

## Greg Plunkett

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### Clerks' Details

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### Commercial CV

#### Overview

Greg has practised in the fields of dispute resolution, litigation and arbitration for 30 years. His clients have ranged from international corporations, insurance companies, utility companies, local authorities, NHS trusts, private companies, LLPs, partnerships and individuals.

Greg has extensive experience in commercial litigation, commercial fraud, arbitration and chancery practice.

## Cases

### Recent cases include:

Acted for former member of an international professional services LLP regarding misrepresentation as to plans for sale of the LLP business. Former member has been disentitled from sharing in capital proceeds following sale. Claim value: over £3,000,000. Arbitration proceedings before retired High Court Judge. Respondent capitulated on first day of hearing.

Acted in English arbitration proceedings for offshore company in £60 000 000 claim for breach of contract against UK regulated insurance company.

Acted in High Court successfully defending section 68 and 69 Arbitration Act proceedings relating to breaches of peremptory order, security for costs and removal of arbitrator.

Acted for frozen food importer seeking substantial damages from well-known UK supermarket chain for breach of long-term supply contract.

Acted for small company against major international wood product manufacturer and recovered substantial damages for breach of long term supply contract of bio- fuels materials. Claim value: £3,000,000.

Acted for former director and major shareholder of Bournemouth Football Club in High Court Chancery proceedings against Bournemouth FC. This involves issues concerning lawfulness of distributions and capital maintenance of capital.

Acted for internationally renowned foreign player and secured substantial compensation from top English Premier League club.

Acted for an international trade association in Commercial Court proceedings regarding a restraint of trade claim brought by an arbitrator. The case is of particular significance to the international arbitration sector.

Acted for international trade association relation to policy coverage dispute.

Acted for major public utility company in contractual dispute following malfunction of a transformer purchased from famous international engineering giant, giving rise to power failure to nearby town and disruption to regional power network.

Advised Scandinavian insurers who are in dispute with UK Coverholder. Court proceedings issued to secure control of data and forms held by Coverholder and its UK professional agents.

Successfully defended international businessmen following three-day civil trial involving issues of misrepresentation and deceit brought by former partner regarding land transaction in Poland.

Acted in claim for injunctive relief and damages for data marketing company whose data had been stolen.

Sought injunction for commercial property owners against major land owners in Soho seeking to re-develop part of its estate. Undertakings secured.

Secured High Court injunction for delivery up of solicitors papers to clients new solicitors in connection with high profile criminal case.

Acted in Directors Disqualification proceedings which involved five-day trial.

Advised members of defunct Industrial and Provident Society regarding liabilities and obligations and attempts to dispose of substantial parcel of recreational land and buildings situated in affluent London suburb.

Advised Designated Member of major LLP in relation to dispute with managing partner and dissolution of the LLP.

Acted for property developer successfully defending claim brought by bank on substantial personal guarantee.

Acted for creditors applying to remove and replace Insolvency practitioner as

Administrator of failing company.

Acted for company recovering funds misappropriated by a former director.

## PREVIOUS CASES OF INTEREST

### Contract

Acted for aerospace company regarding alleged defective performance of its maintenance and repair obligations in relation to a private jet. Issues of contractual lien, breach of contract arise. Claim value £1,000,000.

Acted for company against its former contracts manager (and his D&O insurers) for failing to read and amend construction contracts resulting in substantial losses to employer, which had not priced a successful tender bid correctly. Claim value £500,000.

Defended claim against one of the largest scrap metal recovery businesses in the UK, which intentionally (but acting on instructions of a Third Party), scrapped marine

telecommunications cable (replacement cost of £750, 000). Trespass, conversion and bailment issues. Part 20 proceedings commenced against Third Party with additional proceedings pursued against clients own insurers.

Acted for major UK Plc in a £15,000,000 contractual dispute with one of the main contractors of the contract (part of 5 year £60 million contract). Case involves issues of contractual interpretation and causation of alleged losses.

Concluded major action in Commercial Court in London. Acted for long established Dublin Stockbrokers (joined in as Third Party). Claimants had allegedly been mis- sold various financial products and brought action against merchant banks who promoted the same. Bank joined in our client. Shortly before trial stockbrokers went into liquidation (governed by law of Republic of Ireland). Main action resolved on first day of trial following a confidential compromise. Third party claim later resolved on confidential terms. Complicated issues arose both pre- trial and during course of continuing Third Party proceedings. The problems created by the insolvency further complicated an already complex claim.

Acted for aerospace company in relation to long term supply contract with North American supplier of fuel tank components. Original supplier purported to assign contract to another company who effectively took over contract without informing UK client. Apart from contractual breaches case gives rise to sensitive security issues as contract chain included North American Defence Agencies and shared technology with NATO members.

Acted for companies and individuals pursuing Interest Rate Swap claims against banks.

Acted in High Court Chancery proceedings for former partners of dissolved partnership from whom Trustees of employees' pension fund seek £3.6 million shortfall.

Acted in Commercial Court matter defending aircraft maintenance and repair organization SRT in the case of Ryanair –v- SRT. This claim arose from the grounding of part of the Ryanair Fleet, which had allegedly been damaged during re-painting by “scribe marks” i.e. marks on the fuselage of the aircraft which could give rise to cracking. Claim was for \$40,000,000. The Claim had a multi- national dimension and North American aircraft manufacturer become involved, along with various other maintenance repair organizations. The claim was successfully repudiated.

Acted on various breaches of warranty claims arising from sale of international maintenance repair organization worth \$1 billion.

Acted for airline, which failed to complete proper data verification exercise, following the introduction of 27 new aircraft to its fleet. This resulted in refusal of aircraft owners to accept aircraft back following expiry of leases. Multi million pound claim compromised at mediation.

Acted for internationally known entrepreneur regarding delays in delivery of super yacht being built in a shipyard in Italy.

Recovered substantial sums on behalf of NHS and other public authorities often involving an international element and resort to freezing injunctions and search and seizure orders.

### **Nuisance**

Acted for public utility in relation to nuisance allegedly caused by odours generated by waste water treatment plant in Liverpool. Originally 14,000 Claimants. Settlement of main action has been achieved. Costs claim in excess of £18,000,000. Various legal issues raised in relation to the costs entitlement.

Acted for public utility in relation to nuisance allegedly caused by odours generated by operation of its waste water treatment plant in the North West.

### **Insurance**

Acted for major utility in insurance coverage disputes in London Market worth £40,000,000 arising from defective construction of major operating plant and infrastructure.

Advised unincorporated association. "Volunteer worker" became a paraplegic after falling from club house roof he was repairing. Association part of a wider national network governed by National Council. Insurers seeking to avoid policy covering personal injury claim; issues of negligence on behalf of brokers, trustees and national council. I am advising club on potential professional negligence claim insurance issues.

Acted for a number of Premier League players regarding payment under Permanent Disability Insurance.

### **Product Liability**

Acted for major national retailers in respect of product liability claims arising from fire and destruction of homes and businesses. Many have an international element as products imported into EU.

Acted for insurers in relation to the Sudan 1 Food Contamination claim. This involved the introduction into the UK food supply chain of Sudan 1, a potentially carcinogenic agent, into sauces used in the preparation and manufacture of various ready meals and pies. Acted both in the defence of the claims brought by numerous major and smaller retailers and the recovery action on behalf of insurers. The claim received national media attention and a significant government and local government agency scrutiny. The claim was worth many tens of millions of pounds.

Acted for major supermarket retailers in respect of claims arising from the contamination of fuel purchased by thousands of customers.

### **Fires**

Acted for electricity distribution company in relation to numerous fire claims resulting in damage to, or destruction of, commercial and residential properties. Acted for tenants of a large retail store whose contractor caused fire severely damaging major shopping centre in Chesterfield.

Destruction of Atlantic Industrial Complex on Merseyside, which led to the liberation of asbestos dust into atmosphere affecting local housing estate - £15million. Destruction of bottling plant in Wales which led to substantial consequential losses - £7million.

Substantial fire damage to exclusive residential block in West London which was contaminated by PCBs and asbestos - £6 million.

Destruction of converted mill in Rochdale, occupied by various businesses ; policy limit of £20 million breached.

### **Floods**

Acted for major utility company following massive flooding which occurred in Cumbria in 2009. Allegations concerned operational management of Thirlmere reservoir.

Collapse of part of River Calder flood protection works.

Collapse of part of River Lea Navigation in London flooding adjacent commercial estate.

Claims involving flooding of farmland and undermining of railway embankment.

### **Group Litigation**

Conducted major group litigation (including personal injury) for:

United Utilities -Sandon Dock – odour nuisance (approx. 14 000 Claimants) United

Utilities-Fleetwood Waste Water Treatment Works – Odour nuisance Ford Motor Company in respect of noise induced hearing loss (approx. 22,000 Claimants)

ATC Tunnelling - VWF