



Robert-Jan Temmink KC

Arbitrator

Called: 1996

Silk: 2017

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Robert has been a Fellow of the Chartered Institute of Arbitrators since 2007 and has been appointed as an arbitrator in ICC, LCIA, LMAA and English arbitrations under the Arbitration Act. He is a registered arbitrator in the Hong Kong International Arbitration Centre, the Asia International Arbitration Centre, the Dubai International Arbitration Centre, the Emirates Maritime Arbitration Centre and has acted as Counsel in a wide variety of institutional arbitrations dealing with commercial cases in all of his core areas of practice.

Robert has a wide-ranging and international practice in commercial and chancery law. He is known for being a talented and intellectually-agile advocate equally at home in fraud and financial services cases as in aviation and shipping matters. He has a strong practice in construction, energy and infrastructure disputes and is often asked to advise and act in complex insolvency and cross-border actions.

Robert is an accredited mediator and has conducted numerous commercial mediations. He is a TECBAR-accredited mediator and adjudicator and has been appointed as an adjudicator in several large construction-related matters. He acted as Counsel in the Court of Appeal's decision concerning stays of adjudication and enforcement in the event of a party's insolvency

Robert is called to the bar in the Eastern Caribbean and has acted in cases in the BVI, Cayman and the Turks & Caicos islands. He is a registered advocate in the Abu Dhabi Global Market Court and was one of the first UK advocates registered to practice in the Dubai International Financial Centre Courts. He is also called to the bar in Northern Ireland and as a Foreign Legal Consultant in the State of New York.

Alternative Dispute Resolution

Please see the separate menu for Robert's international arbitration practice.

Robert is an ADR-group accredited mediator and a registered mediator for TECBAR (the Technology & Construction Bar Association) and the Kuala Lumpur Regional Centre for Arbitration.

Robert has acted as mediator in a large number of commercial disputes across the range of his practice areas, for example, he has recently acted as mediator:

- in a maritime arbitration concerning issues of non-payment in respect of a BIMCO time charterparty and contractual interpretation
- in a maritime lien dispute involving issues of contractual interpretation and non-performance
- in a matrimonial dispute concerning loans and valuations of property
- in a professional negligence claim against former legal advisors
- in a software and licensing dispute
- in a dispute between professionals involved in The Shard building project
- in a dispute between a school and neighbours over various planning issues
- in a dispute between a PLC scrap-metal concern and a trade creditor

- in a dispute between the head-lessor, lessee, mortgagor and other banking parties in a tri-partite claim
- in a trustee action between various parties to a family trust
- in a claim between a bank and borrower over various contractual and statutory issues
- in a claim between a bank and a customer involving issues of professional negligence and fraud
- Robert has also acted, as Counsel, in many mediations, primarily in commercial and chancery banking matters.

Chancery Commercial

Robert is recommended in Chambers & Partners UK Bar as a leading barrister for commercial dispute resolution: "*His delivery of complicated facts and law is exceptional, he's a real pleasure to work with and he's got a strong arbitration background.*" (Chambers UK, 2020)

- Acting for a minority shareholder in the BVI in proceedings involving numerous parties in a case involving allegations of acting in concert and fraud. The case involved issues of legal professional privilege which went to the Court of Appeal. Ultimately the case settled on confidential terms (*Tipp Investments PCC v Chagal Group Ltd and Others*)
- Advising and acting for a businessman in a claim for forfeiture and payment of allegedly unpaid shares in a publicly-listed company. Case involves issues of res judicata by merger and the doctrine of *Henderson v Henderson* (*Zavarco PLC v Tan Sri Nasir*)
- Acting for a bank in a claim for undue influence by a wife in the procurement of a joint loan over commercial property (*Octane Property Finance Limited v Psarros & Psarros*)
- Acting for a company in a claim against a former company director for alleged fraud and/or misappropriation of company assets (*Satyam Enterprises Ltd v John Burton & JVB Seven Properties Ltd*)
- Acting for a shareholder in a claim for fraudulent misrepresentation and/or unfair prejudice and/or fraud in a property transaction and share sale agreement conducted not at arms length by a co-director and shareholder (*Kang v Yousuf & Centre for Advanced Studies Ltd*)
- Acting for a company in fiercely contested proceedings arising out of a misuse of confidential information involving the applicability of the principle in *Henderson v Henderson* to split trials and the assessment of damages (*Personal Management Solutions v Brakes Bros Ltd & Anr*)
- Advising and acting in international proceedings for a company director in enforcing a guarantee for an substantial unpaid settlement arising out of the director's resignation from the international group of companies (confidential parties)
- Acting in a substantial Consumer Credit Act claim for damages and an account. Issues include whether a sole trader is a consumer for the purposes of the Act, and whether misrepresentation or deceit vitiate the applicability of the Act (*Loanline (UK) Ltd v McIntosh & Anr*)
- Applying successfully for an injunction to prevent the publication and presentation of a winding-up petition involving issues of the applicability and priority of an arbitration clause
- Acting in an appeal from an order striking out a claim for failure to comply with the Court's orders involving consideration of the Denton principles (*Amin t/a Amin Patel & Shah Accountants v Whitechapel Resources Ltd*)
- Acting for the victim of a purportedly fraudulent claim; successfully removing unwarranted charges and freezing orders against a property and obtaining a civil restraint order against a vexatious litigant (*Fagbolagun v Alade*)
- Applying successfully for an injunction to prevent the presentation of a winding-up petition on the basis of the construction of a compromise agreement between the parties (In the matter of Rhinegold Publishing Ltd)
- Acting in the Privy Council for a pensioner wrongfully denied his enhanced pension rights by the university which employed him involving issues of construction and interpretation of the meaning of "a year's service" in the context of university terms (*Boufof-Bastick v University of the West Indies*)
- Advising and acting in a claim against directors of an insolvent company, piercing the corporate veil, involving issues of fraud, breach of fiduciary duty, unjust enrichment, worldwide freezing injunctions arising out of a substantial building project in Kiev (*Royalstone Ltd v Allen & Wells*)
- Acting for a tenant in a disputed lease surrender claim involving a substantial property and leasehold interest involving issues of acceptance and estoppel (*Padwick Properties Ltd v Punj Lloyd Ltd*)
- Advising and acting for a director in a claim by a liquidator for misfeasance and transactions at an undervalue involving issues under the Limitation Act, and the duties owed by a Liquidator where he has also been first a Supervisor and then an Administrator of the company in liquidation (*Hopehurst Ltd (In Liquidation) v Mukhtar Ali Babar*)
- Advising and acting for a director in a claim by a liquidator for misfeasance and fraud and further issues arising in respect of ceding control of appeals by the company in the Tax Tribunal (*Clear PLC (In Liquidation) v Imran Kara & Ors*)

- Acting for minority shareholders in a claim for unfair prejudice against a DIFC-registered and DFSA-regulated company, now in liquidation, and thereafter in derivative proceedings brought by the company against its former directors (*Wiederkehr & Wiederkehr v Diwan Capital Ltd (In Liquidation)*)
- Advising on the effect of corporate insolvency in the BVI in respect of a Chinese shipbuilding contract involving issues of construction and cross-border insolvency (*Yangzhou Dayang Shipping v Rosanna Shipping & Anr*)
- Acting in a claim arising out of an arbitration, the award of which rendered the losing party insolvent. Acting for a party accused of unlawful means conspiracy in relation to the arbitration, the award and the losing party's insolvency involving issues of privilege, conspiracy and cross border insolvency (*Westwood Shipping Lines Inc & Anr v Fhh Fonds Nr33 Ms "Kimberley" Gmb & NSC Schifffahrtsgesellschaft Mbh & Others*)
- Advising and acting for a director accused of misfeasance and transactions at an undervalue involving issues of limitation, corporate personality and valuation (*Defty & John Carne Lifestyle Ltd v Carne*)
- Advising and acting for a minority shareholder in an unfair prejudice petition involving issues of prejudice, valuation and the effect of administration on the s.994 claim (*Kelly v Timan Oil & Gas Ltd*)

Commercial Dispute Resolution

Robert is recommended in Chambers & Partners UK Bar as a leading barrister for commercial dispute resolution: "He has the presence and stature to make judges stop and listen." (Chambers UK, 2020)

- Advising and acting for a businessman in a claim for forfeiture and payment of allegedly unpaid shares in a publicly-listed company. Case involves issues of res judicata by merger and the doctrine of Henderson v Henderson (*Zavarco PLC v Tan Sri Nasir*)
- Advising a Turks & Caicos company responsible for administering and maintaining the top level IP domain for the island's authorities in a claim concerning contractual interpretation and breach of an agreement with the relevant government department (*Melrex (TCI) Ltd v Government of the Turks and Caicos Islands*)
- Acting for a minority shareholder in the BVI in proceedings involving numerous parties in a case involving allegations of acting in concert and fraud. The case involved issues of legal professional privilege which went to the Court of Appeal. Ultimately the case settled on confidential terms (*Tipp Investments PCC v Chagal Group Ltd and Others*)
- Acting for a bank obtaining a freezing injunction and other relief against two parties accused of multiple frauds involving huge sums, and wrongdoing in respect of various loan agreements (*Sberbank of Russia v Ivica Todoric & Ante Todoric*)
- Acting for a company in a claim against a former company director for alleged fraud and/or misappropriation of company assets (*Satyam Enterprises Ltd v John Burton & JVB Seven Properties Ltd*)
- Acting for a shareholder in a claim for fraudulent misrepresentation and/or unfair prejudice and/or fraud in a property transaction and share sale agreement conducted not at arms length by a co-director and shareholder (*Kang v Yousuf & Centre for Advanced Studies Ltd*)
- Acting for a company in fiercely contested proceedings arising out of a misuse of confidential information involving the applicability of the principle in Henderson v Henderson to split trials and the assessment of damages (*Personal Management Solutions v Brakes Bros Ltd & Anr*)
- Acting in a substantial Consumer Credit Act claim for damages and an account. Issues include whether a sole trader is a consumer for the purposes of the Act, and whether misrepresentation or deceit vitiate the applicability of the Act (*Loanline (UK) Ltd v McIntosh & Anr*)
- Acting in a claim concerning the provision of statutory bills under the Solicitors Act 1976 involving issues of fraud, exaggeration and forgery ultimately leading the claim being entirely dismissed at trial. Also involving issues in the Court of Appeal about the threshold for striking out cases summarily (*Alpha Rocks Solicitors v Benjamin Alade*)
- Advising and acting in international proceedings for a company director in enforcing a guarantee for an substantial unpaid settlement arising out of the director's resignation from the international group of companies (confidential parties)
- Acting in an appeal from an order striking out a claim for failure to comply with the Court's orders involving consideration of the Denton principles (*Amin t/a Amin Patel & Shah Accountants v Whitechapel Resources Ltd*)
- Acting in the Privy Council for a pensioner wrongfully denied his enhanced pension rights by the university which employed him involving issues of construction and interpretation of the meaning of "a year's service" in the context of university terms (*Boufoy-Bastick v University of the West Indies*)
- Advising in a claim for damages arising out of the threat to remove IT and top-level domain rights from a service provider to the government of the Turks & Caicos Islands
- Acting for a Korean manufacturer in a disputed claim for an alleged breach of a sole distribution agreement

involving issues relating to expert evidence on quantum, change of position and implied terms (*Moore Large & Co Ltd v Ssanyang Industry Co Ltd*)

- Acting in a claim arising out of an arbitration, the award of which rendered the losing party insolvent. Acting for a party accused of unlawful means conspiracy in relation to the arbitration, the award and the losing party's insolvency involving issues of privilege, conspiracy and cross border insolvency (*Westwood Shipping Lines Inc & Anr v Fhh Fonds Nr33 Ms "Kimberley" Gmb & NSC Schiffahrtsgesellschaft Mbh & Others*)
- Advising and acting for a company the victim of unlawful interference with its contracts, involving issues over the misuse of confidential information, IT, breach of database rights, employees duties and piercing the corporate veil (*Pintorex Ltd v Kay, Zandjani & Parax Ltd*)
- Advising and acting for a minority shareholder in an unfair prejudice petition involving issues of prejudice, valuation and the effect of administration on the s.994 claim (*Kelly v Timan Oil & Gas Ltd*)
- Acting at first instance and on appeal in a breach of trust case for an Iranian national, domiciled in the USA, disputing the UK Court's jurisdiction, involving issues of limitation, res judicata, issue estoppel and various equitable principles (*Ali Agha Mostakhdemin v Ramin Shamsian*)
- Acting for minority shareholders in a claim for unfair prejudice against a DIFC-registered and DFSA-regulated company, now in liquidation, and thereafter in derivative proceedings brought by the company against its former directors (*Wiederkehr & Wiederkehr v Diwan Capital Ltd (In Liquidation)*)
- Acting in the UK for a minority shareholder and former director, resident in the USA, in an unfair prejudice petition against the company and former co-directors and shareholders (*Gupta v Candeo Technologies Ltd & Others*)
- Acting in a dispute concerning breach of a compromise agreement in respect of a breach of a property investment deal concerning issues over the applicability of the Consumer Credit Act and summary judgment (*Fortitude Investments (Commercial) Ltd v Kenneth Jones & Ors*)
- Acting in a number of claims and appeals arising out of the application of the Late Payment of Commercial Debts (Interest) Act 1998, including the lead appeal judgment in Northern Ireland on the application of the Act (*Blue Autumn Ltd v Glenview Nursing Home Ltd*)
- Acting in a claim to recognise a judgment in the UK from the Kingdom of Saudi Arabia and in proceedings for breach of subsequent a settlement agreement in the United Kingdom

Fraud

Robert's particular experience in fraud stems from his work for the Serious Fraud Office, helping to develop their policy on legal professional privilege, and acting for the SFO in a number of investigations and the successful prosecution of a large multi-handed fraud in a 6 month trial. More recently, he has been involved in a large number of fraud cases arising out of his civil cases, often involving insolvency and cross-border and multi-jurisdictional issues and giving rise to interim and final freezing orders.

Examples of such recent cases between include:

- Acting for a company in a claim against a former company director for alleged fraud and/or misappropriation of company assets (*Satyam Enterprises Ltd v John Burton & JVB Seven Properties Ltd*)
- Acting for a bank obtaining a freezing injunction and other relief against two parties accused of multiple frauds involving huge sums, and wrongdoing in respect of various loan agreements (*Sberbank of Russia v Ivica Todoric & Ante Todoric*)
- Acting for a shareholder in a claim for fraudulent misrepresentation and/or unfair prejudice and/or fraud in a property transaction and share sale agreement conducted not at arms length by a co-director and shareholder (*Kang v Yousuf & Centre for Advanced Studies Ltd*)
- Acting for the Defendant director in a freezing injunction application in a case brought by the liquidator involving allegations of misfeasance, diversion of company funds, transactions at an undervalue, money had and received (*Faya Ltd (In Liquidation) v Dr Omer Shakar Butt*)
- Acting for the Claimant company in a claim in the UK involving issues of restitution, fraud, and misfeasance arising out of a construction project in the Ukraine. Case involves close cooperation with the UK Liquidator to secure the return of monies paid over to the Company (*Royalstone Ltd v (1) Allen (2) Wells*)
- Acting for the three Defendants, based in the UK and in Dubai. Involved dealing with a worldwide freezing injunction, and defending a civil claim for missing trader fraud, misfeasance, restitution, transactions at an undervalue (*Clear PLC (In Liquidation) v (1) Imran Kara (2) Cascade International FZE (3) Umer Kara*)
- Acting for the Defendant in a claim by his former solicitors for breach of contract. Applying on behalf of the Defendant to strike out the claim as an abuse of process on the grounds that the claim was grossly exaggerated and fraudulent. Involving consideration of the threshold for striking out in the Court of Appeal and ultimately at

trial succeeding in striking out the claim on the basis of deliberate manufacture and exaggeration of the solicitor's bill of costs (*Alpha Rocks Solicitors v Benjamin Alade*)

- Acting for the Claimant in a claim for restitution and fraud against a trading partner. Obtaining an out of hours freezing injunction which the Court made permanent on the return date (*SVS Securities PLC v Sourcing for Value Ltd*)
- Acting for the Defendant in a claim brought by the company's liquidator in a claim for misfeasance, transactions at an undervalue, fraud and restitution. Issues involve quantification of the company's assets, the nature and extent of legal advice given for transfers from one corporate entity to another, and issues of limitation and the legal definition of misfeasance (*Ian Mark Defty (Acting as Liquidator) v John Carne*)
- Acting for the Fourth Defendant in a claim for fraud, conspiracy, procuring a breach of contract and perjury arising out of the liquidation of a company following an arbitration ((1) *Westwood Shipping Lines Inc* (2) *Weyerhaeuser NR Company v (1) FHH Fonds Nr 33 MS "Kimberley" GMBH & Others*)

Banking

Robert is recommended as a leading barrister for commercial dispute resolution: "*clearly an excellent lawyer*" "*his cross-examinations are extremely effective*" (Chambers and Partners)

- Advising and acting in a claim on behalf of more than 100 borrowers bringing an action against two High Street banks for relief under the Consumer Credit Act arising out of the sale by the banks of Shared Appreciation Mortgages
- Advising and acting in a claim against NatWest and the RBS and the LPA receivers appointed by the bank in respect of mis-selling of loan products and admitted mis-selling of interest rate hedging products
- Acting for a borrower in a dispute against a bank's refusal to permit a sale of an asset pursuant to a compromise agreement which stated that consent to sell was "not to be unreasonably refused" (*Crowther & Crowther v Arbuthnot Latham and Co Ltd*)
- Acting for a bank obtaining a freezing injunction and other relief against two parties accused of multiple frauds involving huge sums, and wrongdoing in respect of various loan agreements
- Advising and acting in associated proceedings of a substantial claim by multiple claimants for mis-selling of mortgage products
- Advising and acting in a mis-selling swaps claim and mis-selling of mortgage products and in further proceedings against receivers for negligence in the realisation of charged assets
- Advising in a claim against NatWest and the RBS GRG for damages arising from the wrongful placement of a company into the bank's special measures department
- Advising in Canada in a claim against a large Canadian bank for losses sustained in a repossession action
- Advising a hedge fund in an LCIA arbitration over a variety of matters arising in the Middle East
- Acting in the matter of an ICC arbitration involving Italian, UK and US companies for damages arising out of a variety of contractual arrangements in the sum of US\$350m
- Advising in an LCIA arbitration involving issues of Shari'ah law, foreign exchange transactions and forum conveniens
- Acting in the Commercial Court in multi-million pound proceedings for a director of a hedge fund, joined to the proceedings as a Third Party, in a claim brought by the fund against its bankers for breach of mandate, breach of contract and negligence, and in related proceedings against the fund's former legal advisers for negligence
- Joint author of chapter on Dispute Resolution in the context of Financial Services Regulation in the 2010 LexisNexis Special Report
- Acting in a claim against a commercial institution for recovery of sums due under bridging finance, involving a variety of regulatory and statutory issues and a trust claim arising out of an alleged settlement
- Advising in a substantial professional negligence action against a claimant's former solicitors and barrister in a financial services matter

International Arbitration

Robert is recommended in Chambers & Partners UK Bar as a leading barrister for commercial dispute resolution: "*a multi-talented litigator with a flair for international arbitrations*" (Chambers UK Directory)

- Acting in an ICC arbitration with its seat in Geneva between a Middle Eastern telecoms entrepreneur and a sovereign state concerning licensing and other issues arising out of a large infrastructure project
- Sitting as sole arbitrator in an ICC arbitration with its seat in London between companies based in Hong Kong and Saudi Arabia concerning a significant IT dispute

- Sitting as sole arbitrator in an LCIA arbitration with its seat in London in a contractual dispute
- Acting for engineers in an LCIA arbitration for sums owed by the owners of two engines repaired and warranted for a south-American hydro-electric plant
- Acting in an LCIA arbitration in a substantial shareholder dispute and disputed share sale agreement involving parties in CIS states
- Advising and acting in an ICC arbitration with its seat in Vienna between companies based in Serbia, Montenegro and Albania involving issues arising out of an infrastructure project, and issues concerning the enforceability of a DAB decision in a FIDIC silver book contract
- Acting in an application under the Arbitration Act for determination of an alleged failure by the arbitral tribunal to deal with all of the issues in the case under s.68 of the Arbitration Act (*Numitora Holdings v Coral Group Finance & Others*)
- Advising and acting in an LMAA arbitration over a bill of lading dispute involving issues of anti-suit injunctions, damages and detention and multi-jurisdictional questions of applicable law
- Advising and acting in an LCIA arbitration with its seat in London concerning issues of breach of contract, conspiracy, fraud and breach of a distribution agreement
- Advising and acting in an LCIA arbitration in a dispute between an airline and its software supplier concerning issues of use of data, contractual construction and assessment of loss
- Advising and acting in an ICC arbitration involving Italian, UK and US companies for damages arising out of a variety of contractual disputes in the sum of US\$350m
- Advising and acting in an application under the Arbitration Act for determination of various issues arising out of an arbitral panel's correction of its award in an ICC arbitration and the meaning of "clerical error" under s.69 of the Act (*CNH Global NV v PGN Logistics Ltd*)

Aviation & Travel

Robert is recommended in Chambers & Partners UK Bar as a leading barrister for commercial dispute resolution: "*he brings a good commercial approach and sound, well-rounded, commercial judgment*" "*provides highly user-friendly support while always maintaining a complete handle on the key facts and issues in a case*" (Chambers UK Directory)

- Acting in a dispute over wet lease agreements for two commercial parties (*UAB Avion Express v Arubaanse Luchtvaart Maatschappij NV*)
- Acting in a successful claim against an airline for breach of an aircraft leasing agreement involving issues of jurisdiction, arbitration clauses, determination of fair market value, default judgment and service in Saudi Arabia (*Dubai Financial Group LLC v National Private Air Transport Services Company (National Air Services) Limited*)
- Acting in a claim arising out of corrosion damage caused to an aircraft whilst in the care of a maintenance company involving complex expert evidence on corrosion and quantum (*Corporate Oil & Gas Limited v Marshall Aviation Services Limited*)
- Advising an association of airfield operators on contractual and statutory and EU issues arising out of proposed Border Force UK changed working practices (*BBGA v UK Border Force*)
- Advising in a claim to arrest three aircraft leased by a commercial airline following an event of default in the aircraft leasing agreements (Confidential parties)
- Advising in a claim arising out of an aircraft finance and purchasing agreement involving issues concerning brokerage commission and management fees (Confidential parties)
- Advising a national airport authority in a wide variety of contractual claims arising out of their airside and also landside arrangements with a number of different commercial and governmental organisations (Confidential parties)
- Advising in aircraft maintenance disputes and regulatory matters (Confidential parties)
- Advising in respect of a common law and contractual lien exercisable by a maintenance party over aircraft in respect of which debts had accrued (Confidential parties)
- Acting in a claim arising out of an aircraft finance, purchasing and re-purchasing agreement (Confidential parties)
- Acting in a claim against an airline operator and fractional ownership provider for breach of contract and fraud. Jurisdictional issues including claims in the DIFC, LCIA and the commercial court in London (Confidential parties)

Energy

- Acting for engineers in an LCIA arbitration for sums owed by the owners of two engines repaired and warranted for a south-American hydro-electric plant

- Acting in the Commercial Court for a state-owned oil and gas company disputing the UK Court's jurisdiction in a dispute over oil and gas supplied by ship-to-ship transfer in international waters (*Trafigura PTE Ltd v EMARAT*)
- Acting for an Estonian Company in obtaining a freezing injunction against a Dubai FZE in respect of EUAs (carbon credits) wrongly-transferred to the UK Registry and subsequently obtaining relief against the Environment Agency in respect of the transfer of the credits to the intended UK recipient (*NTC Global (OU) & Anr v Astra Trading FZE & The Environment Agency*)
- Acting for a renewables supplier in a claim against a former joint venture partner in a claim concerning solar panel arrays, planning issues, efficiency of arrays and feed-in tariffs (*AEE Renewables LLP v Hazel Capital LLP*)
- Acting in a claim against an oil company and a concern in Saudi Arabia for breaches of contract arising out of a seismic and geophysical operation in Saudi Arabia (*Taylor v China National Petroleum Corporation & Abdul Aziz Al-Mandil*)
- Advising and acting for a minority shareholder in an unfair prejudice petition involving issues of prejudice, valuation, mining licences and the effect of administration on a s.994 Companies Act claim (*Kelly v Timan Oil & Gas Ltd*)
- Acting in Turks & Caicos Islands in a claim by a public utility provider against another utility provider involving issues of contractual and statutory interpretation and the TCI Electricity Ordinance (*Fortis TCI Ltd v Cable & Wireless (TCI) Ltd*)
- Acting in an appeal against an oil and gas firm to set aside a judgment in default arising out of a brokerage agreement and commission agreement concerning the use and conversion of tankers for oil storage (*Cooper Mechanical Oilfield Services Ltd v Pauwels*)

Construction

- Acting in a claim by an employer in a JCT Design & Build Contract alleging repudiatory breach by the Contractor and for relief arising out of various interim adjudications (*Primus Build Ltd (In Company Voluntary Arrangement) v Cannon Corporate Services Ltd*)
- Acting in the Court of Appeal for an employer resisting summary judgment in respect of an interim adjudication on grounds that a supervening CVA incorporating the set off provisions in the Insolvency Rules 2016 trump s.108 of the Housing Grants, Construction and Regeneration Act 1996 such that the adjudicator has no jurisdiction to act and the Court accordingly has no power to order summary judgment in respect of any adjudication sum (*Primus Build Ltd (In Company Voluntary Arrangement) v Cannon Corporate Services Ltd*)
- Advising and acting in an ICC arbitration with its seat in Vienna between companies based in Serbia, Montenegro and Albania involving issues arising out of an infrastructure project, and issues concerning the enforceability of a DAB decision in a FIDIC silver book contract (confidential parties)
- Advising and acting in international proceedings by a contractor against a joint venture partner for unpaid fees arising out of a lease and sale agreement for heavy plant (*Ruttle Plant Holdings Ltd v El Dali and El-Mazmoun National Company Ltd (Sudan)*)
- Acting in a dispute concerning roof loading capacities involving issues of foreseeability of loss, liability for economic loss, co-terminous duties in contract and tort (*Homebase Ltd v National Polytunnels Ltd*)
- Acting in a building dispute between a homeowner and builder involving issues of structural design, negligence, assumption of personal responsibility and guarantees (*Stewart & Anr v Longridge Contracts Ltd & Regan*)
- Appearing in numerous cases in the TCC arising out of the foot & mouth disease clean-up operations resulting in numerous reported judgments at first instance and on appeal concerning confidentiality and privilege in mediations, the Late Payment of Commercial Debts (Interest) Act, the Housing Grants, Construction and Regeneration Act, assignment of causes of action, the principles in *Henderson v Henderson*, contractual interpretation and account valuation (*Ruttle Plant Hire Ltd v Secretary of State for Environment, Food & Rural Affairs and associated actions*)

Insurance

- Advising in proceedings against a negligent pensions adviser involving issues concerning the FCA's requirement for IFA's to hold adequate indemnity insurance and the interaction of claims-made policies with insolvency (*Reeve v Royal Sun Alliance*)
- Acting for a Promoter and Administrator of a tax-saving scheme against a class action for professional negligence and economic loss arising out of an investigation into the scheme by HM Customs & Revenue (*Brierley & Ors v Zokora (No.2) (In Liquidation) & Ors*)
- Advising in the Alstom SA Securities Litigation in the USA, primarily on issues of insurance law and on the layers of professional indemnity and D&O insurance

- Acting in the Commercial Court for a number of insureds against their insurers for breach of contract in failing to indemnify the insureds in respect of legal fees, costs and expenses covered by the employers' liability clauses of the policy. Involving issues of construction, unfair contract terms, implied terms and estoppel (*Ruttle Contracting Ltd & Ors v AXA Insurance PLC*)
- Advising on the relationship between umbrella policies and various issues arising for a broker under FSMA, the Electronic Communications Act and the EU Directive on Electronic Signatures (*Creation Consumer Finance v Allied Fort Insurance Services Ltd*)
- Advising on coverage in circumstances where a broker had failed to pass on a premium to a reinsurer (*Gelios v Hannover Re*)
- Advising on coverage in respect of a claim made under a group indemnification policy involving issues of jurisdiction and construction (*Credo Capital PLC v Zurich Global Corporate Ltd*)

Shipping

Dry Shipping, Commodities & Transport

- Acting in an LMAA arbitration for the disponent owners of a vessel suing for wrongful breach of a BIMCO Time Charterparty by charterers. Involving issues as to the construction of the payment clause in the BIMCO charter and in associated proceedings on appeal in the Commercial Court
- Acting in the commercial court for an anti-suit injunction in respect of Jordanian proceedings concerning a cargo dispute (In the matter of the MV "Sur")
- Advising on the effect of corporate insolvency in the BVI in respect of a Chinese shipbuilding contract involving issues of construction and cross-border insolvency (*Yangzhou Dayang Shipping v Rosanna Shipping & Anr*)
- Advising on unlawful termination of a contract between two maritime information suppliers and numerous contracting parties, involving issues of IT, construction, legitimate expectations, assessment of loss, termination clauses
- Advising and acting for a Japanese shipping company in a contractual claim involving jurisdictional issues, the proper service of process and civil procedure rules on judgment (*Classic Maritime Ltd v Asahi Shipping*)
- Acting in a bunkers case against a fuel supplier involving issues of fraud, worldwide freezing orders and restitution (*Chimbusco Europe BV v Compass Marine Fuels Ltd & Ors*)
- Advising and acting in numerous cargo claims, charterparty actions and issues surrounding letters of credit and bills of lading

Professional Negligence

Robert has acted in a wide variety of negligence matters against actuaries, receivers, investment advisers, lawyers, accountants and commercial property valuers. Examples include:

- Acting for a large group of claimants against their former legal advisers for negligence in failing to advise about the availability of ATE insurance or third party funding and thereafter for advising discontinuance of a meritorious claim against the defendants
- Acting for a leading financial institution in a large number of cases involving negligence on the part of the institution's valuers of commercial and residential property
- Acting for a Promoter and Administrator of a tax-saving scheme in a class action brought by members of a Limited Liability Partnership for professional negligence
- Acting for a Patient in the pursuit of her former legal advisers for damages arising out of lost interest caused by the legal advisers' negligence in failing adequately to progress her claim
- Advising in a substantial professional negligence action against a claimant's former solicitors and barrister in a financial services matter