

Nicholas Cobill

Call: 2003

"Nicholas always delivers his work on time and is very thorough in his work. He always has one eye on the commerciality aspect of his advice. He is always very conscientious in providing comprehensive but easy-to-read advice for clients."

Legal 500 2024 (Commercial Litigation)



Nicholas Cobill is an experienced advocate and adviser in a broad range of complex and high value commercial disputes. He appears regularly in multi-track proceedings in the High Court and County Court.

As first choice counsel to several law firms, he is instructed regularly in complex or high value applications, frequently to obtain injunction orders or to resist injunction applications.

He deals mainly with high value commercial litigation arising from breaches of contract and professional negligence. He has a wide range of experience, acting for clients in the UK and overseas, including multinationals and high net worth individuals. Clients include banks, airlines, utility providers, insurers, manufacturers, franchises and UK and foreign government departments.

He advises on risk and dispute avoidance, and where proceedings are necessary, he deals with all stages, from devising strategy at the outset, to appearing in interim applications, trials and appeals.

He is recognised in the Legal 500 for his strong commercial grasp, pragmatism of the commercial realities of litigation, his approachability and focus on delivering his clients' objectives.

Expertise

Business & Property

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His experience includes:

Advocacy

- representing UK and French pharma companies in contractual disputes with suppliers in India in commercial negotiations and in arbitration in the London Court of International Arbitration
- representing national airline to obtain security for costs order against an individual claimant residing in the British Virgin Islands
- successfully opposing a business tenancy renewal where the complete breakdown of the relationship between landlord and tenant constituted a reason connected with the tenant's use or management of the holding
- obtaining an injunction to prevent a recruitment agent from operating a competing business in breach of post-termination restrictive covenants and to deliver up confidential information
- representing local authorities in applications for liability orders arising from the non-payment of national non-domestic rates (business rates) and advising entities resisting applications for liability orders and seeking to set aside liability orders
- representing company in dispute with local authority in an appeal before the Valuation Tribunal for England resulting in the applicable national non-domestic rateable value being reduced to the level offered by the company prior to appeal
- obtaining worldwide freezing orders and disclosure orders on behalf of asset based commercial lender against directors of telecommunications company engaged in widespread commercial fraud
- resisting application by notorious criminal serving 17 life sentences to force the release of his DNA from the Forensic Archive
- representing local authorities in applications to obtain liability orders for national non-domestic rates and defending companies facing applications for liability orders
- representing Conservative and Unionist Party local association in injunction proceedings arising out of alleged breaches of the Procedure for the Selection of Local Government Candidates 2022 by which they were purported to be 're-running' the selection process for candidates in the May 2022 local government elections
- representing finance provider to obtain summary judgment against director of company who had provided a guarantee and indemnity and subsequently defeating his appeal against judgment
- recovering possession of a city centre nightclub, radio station and arts centre for a commercial landlord in a trial concerning forged signatures on a fabricated lease
- obtaining the discharge of an ex-parte injunction against former managing director alleged to have taken confidential information and trade secrets from two former employers in circumstances where the injunction was obtained using confidential evidence and without full and frank disclosure
- obtaining delivery up order compelling company in administration to return tooling to manufacturer of parts for motor vehicles and engines to enable the continuation of vehicle production line
- obtaining emergency injunctions to compel a national energy supplier to reconnect electricity supplies to national fast-food franchises across South East England
- representing the Welsh manufacturer of industrial washing machines exported to South Africa in contested jurisdiction proceedings against a German industrial washing machine retailer
- obtaining disclosure orders pursuant to letters of request on behalf of an Argentinean national supermarket chain to force the disclosure of banking documents and oral testimony from deponents in this jurisdiction to assist in its defence in the largest litigation in the Commercial Court in Argentina – Carrefour Nederland BV et al. v PWC et al
- representing the Secretary of State for Business, Innovation and Skills (on the Attorney General's panel) in director disqualification proceedings (including securing disqualification orders against, company directors for periods of between 2 and 15 years in section 6 proceedings at final disposal hearings in cases including, for example, a USD 23m factoring fraud where he obtained 13, 13 and 7 periods of disqualification and a 15 year order against a defendant who acted whilst disqualified and who had falsified bank statements and deceived his co-directors)

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Advisory and drafting

- advising on the merits and evidence, drafting statements of case, and representing IT company in a complex IT contract litigation pertaining to the provision of Ethernet and ADSL services under a managed service contract with Caledonian MacBrayne Ferries in the Scottish Isles
- defending former directors of a manufacturer of toiletries and beauty products in High Court proceedings brought by claims company operated by an insolvency practitioner seeking to exploit a cause of action that originally vested in the administrators of the company and which was wholly unconnected with the underlying allegations of breaches of directors duties
- advising on the permissibility of service of proceedings on EULEX in a dispute arising from the Balkan Wars (in Tomanovic and 7 Ors v (1) European Union (2) Council of European Union (3) High Representative of the Union for Foreign Affairs and Security Policy (4) European Union Rule of Law Mission in Kosovo (EULEX) [2019] EWHC 3350 (QB)
- acting for French manufacturer of cardiovascular and endovascular catheters that it supplied to an Indian manufacturer of cardiac stents and cardiovascular devices based in New Delhi. Advising on the merits of a claim for payment of invoices and debt crystallised under a settlement agreement with an ambiguous jurisdiction clause. Drafting statements of case and representing the client in arbitration in the London Court of International Arbitration
- representing an individual in a contribution claim against his co-guarantor arising from a loan agreement to secure funds for the development of a multi-million EUR complex of holiday homes with golf course and shopping complex in Spain
- representing a building merchant at mediation to resolve its dispute with an IT business solutions PLC over a failed IT systems implementation across its businesses
- representing a global insurer defending a multi-million GBP claim at mediation involving multiple defendants and competing causes of action arising from a fire at prestige commercial premises in a city centre
- drafting written submissions on behalf of a group of shareholders to assist them to recover deferred consideration in an expert determination
- representing local authority in high profile dispute with local football team arising from a failed joint venture and a grant to improve the football ground to increase the profile of the locality
- assisting a national airline in an international arbitration with foreign engine manufacturer Alternative Dispute Resolution
- representing group of worshippers in mediation involving sensitive, longstanding and acrimonious disputes between different branches of the same religion worshipping at and using the same temple and building disputes involving next door neighbours
- assisting building merchant at mediation to resolve its dispute with an IT business solutions PLC over a failed IT systems implementation across its businesses
- representing shareholder in deadlock to resolve acrimonious dispute with family member shareholder in business competition with each other involving multiple allegations of breaches of directors' duties
- representing a global insurer defending a multi-million GBP claim at mediation involving multiple defendants and competing causes of action arising out of a fire in an English stately home
- assisting shareholders to recover deferred consideration in an expert determination
- representing waste disposal company to settle its tortious claim against security company which failed to prevent the theft of and damage to its property by unknown third parties
- representing defendant to a claim involving allegations of defamation and malicious falsehood in a dispute with his former builder

He is recognised for his proactive and commercial approach to dispute resolution.

Client care

Prior to joining No5 Chambers in March 2011, Nicholas was a senior associate in the commercial litigation team at Wragge and Co LLP (now Gowling WLG (UK) LLP). He also led the firm's advocacy team. He dealt with a broad range of commercial disputes from high value and complex commercial matters to comparatively lower value and high volume disputes. He worked with partners across the firm, managed solicitors and supervised trainees. He has a strong grasp of the commercial realities of litigation and clear understanding of his clients' needs and wishes.

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Banking, Finance & Financial Regulation

Prior to his career in law, Nicholas worked in finance in the City of London. He was based in the trade services department of Barclays Bank plc and dealt with revocable and irrevocable letters of credit and guarantees in international commercial transactions.

For approximately 2 years, Nicholas was assigned to support HSBC Invoice Finance to facilitate asset based lending transactions, routinely representing the bank in applications in the former Queen's Bench Division of the High Court.

Throughout his career at the Bar, he has acted for banks, commercial lenders and businesses. He appears regularly in the High Court and sometimes the County Court.

He advises on risk avoidance, provides opinions and drafts pleadings, gives guidance on disclosure exercises, interviews witnesses, liaises with experts and represents clients at mediation, in tribunals and in court.

As a leading junior in commercial litigation, he is recognised in the Legal 500 for his strong commercial grasp, pragmatism of the commercial realities of litigation, his approachability and focus on delivering his clients' objectives.

His experience includes:

Advocacy

- obtaining worldwide freezing orders and disclosure orders on behalf of asset based commercial lender against directors of telecommunications company engaged in widespread commercial fraud
- representing finance provider to obtain summary judgment against director of company who had provided a guarantee and indemnity and subsequently defeating his appeal against judgment
- representing Chief Executive Officers of national banks to obtain the dismissal of abusive proceedings and enforcement action against them individually
- representing supplier of farming equipment (in administration) at trial in a debt claim brought by a finance provider under a guarantee and indemnity
- representing finance provider to obtain summary judgment against director of company who had provided a guarantee and indemnity and subsequently defeating his appeal against judgment
- resisting applications for pre-action disclosure in claims against lenders involving allegations of secret commissions
- obtaining disclosure orders pursuant to letters of request on behalf of an Argentinean national supermarket chain to force the disclosure of banking documents and oral testimony from deponents in this jurisdiction to assist in its defence in the largest litigation in the Commercial Court in Argentina – Carrefour Nederland BV et al. v PWC et al
- representing the Secretary of State for Business, Innovation and Skills (on the Attorney General's panel) in director disqualification proceedings (including securing disqualification orders against, company directors for periods of between 2 and 15 years in section 6 proceedings at final disposal hearings in cases including, for example, a USD 23m factoring fraud where he obtained 13, 13 and 7 periods of disqualification and a 15 year order against a defendant who acted whilst disqualified and who had falsified bank statements and deceived his co-directors)
- representing guarantors and lenders in contested applications in the High Court and County Court in insolvency proceedings
- representing lenders in an appeal where it was alleged that a promissory note constituted an unconscionable bargain
- obtaining possession orders against mortgagors in default
- representing banks and their customers in interim applications including applications to lift a stay, strike out/summary judgment, costs and case management conferences and at trial

Advisory and drafting

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- advising on the merits of potential claims against a bank and a third party arising from the bank having blocked the client's bank accounts as a result of a report of 'fraudulent activity' by the third party
- representing an individual in a contribution claim against his co-guarantor arising from a loan agreement to secure funds for the development of a multi-million EUR complex of holiday homes with golf course and shopping complex in Spain
- representing a building merchant at mediation to resolve its dispute with an IT business solutions PLC over a failed IT systems implementation across its businesses
- drafting statements of case on behalf of finance companies pursuing debt claims under guarantees and indemnities and companies and individuals resisting such claims
- advising foreign clients to resolve mistaken transactions where the UK originator bank facilitated the defrauding of the foreign client's customer
- interviewing witnesses and drafting witness statements for individuals in a group litigation against a Greek bank and their legal advisor in mis-sold mortgage claim in the Republic of Cyprus
- advising and successfully representing a commercial lender in its defence to a negligent misstatement claim brought by its former customer under a lease hire agreement
- advising an overseas UK client in his defence against foreign bank's claim for unpaid credit card debt
- advising a customer in his defence to a claim by a commercial lender under an unenforceable penalty clause in a vehicle hire agreement

Alternative Dispute Resolution

- representing financial advisor in mediation with his mortgage provider
- working inhouse to assist company on the verge of insolvency to avert administration through negotiation with its suppliers
- devising tailored solutions for corporate entities to limit the threat of litigation He is recognised for his proactive and commercial approach to dispute resolution.

Client care

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Commercial Litigation

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Advisory and drafting

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- defending former directors of a manufacturer of toiletries and beauty products in High Court proceedings brought by claims company operated by an insolvency practitioner seeking to exploit a cause of action that originally vested in the administrators of the company and which was wholly unconnected with the underlying allegations of breaches of directors duties
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Security Policy (4) European Union Rule of Law Mission in Kosovo (EULEX) [2019] EWHC 3350 (QB)

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- representing an individual in a contribution claim against his co-guarantor arising from a loan agreement to secure funds for the development of a multi-million EUR complex of holiday homes with golf course and shopping complex in Spain
- representing a building merchant at mediation to resolve its dispute with an IT business solutions PLC over a failed IT systems implementation across its businesses
- representing a global insurer defending a multi-million GBP claim at mediation involving multiple defendants and competing causes of action arising from a fire at prestige commercial premises in a city centre
- drafting written submissions on behalf of a group of shareholders to assist them to recover deferred consideration in an expert determination
- representing local authority in high profile dispute with local football team arising from a failed joint venture and a grant to improve the football ground to increase the profile of the locality
- assisting a national airline in an international arbitration with foreign engine manufacturer

Alternative Dispute Resolution

- representing group of worshippers in mediation involving sensitive, longstanding and acrimonious disputes between different branches of the same religion worshipping at and using the same temple and building disputes involving next door neighbours
- assisting building merchant at mediation to resolve its dispute with an IT business solutions PLC over a failed IT systems implementation across its businesses
- representing shareholder in deadlock to resolve acrimonious dispute with family member shareholder in business competition with each other involving multiple allegations of breaches of directors' duties
- representing a global insurer defending a multi-million GBP claim at mediation involving multiple defendants and competing causes of action arising out of a fire in an English stately home
- assisting shareholders to recover deferred consideration in an expert determination
- representing waste disposal company to settle its tortious claim against security company which failed to prevent the theft of and damage to its property by unknown third parties
- representing defendant to a claim involving allegations of defamation and malicious falsehood in a dispute with his former builder

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Insolvency

Nicholas deals with a range of insolvency issues.

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He advises on risk avoidance, provides opinions and drafts pleadings, gives guidance on disclosure exercises, interviews witnesses, liaises with experts and represents clients at mediation, in tribunals and in court.

His experience includes:

Advocacy

- representing finance provider to obtain summary judgment against director of company in administration who had provided a guarantee and indemnity and subsequently defeating his appeal against judgment
- representing defendant in High Court proceedings brought by trustee in bankruptcy seeking declarations, orders and other relief under sections 339 and 423 of the Insolvency Act 1986
- obtaining delivery up order compelling company in administration to return tooling to manufacturer of parts for motor vehicles and engines to enable the continuation of vehicle production line
- obtaining a winding up order in High Court proceedings pursuant to section 122(1)(g) of the Insolvency Act 1986 on the basis that it was just and convenient to do so where there was a loss of substratum, deadlock, breakdown of mutual trust and confidence and exclusion from management
- obtaining bankruptcy orders and winding up orders at petition hearings
- representing supplier of farming equipment (in administration) at trial in a debt claim brought by a finance provider under a guarantee and indemnity
- obtaining an emergency order in Part 8 proceedings pursuant to section 125 Companies Act 2006 to rectify a company's register to enter the name of an individual in place of her deceased father (the previous sole director and shareholder who died intestate suddenly where the Articles of Association left the company without a successor
- representing companies in the High Court in applications to restrain the presentation of winding up petitions and the advertisement in the London Gazette
- representing a major tobacco manufacturer (with a tobacco manufacturer as supporting creditor) in bankruptcy proceedings against the guarantor of a major UK supplier of their products
- representing administrator of company which supplied accounting and tax services to numerous celebrities in an application for a distribution to creditors pursuant to paragraph 65((3) Schedule B1 Insolvency Act 1986
- representing petitioning creditors and debtor in bankruptcy proceedings in the High Court in London, typically involving debts arising from guarantees and indemnities
- representing the Secretary of State for Business, Innovation and Skills (formerly the DTI) in interim and final charging order hearings in the High Court in London
- representing the Insolvency Service in director disqualification proceedings (including securing disqualification orders against company directors for periods of between 2 and 15 years in section 6 proceedings at final disposal hearings in cases including, for example, a USD \$23m factoring fraud where he obtained 13, 13 and 7 periods of disqualification and a 15 year order against a defendant who acted whilst disqualified and who had falsified bank statements and deceived his co-directors), obtaining an order to extend an administration, representing the Official Receiver at interim applications.

Advisory and drafting

- defending former directors of a manufacturer of toiletries and beauty products in High Court proceedings brought by claims company operated by an insolvency practitioner seeking to exploit a cause of action that originally vested in the administrators of the company and which was wholly unconnected with the underlying allegations of breaches of directors duties
- advising former director of recruitment company facing claim by a liquidator to recover losses arising from alleged transactions at undervalue, preferences, misfeasance, and breaches of fiduciary and statutory duties
- representing an individual in a contribution claim against his co-guarantor arising from a loan agreement to secure funds for the development of a multi-million EUR complex of holiday homes with golf course and shopping complex in Spain
- representing a building merchant at mediation to resolve its dispute with an IT business solutions PLC over a failed IT systems implementation across its businesses

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- representing a global insurer defending a multi-million GBP claim at mediation involving defendant in administration and competing causes of action arising from a fire at prestige commercial premises in a city centre
- representing administrators of UK high performance engine manufacturer which supplied engines to Italian racing team for Formula 1 Grands Prix in Suzuka and Interlagos
- assisting a UK prestige vehicle manufacturer to obtain an injunction to compel a company in administration to continue to supply parts to enable its production line to continue
- working inhouse to assist a national manufacturer and retailer of children's wear to avoid the threat of administration
- assisting a worldwide land surveying equipment distributor based in Hong Kong to recover a debt from a company subsequently in administration based in the UK

Alternative Dispute Resolution

- negotiating reduction of sum owed to the Official Receiver under a final charging order over client's beneficial interest in a property to prevent an order for sale of the marital home
- representing administrators of a manufacturer of engines for F1 racing team seeking to realise property to make a distribution to secured and preferential creditors
- working inhouse to assist household name company on the verge of insolvency to avert administration through negotiation with its suppliers

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Client care

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Insurance Disputes

Nicholas represents and advises Policyholders and Insurers in disputes arising from contracts of insurance.

He is an experienced trial advocate who appears regularly in multi-track proceedings in the High Court and County Court.

He advises on risk and dispute avoidance, and where proceedings are necessary, he deals with all stages, from devising strategy at the outset, to appearing in interim applications, trials and appeals.

As a leading junior in commercial litigation, he is recognised in the Legal 500 for his strong commercial grasp, pragmatism of the commercial realities of litigation, his approachability and focus on delivering his clients' objectives.

His experience includes:

- acting for the Policyholder in its claim for loss of profits arising from the closure of its restaurant within a shopping centre due to trading restrictions arising from Covid-19
- representing a global insurer defending a multi-million GBP claim at mediation involving multiple defendants and competing causes of action arising from a fire at prestige commercial premises in a city centre
- defending an application for non-party disclosure brought by an insurer seeking documents to enable it to support its claim

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- for repayment of cover paid as a result of an allegedly fraudulent insurance claim
- acting for the Insurer in a claim where its Insured was co-defendant in a multi-million GBP claim arising from a fire in an English stately home
- representing the Policyholder in a professional negligence claim against its Broker for failure to obtain suitable insurance cover
- advising residential building developer on warranty insurance cover and deposit protection policies to protect buyers of off plan apartments in a city centre
- advising landlord of commercial premises in a claim against a commercial tenant which caused a fire that destroyed the entire premises and triggered claims from the insurers of neighbouring commercial tenants
- representing a global Insurer defending a multi-million GBP claim at mediation involving multiple defendants and competing causes of action
- representing credit hire companies at trial in claims against insurers

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Letters of Request

Nicholas advises and acts in commercial disputes with an international element.

Nicholas is an experienced advocate and adviser in a broad range of complex and high value commercial disputes. He acts for clients in arbitrations in UK and overseas forums.

He deals mainly with high value commercial arbitration arising from breaches of contract. He has a wide range of experience, acting for clients in the UK and overseas, including multinationals and high net worth individuals. Clients include pharma suppliers, manufacturers of medical equipment, banks, airlines, and UK and foreign government departments.

He advises on risk and dispute avoidance, and where proceedings are necessary, he deals with all stages, from devising strategy at the outset, to appearing in interim applications, trials and appeals.

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Letters of request / letters rogatory

Nicholas has developed an expertise in letters of request under CPR Part 34, assisting other lawyers to understand Part 34, applicable case law and best practice, the rules of examination in this jurisdiction, privilege, and how to obtain deposition and documentary evidence effectively.

His experience includes:

- advising foreign lawyers how best to frame their letters of request before their own courts to maximise the prospects of obtaining effective examination orders in this jurisdiction
- drafting and presenting applications for orders compelling deponents to provide oral and documentary evidence in

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foreign proceedings, including for use in large commercial litigation in the US and Argentina

- advising and assisting an Argentinean commercial law firm to obtain oral and documentary evidence in this jurisdiction from senior banker at Credit Suisse for use in the largest litigation in the Commercial Court in Argentina – Carrefour Nederland BV et al. v PWC et al.
- obtaining an order on behalf of the Treasury Solicitor compelling the deposition of a UK national to provide evidence in the Romanian Court
- obtaining an order pursuant to a letter of request from the Argentinean court to compel the former Forensic Science Service to perform an analysis of the mortal remains of someone buried in 1948 and exhumed for the purposes of establishing paternity
- assisting US lawyers to understand rules of examination and to obtain depositions in large intellectual property disputes including from alloy wheel manufacturer alleged to be responsible for the catastrophic failure of wheels on Land Rover Discovery 3 in US class action
- advising foreign lawyers and the Treasury Solicitor and assisting them to examine deponents in examinations involving Magic Circle firms, unwilling deponents and sometimes in novel circumstances, such as the forensic examination of DNA
- assisting Examiners to certify transcriptions and liaising with the Foreign Process section of the Royal Courts of Justice and the Foreign, Commonwealth and Development Office to remit the certified evidence to the foreign courts via their own diplomatic channels
- providing training to international law firms to assist them to understand all aspects of CPR Part 34, and how best to act for applicants and respondents, including practical tips drawn from experience.

Client care and international disputes expertise

Prior to joining No5 Chambers in March 2011, Nicholas was a senior associate in the commercial litigation team in Wragge and Co LLP (now Gowling WLG (UK) LLP). He also led the firm’s advocacy team. He dealt with a broad range of international commercial disputes.

Nicholas was one of four lawyers appointed to the firm’s internal specialist international support team. He advised lawyers across the firm on matters containing international elements, contributing to a database of precedents, advices and articles. He gave jurisdiction training to all new trainees as well as departmental training sessions on aspects of law pertinent to each practice area. He specialised in advising foreign lawyers and Treasury Solicitor on letters of request, facilitating depositions, enforcement of foreign judgments in this jurisdiction, advising on jurisdiction and governing law clauses and litigation outside the jurisdiction (mostly in the US and Europe).

He worked with partners across the firm, managed solicitors and supervised trainees. He worked closely with lawyers in foreign law firms to assist them to reach their clients’ objectives. He often supervised or sponsored foreign lawyers on secondment to the firm.

Court Examiner

- Nicholas has been appointed as a Court Examiner since 2024.

Mediation

He appears regularly in multi-track proceedings in the High Court and County Court. As first choice counsel to several law firms, he regularly assists clients to resolve disputes in mediation.

He deals mainly with high value commercial litigation arising from breaches of contract and professional negligence. He has a wide range of experience, acting for clients in the UK and overseas, including multinationals and high net worth individuals. Clients include banks, airlines, utility providers, insurers, manufacturers, franchises and UK and foreign government departments.

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He is recognised in the Legal 500 for his strong commercial grasp, pragmatism of the commercial realities of litigation, his approachability and focus on delivering his clients' objectives.

Alternative Dispute Resolution

- representing group of worshippers in mediation involving sensitive, longstanding and acrimonious disputes between different branches of the same religion worshipping at and using the same temple and building disputes involving next door neighbours
- assisting building merchant at mediation to resolve its dispute with an IT business solutions PLC over a failed IT systems implementation across its businesses
- representing shareholder in deadlock to resolve acrimonious dispute with family member shareholder in business competition with each other involving multiple allegations of breaches of directors' duties
- representing a global insurer defending a multi-million GBP claim at mediation involving multiple defendants and competing causes of action arising out of a fire in an English stately home
- assisting shareholders to recover deferred consideration in an expert determination
 - representing waste disposal company to settle its tortious claim against security company which failed to prevent the theft of and damage to its property by unknown third parties
- representing defendant to a claim involving allegations of defamation and malicious falsehood in a dispute with his former builder

He is recognised for his proactive and commercial approach to dispute resolution.

Client care

Prior to joining No5 Chambers in March 2011, Nicholas was a senior associate in the commercial litigation team at Wragge and Co LLP (now Gowling WLG (UK) LLP). He also led the firm's advocacy team. He dealt with a broad range of commercial disputes from high value and complex commercial matters to comparatively lower value and high volume disputes. He worked with partners across the firm, managed solicitors and supervised trainees. He has a strong grasp of the commercial realities of litigation and clear understanding of his clients' needs and wishes.

Professional Negligence

Nicholas is an experienced advocate and adviser in a broad range of complex and high value commercial disputes. He appears regularly in multi-track proceedings in the High Court and County Court. As first choice counsel to several law firms, he is instructed regularly in complex or high value applications and trials.

He deals mainly with high value commercial litigation arising from breaches of contract and professional negligence. He has a wide range of experience, acting for clients in the UK and overseas, including multinationals and high net worth individuals. Clients include banks, airlines, utility providers, insurers, manufacturers, franchises and UK and foreign government departments.

He advises on risk and dispute avoidance, and where proceedings are necessary, he deals with all stages, from devising strategy at the outset, to appearing in interim applications, trials and appeals.

As a leading junior in commercial litigation, he is recognised in the Legal 500 for his strong commercial grasp, pragmatism of the commercial realities of litigation, his approachability and focus on delivering his clients' objectives.

His experience includes:

Advocacy

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- representing individual in a negligence claim against a builder who failed to complete the building of his property in accordance with architectural plans and Building Regulations
- representing accountant in High Court proceedings concerning allegations of negligence and involvement in commercial fraud
- representing general building contractors defending allegations that they had negligently failed to complete the reconstruction of a flue system and chimney which was alleged to have caused or contributed to the cause of a fire at a stately home
- defending accountant in a negligence action brought by members of the peerage and trustees of a fund for failures to provide accountancy services and to file tax returns on time
- defending barrister from allegations of negligence and professional misconduct before the Bar Disciplinary Tribunal
- representing a credit provider in a section 75 Consumer Credit Act claim brought by individuals who underwent catastrophic eye surgery for macular degeneration at the London Eye Hospital where the treatment was paid for by credit card and the co-defendant was facing allegations of negligence and breach of contract
- representing the claimants in Cumbria Waste Management Limited and Lakeland Waste Management v Baines Wilson (A Firm) [2008] EWHC 786 (QB) (re: disclosure of documents used in mediation) (solicitors' negligence)
- representing companies in proceedings against a bank in the High Court where it was alleged that the bank had negligently undervalued a commercial property (and defending similar proceedings on behalf of commercial lenders)
- defending a vehicle dealership in a claim brought under the Consumer Protection from Unfair Trading Regulations 2008 where it was alleged that the dealership engaged in a prohibited practice
- representing an independent school in a claim brought against it by the father of a pupil concerning the provision of education
- representing the Secretary of State for Business, Innovation and Skills (on the Attorney General's panel) in director disqualification proceedings (including securing disqualification orders against, company directors for periods of between 2 and 15 years in section 6 proceedings at final disposal hearings in cases including, for example, a USD 23m factoring fraud where he obtained 13, 13 and 7 periods of disqualification and a 15 year order against a defendant who acted whilst disqualified and who had falsified bank statements and deceived his co-directors)

Advisory and drafting

- advising 3 foreign companies (including a dissolved company based in Netherlands Antilles) in a loss of chance claim against their former solicitor (their second solicitor) for failing to issue a solicitors' negligence claim against their first solicitor within the time limit
- advising recruitment company on the merits of a negligence claim against its provider of IT services for the unauthorised transfer of its domain names
- representing an individual in a case of mistaken identity in defamation claims against newspaper publishers and the Chief Constable of a regional police force
- representing the Policyholder in a professional negligence claim against its Broker for failure to obtain suitable insurance cover
- acting for a private property developer in its claim against a geotechnical consultant regarding advice given on the scope of contaminated land
- acting for claimants suing their former corporate solicitor for negligent advice and services
- advising a drinks supplier on the merits of its negligence claim against an auditor arising from an assumed responsibility based on the reasonableness and foreseeability of the reliance on their audit work in circumstances where that audit was required to enable the purchase of another drinks supplier at an appropriate price in accordance with a pricing mechanism in an SPA
- advising on the merits and evidence, drafting statements of case, and representing IT company in a complex IT contract litigation pertaining to the provision of Ethernet and ADSL services under a managed service contract with Caledonian MacBrayne Ferries in the Scottish Isles involving allegations of the failure to exercise the reasonable skill and care of a competent electronic communications service provider

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Alternative Dispute Resolution

- assisting building merchant at mediation to resolve its dispute with an IT business solutions PLC over a failed IT systems implementation across its businesses
- representing a global insurer defending a multi-million GBP claim at mediation involving multiple defendants and competing causes of action arising out of a fire in an English stately home
- representing waste disposal company to settle its tortious claim against security company which failed to prevent the theft of and damage to its property by unknown third parties
- representing defendant to a claim involving allegations of defamation and malicious falsehood in a dispute with his former builder involving a counterclaim for negligence

He is recognised for his proactive and commercial approach to dispute resolution.

Client care

Prior to joining No5 Chambers in March 2011, Nicholas was a senior associate in the commercial litigation team at Wragge and Co LLP (now Gowling WLG (UK) LLP). He also led the firm's advocacy team. He dealt with a broad range of commercial disputes from high value and complex commercial matters to comparatively lower value and high volume disputes. He worked with partners across the firm, managed solicitors and supervised trainees. He has a strong grasp of the commercial realities of litigation and clear understanding of his clients' needs and wishes.

Employment

Nicholas practices the following areas:

Injunctions

Nicholas is an experienced advocate and adviser in a broad range of complex and high value commercial disputes. He appears regularly in multi-track proceedings in the High Court and County Court. As first choice counsel to several law firms, he is instructed regularly in complex or high value applications, frequently to obtain injunction orders or to resist injunction applications.

He deals mainly with high value commercial litigation arising from breaches of contract and professional negligence. He has a wide range of experience, acting for clients in the UK and overseas, including multinationals and high net worth individuals. Clients include banks, airlines, utility providers, insurers, manufacturers, franchises and UK and foreign government departments.

He advises on risk and dispute avoidance, and where proceedings are necessary, he deals with all stages, from devising strategy at the outset, to appearing in interim applications, trials and appeals.

He is recognised in the Legal 500 for his strong commercial grasp, pragmatism of the commercial realities of litigation, his approachability and focus on delivering his clients' objectives.

His experience includes:

Advocacy

- obtaining worldwide freezing orders and disclosure orders on behalf of asset based commercial lender against directors of telecommunications company engaged in widespread commercial fraud

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- obtaining an injunction to prevent a recruitment agent from operating a competing business in breach of post-termination restrictive covenants and to deliver up confidential information
- resisting application by notorious criminal serving 17 life sentences to force the release of his DNA from the Forensic Archive
- representing Conservative and Unionist Party local association in injunction proceedings arising out of alleged breaches of the Procedure for the Selection of Local Government Candidates 2022 by which they were purported to be 're-running' the selection process for candidates in the May 2022 local government elections
- obtaining the discharge of an ex-parte injunction against former managing director alleged to have taken confidential information and trade secrets from two former employers in circumstances where the injunction was obtained using confidential evidence and without full and frank disclosure
- obtaining delivery up order compelling company in administration to return tooling to manufacturer of parts for motor vehicles and engines to enable the continuation of vehicle production line
- obtaining emergency injunctions to compel a national energy supplier to reconnect electricity supplies to national fast-food franchises across South East England

He is recognised for his proactive and commercial approach to dispute resolution.

Client care

Prior to joining No5 Chambers in March 2011, Nicholas was a senior associate in the commercial litigation team at Wragge and Co LLP (now Gowling WLG (UK) LLP). He also led the firm's advocacy team. He dealt with a broad range of commercial disputes from high value and complex commercial matters to comparatively lower value and high volume disputes. He worked with partners across the firm, managed solicitors and supervised trainees. He has a strong grasp of the commercial realities of litigation and clear understanding of his clients' needs and wishes.

International

Nicholas advises and acts in commercial disputes with an international element.

Nicholas is an experienced advocate and adviser in a broad range of complex and high value commercial disputes. He acts for clients in arbitrations in UK and overseas forums.

He deals mainly with high value commercial arbitration arising from breaches of contract. He has a wide range of experience, acting for clients in the UK and overseas, including multinationals and high net worth individuals. Clients include pharma suppliers, manufacturers of medical equipment, banks, airlines, and UK and foreign government departments.

He advises on risk and dispute avoidance, and where proceedings are necessary, he deals with all stages, from devising strategy at the outset, to appearing in interim applications, trials and appeals.

As a leading junior in commercial litigation, he is recognised in the Legal 500 for his strong commercial grasp, pragmatism of the commercial realities of litigation, his approachability and focus on delivering his clients' objectives.

Letters of request / letters rogatory

Nicholas has developed an expertise in letters of request under CPR Part 34, assisting other lawyers to understand Part 34, applicable case law and best practice, the rules of examination in this jurisdiction, privilege, and how to obtain deposition and documentary evidence effectively.

His experience includes:

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- advising foreign lawyers how best to frame their letters of request before their own courts to maximise the prospects of obtaining effective examination orders in this jurisdiction
- drafting and presenting applications for orders compelling deponents to provide oral and documentary evidence in foreign proceedings, including for use in large commercial litigation in the US and Argentina
- advising and assisting an Argentinean commercial law firm to obtain oral and documentary evidence in this jurisdiction from senior banker at Credit Suisse for use in the largest litigation in the Commercial Court in Argentina – Carrefour Nederland BV et al. v PWC et al.
- obtaining an order on behalf of the Treasury Solicitor compelling the deposition of a UK national to provide evidence in the Romanian Court
- obtaining an order pursuant to a letter of request from the Argentinean court to compel the former Forensic Science Service to perform an analysis of the mortal remains of someone buried in 1948 and exhumed for the purposes of establishing paternity
- assisting US lawyers to understand rules of examination and to obtain depositions in large intellectual property disputes including from alloy wheel manufacturer alleged to be responsible for the catastrophic failure of wheels on Land Rover Discovery 3 in US class action
- advising foreign lawyers and the Treasury Solicitor and assisting them to examine deponents in examinations involving Magic Circle firms, unwilling deponents and sometimes in novel circumstances, such as the forensic examination of DNA
- assisting Examiners to certify transcriptions and liaising with the Foreign Process section of the Royal Courts of Justice and the Foreign, Commonwealth and Development Office to remit the certified evidence to the foreign courts via their own diplomatic channels
- providing training to international law firms to assist them to understand all aspects of CPR Part 34, and
- how best to act for applicants and respondents, including practical tips drawn from experience. Advocacy
- representing UK and French pharma companies in contractual disputes with suppliers in India in commercial negotiations and in arbitration in the London Court of International Arbitration
- representing clients in applications in the High Court to register foreign judgments to enforce against entities based in this jurisdiction
- acting for French manufacturer of cardiovascular and endovascular catheters that it supplied to an Indian manufacturer of cardiac stents and cardiovascular devices based in New Delhi. Advising on the merits of a claim for payment of invoices and debt crystallised under a settlement agreement with an ambiguous jurisdiction clause. Drafting statements of case and representing the client in arbitration in the London Court of Arbitration
- obtaining worldwide freezing orders and disclosure orders on behalf of asset based commercial lender against directors of telecommunications company engaged in widespread commercial fraud
- obtaining the discharge of an ex-parte injunction against former managing director alleged to have taken confidential information and trade secrets from two former employers in circumstances where the injunction was obtained using confidential evidence and without full and frank disclosure
- obtaining delivery up order compelling company in administration to return tooling to manufacturer of parts for motor vehicles and engines to enable the continuation of vehicle production line
- representing the Welsh manufacturer of industrial washing machines exported to South Africa in contested jurisdiction proceedings against a German industrial washing machine retailer (where there were competing claims as to the incorporation of terms)
- representing Ministry of Tourism of the Government of India in proceedings involving a publisher in the Queen’s Bench Division of the High Court in London
 - obtaining security for costs order for British Airways against a foreign litigant based in the British Virgin Islands

Advisory and drafting

- advising on the merits and evidence, drafting statements of case, and representing IT company in a complex IT contract litigation pertaining to the provision of Ethernet and ADSL services under a managed service contract with Caledonian MacBrayne Ferries in the Scottish Isles
- advising on the permissibility of service of proceedings on EULEX in a dispute arising from the Balkan Wars (in Tomanovic and 7

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Ors v (1) European Union (2) Council of European Union (3) High Representative of the Union for Foreign Affairs and Security Policy (4) European Union Rule of Law Mission in Kosovo (EULEX) [2019] EWHC 3350 (QB)

- acting for French manufacturer of cardiovascular and endovascular catheters that it supplied to an Indian manufacturer of cardiac stents and cardiovascular devices based in New Delhi. Advising on the merits of a claim for payment of invoices and debt crystallised under a settlement agreement with an ambiguous jurisdiction clause. Drafting statements of case and representing the client in arbitration in the London Court of International Arbitration
- representing an individual in a contribution claim against his co-guarantor arising from a loan agreement to secure funds for the development of a multi-million EUR complex of holiday homes with golf course and shopping complex in Spain
- assisting a national airline in an international arbitration with foreign engine manufacturer
- representing a Spanish construction company in a dispute with its English sub-contractor arising from the supply of labour and materials for the construction of a biomass power station in the UK
- drafting debt recovery provisions for The Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2010 and advising the Environment Agency on debt recovery from overseas airline operators
- representing Swiss human growth hormone marketing company in a c. 10m GBP contractual dispute with an English manufacturer of pharmaceutical devices
- defending test case by UK vehicle dealer against a Japanese vehicle manufacturer relating to Regulation 1400/2002/EC and selective distribution network
- advising foreign lawyers and Treasury Solicitor on Letters of Request / facilitating depositions – registration and enforcement of foreign judgments in this jurisdiction
- advising on jurisdiction and governing law clauses

Alternative Dispute Resolution

- representing UK pharma supplier in commercial negotiations with Indian pharma manufacturer in supply chain involving Hungarian pharma supplier and shipping contracts giving rise to disputes on jurisdiction and governing law
- representing UK vehicle manufacturers in multi-million GBP disputes at mediation including with dealerships based abroad claiming unlawful termination of dealer agreements
- devising tailored solutions for corporate entities to limit the threat of litigation He is recognised for his proactive and commercial approach to dispute resolution.

Client care and international disputes expertise

- Prior to joining No5 Chambers in March 2011, Nicholas was a senior associate in the commercial litigation team in Wragge and Co LLP (now Gowling WLG (UK) LLP). He also led the firm’s advocacy team. He dealt with a broad range of international commercial disputes.

Nicholas was one of four lawyers appointed to the firm’s internal specialist international support team. He advised lawyers across the firm on matters containing international elements, contributing to a database of precedents, advices and articles. He gave jurisdiction training to all new trainees as well as departmental training sessions on aspects of law pertinent to each practice area. He specialised in advising foreign lawyers and Treasury Solicitor on letters of request, facilitating depositions, enforcement of foreign judgments in this jurisdiction, advising on jurisdiction and governing law clauses and litigation outside the jurisdiction (mostly in the US and Europe).

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Awards



Accreditations

- Legal 500 (2024) Leading Junior – Commercial Litigation
- Legal 500 (2023) Leading Junior – Commercial Litigation
- Legal 500 (2022) Leading Junior – Commercial Litigation

Appointments

- Court Examiner

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