] 1 Lloyd's Rep. 327. Commercial Court dispute concerning the power to grant freezing injunctions and asset disclosure orders in aid of foreign proceedings.

In addition to complex and high value debt recovery work, Emmet is also instructed in relation to a wide range of general commercial/ contractual disputes. Indicative examples include:

- Acting for an electricity distributor in a dispute with a local authority arising out of cable installation works (Commercial Court).
- Acting for an airline in relation to disputes under a series of commercial agreements (LCIA arbitration).
- Acting in a commercial arbitration between companies in the waste management sector (ad hoc London arbitration).
- Acting for a utility company in a relation to a dispute with a commercial client relating to refunds (Commercial Court).

Fraud

Emmet's general commercial practice also encompasses civil fraud. He was sole counsel for the claimant investment fund in the Commercial Court trial in *Glenbrook Capital LP v Hamilton* [2014] EWHC 2297 (Comm); [2014] 7 WLUK 447, which concerned the misappropriation of a large quantity of physical silver by a London dealer. He recently acted (with Poonam Melwani QC) in a high value shareholder dispute, arising out of the fraudulent concealment of profits; *Latin American Investments Limited v Maroil Trading Inc* (Commercial Court 2017-2019). He is currently acting/ has recently acted in 2 London arbitrations in which issues of forgery or falsification of documents arose.

International Arbitration

A large part of Emmet's practice is in arbitration. He has experience of international arbitrations on ad hoc, FCC, FOSFA, GAFTA, ICC, LCIA and LMAA terms. He has also been instructed in many arbitration applications in the Commercial Court, including applications contesting arbitrators' jurisdiction (section 67 of the Arbitration Act), challenging arbitral awards on grounds of serious irregularity (s.68) and seeking to appeal awards on a point of law (s.69).

Examples of arbitrations in which Emmet has been instructed can be found under the other headings above. They include a wide range of shipping/ transport, international trade/ commodities and general commercial/ contractual disputes.

Examples of arbitration claims and applications in the Commercial Court include:

- *Agarwal Coal Corp (S) Pte Ltd v Harmony Innovation Shipping Pte Ltd* [2017] EWHC 3556 (Comm); [2017] 11 WLUK 468. Sole counsel in Commercial Court proceedings challenging an arbitral award under s.67 and s.68 of the Arbitration Act 1996.
- *Touton Far East Ltd v Shivnath Rai Harnarain (India) Ltd* [2016] EWHC 1765 (Comm); [2016] 3 WLUK 542. Freezing injunction following failure to honour GAFTA arbitration awards. Led by Chirag Karia Q.C..
- *Hanaro Shipping Co Ltd v Cofftea Trading Co Ltd* [2015] 10 WLUK 638. Sole counsel for ship owners seeking an anti-suit injunction in effect requiring the receivers of a cargo of sugar to arbitrate a dispute in London.
- *TTMI Sarl v Statoil ASA* [2011] EWHC 1150 (Comm); [2011] 2 All E.R. (Comm) 647. Sole counsel for the claimant in appeal under s.67 of the Arbitration Act. Formation of contract by conduct and performance.

Academic

LL.B. (T.C. Dublin) (First Class); B.C.L. (Oxford) (Distinction)

Memberships

COMBAR; MCIArb.