



DMH Stallard

Dispute Resolution

Highlights
2021-22

“Our service is always partner led, tailored and highly responsive to the needs of our clients”

Our Dispute Resolution team are known for their expertise, approachability and for always adopting a commercial and pragmatic approach.

We operate across many sectors, with a particularly strong reputation in banking, finance and professional services and an enviable reputation in successfully resolving complex disputes, often on a cross jurisdictional basis. Our service is always partner led, tailored and highly responsive to the needs of our clients, which includes national banks, well known brands, owner managed businesses, entrepreneurs and international businesses, as well as high net worth individuals.

In the following section you will find highlights relating to dispute resolution matters that we have been involved in over the last 12 months. Whatever the nature of the dispute, our aim is to always achieve the practical outcomes agreed with our clients in the most cost efficient and risk-free manner possible, using the most appropriate approach. We are experts in litigation and a range of other forums, including arbitration, mediation and other forms of Alternative Dispute Resolution.

Simon Elcock

Partner and Head of Dispute Resolution

Some of our highlights from 2021 - 2022

Success across a range of sectors

Major financial institution



Successfully defended a claim for £30 million

Alleged negligence

We defended a claim on behalf of a major financial institution, where it was alleged that it had breached its duty of care to its customer by allowing cheques drawn on the customer's accounts in favour of a director to be honoured in breach of mandate, resulting in the company's administration and compulsory liquidation.

The Claimant sought damages up to £30 million.

We successfully applied to strike out the claim on limitation grounds and secured a costs order for a significant sum against the Claimant.

International retail and distribution company



Successfully defended a claim for US \$27 million

Complex and multi-jurisdictional

We acted for a private limited company specialising in retail products by mail order and online, sourcing goods manufactured in China, which were stored at the port before being transported to their destination. The Claimant, a multi-national logistics company, alleged the goods were defective and didn't meet the specification, claiming compensation in the sum of US \$27 million.

Throughout the manufacture, storage and transportation process there were numerous checks by various parties, including some by the Claimant. We were able to show that the goods did meet the agreed specification and the Claimant withdrew the claim. This case was both complex and multi-jurisdictional with numerous alleged causes of action at play.

International restaurant and hospitality business



Successfully protected the IP of our client so they could expand globally

Asset protection

Our client provides a turnkey franchise service for a range of international casual and fine dining restaurant brands. We defended our client against the misuse of their trademark and breaches of their franchise agreement overseas.

The work of our specialist contentious intellectual property team enabled the client to regain control of their trademarks and continue their overseas expansion.

Care sector business



Successfully defended a £15 million damages claim for deceit / misrepresentation

Misrepresentation

A series of loan notes were issued to raise capital for a care sector business. The Claimant (the capital provider) claimed that the financial information provided by our client was false and misleading. After failing to restructure its debts, the fund went into administration in 2014 resulting in the loss of the entire value of its investment. The fund issued a claim against our client in 2017.

Our team successfully argued that the Claimant had failed to undertake reasonable due diligence at the time when they made the investment and failed to commence the claim within the six year statutory time limit. The claim was therefore found by the High Court to be 'statute-barred' and was dismissed.

National well known brand



Successfully defended a claim in excess of £20 million

Resolving an urgent commercial dispute and managing reputation

Our client, a national and very well recognised brand, needed urgent advice and representation, when some £20 million was diverted from an online business. This money was intended to be used to purchase medical supplies during the pandemic.

We were able to resolve this matter for our client on excellent terms and at an early stage in the proceedings, which were legally and factually complex, and which included an urgent interim injunction application in the High Court.

Online music business



Successfully represented two Directors to achieve royalties owed of £15 million

Contractual breaches

We represented two Directors in a claim relating to a substantial payment of royalties, as well as various breaches of contractual arrangements between our client and an association responsible for rights and the collection of fees in the entertainment industry.

The matter involved breaches of EU regulations in relation to the collective management of copyright, the application and impact of collection and distribution policies and the loss and damage that our clients suffered as a result of a change in the way the association distributes royalties.

Global retail brand



Using mediation to reach a positive settlement in a high value property claim

Damage mitigation

We advised and acted for a leading international retailer of jewellery and accessories in defence of a substantial claim brought against them by a retail partner. The claim related to alleged unlawful termination of a retail agreement by our client. This was a complex matter, where the impact of Covid 19 played a significant role, and where there were very important global reputation and potential negative PR issues at stake.

We used mediation to reach a settlement. This avoided the dispute entering the public domain at a time of high sensitivity for the retail sector and we concluded this matter on excellent terms for our client.

Global IT company



Reduced a claim by over 78% (to date) in a complex and multi-jurisdictional case

Successful mediation

We litigated against two firms of solicitors (which was then reduced to one), who made a US \$2.5 million claim for unpaid invoices arising out of a distribution agreement.

There were a number of concerns relating to the conduct of the parties involved, as well as a separate argument that the claim may be statute barred, and through successful mediation, the claim was reduced in value by over 78% from the initial US \$2.5 million.

High net worth family



Successfully reached agreement for clients in a multi-million pound dispute

Negotiated settlement

We defended our client, a globally based family with international assets in property and art located in three different jurisdictions, against a claim for sums due under a loan agreement, which had fallen into default.

Once proceedings were issued, the Claimant made an application for summary judgment and an agreement was reached prior to the determination of that application, providing an excellent and wholly successful outcome for our client.

American logistics company



Successfully defended a US \$4 million claim from a major international airline

International supply chain contract

We defended an American logistics company against a claim for US \$4 million from a major international airline, whose routes it uses to transport goods worldwide. The airline alleged a breach of contract by our client for failing to charter enough slots on its planes. Our client counter claimed for damages for flight cancellations with the result that it had to make alternative transport arrangements and lost key customer contracts.

We successfully resisted a summary judgment application and forced the airline into a negotiating position, leading to the ultimate settlement of the case for a considerably lower sum.

International cosmetic and personal care business



Successfully defended a multi-million pound IP infringement

Intellectual property infringement

Our client developed a unique dispensing device for their products, which they alleged had been copied by a competitor based within the EU. The alleged copier launched their dispensing device to an international audience at a large trade fair and gained worldwide publicity and acclaim.

We worked to protect our client's intellectual property and trade mark rights and successfully defended them against a substantial infringement claim.

Major property developer



Charting new legal territories

Defending alleged fraud and conspiracy

We act for a major property developer that is owed substantial rent arrears under a commercial lease. The tenants are defending the proceedings by maintaining that the lease should be set aside due to alleged fraud and conspiracy by our client and breach of statutory duty by its directors, which has resulted in them issuing a linked cross claim.

The ramifications of the case(s) are significant as if the defence and/or tenants claims are successful, the door is open for tenants to walk away from leases in similar situations. This is new legal territory.



**“DMH Stallard provide
a truly excellent service
and punch above their
weight in litigation
against the major
London firms”**

Client quote, Legal 500, 2022

**“The DMH Stallard
disputes team excels at
providing pragmatic,
commercial advice in a
user-friendly manner”**

Client quote, Legal 500, 2022

In the current climate, our ability to resolve disputes and regulatory issues efficiently and effectively is essential and stands us apart from competitor firms. Our Dispute Resolution team has the expertise and experience to advise on national, international, complex, cross-border and high-value dispute resolution matters.

Key contacts



**Simon
Elcock**



**Rhod
James**



**Jonathan
Compton**



**Tim
Ashdown**

Contact the team

enquiries@dmhstallard.com

Call 03333 231580