Greg Plunkett

Call 2013

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Memberships

Commercial Bar Association

Chancery Bar Association

Member Chartered Institute of Arbitrators

Gray's Inn

Commercial and Chancery

Greg has practised in the fields of dispute resolution, litigation and arbitration for 37 years. His clients have ranged from international corporations, insurance companies, utility companies, local authorities, NHS trusts, private companies, LLPs, partnerships and individuals. He is regularly instructed to appear against leading KCs.

Greg has extensive experience in commercial litigation, chancery disputes (partnership and company disputes involving breach of directors duties, shareholder claims and section 994 petitions), arbitration and securing injunctive relief.

A significant part of his time is spent advising on and devising solutions to end disputes as quickly as possible before significant costs are incurred.

He undertakes drafting and review of contract documentation.

He is a member of COMBAR (Commercial Bar Association) and the Chancery Bar Association. He is also an arbitrator MRCIAB.

Commercial and Chancery Cases

Current and recent cases of interest:

Successfully defended High Court Chancery claim brought by a family member against his siblings alleging the existence of a partnership agreement, and breach of the same. Claimant sought damages/equitable compensation in excess of £15 million, representing his alleged share of the family's diverse business and property assets. The claimant's allegations centred on the existence of a quasi -partnership, joint venture, proprietary interest, proprietary estoppel, constructive and resulting trusts and a common intention constructive trust. The claim was very acrimonious and continued for many years with numerous complex interim applications made throughout the course of the proceedings, including a finding of contempt of court by the Vice Chancellor against two individuals supporting the claimant. The claimant was represented by various KCs and junior counsel whilst Greg acted as sole counsel.

Obtained £3 million for commercial lender pursuant to Facility Agreement (original borrowing £5 million) against two companies and one of their directors (as primary obligor). Sought recovery through the appointment of LPA Receiver and sale of hotels. Defeated claim brought against LPA for breach of duties. Successfully pursued personal action against guarantor director.

Advising professional services entity regarding issue arising from the interpretation of its contract payment terms, affecting many 100's of individual contracts.

Obtained summary judgment in favour of commercial lender following contested High Court Chancery hearing for £400,000 against personal guarantor of a loan agreement provided to a construction company.

Obtained judgment in favour of commercial lender for £260,000 following High Court trial against personal guarantor of the loan agreement provided to property development company.

Acting for international supplier of construction plant and equipment defending High Court claim brought against it for conversion with damages claimed in excess of £1 million and pursuing a claim for indemnity from third parties.

Secured Norwich pharmacal injunction to identify "promoters and aggregators" of energy saving scheme executed by smaller uninsured companies which were systematically liquidated to avoid compensating claimants .

Obtained an injunction against neighbouring tenant on industrial estate to compel it to allow the claimant to exercise its rights under the lease over common parts and secured damages of over £300,000 in respect of consequential losses .

Acted for property developer and obtained a declaration and an order for specific performance compelling the defendant to perform its obligations (as set out in an earlier Tomlin Order), in respect of civil engineering works, including the provision of an access road and electricity substation prior to the commencement of the building of a new residential estate in Lancashire.

Acting for haulier, seeking damages in excess of £1 million, against well-known UK plc regarding unlawful termination of long-term distribution contract.

Recovered substantial damages for individual (now in witness protection programme) who had been shot at the instigation of a businessman (now serving term of life imprisonment).

Acting for shareholder/ petitioners in several unfair prejudice claims.

Acting for director and shareholder in a group of companies pursuing claims for breach of duty by fellow directors and/or unfair prejudice claims.

Successfully defended High Court possession proceedings brought by bank against businessman relating to recovery of £5 million loan and interest secured on land in green belt. Claim gave rise to difficult novel issues relating to right of a bankrupt to refinance and its implications for third parties. The client's defence and counterclaim relied on misrepresentation; breach of collateral warranty; lack of enforceability of the client's mortgage, (insofar as it was said to secure the sum of £3.5 million advanced when the client was a bankrupt);estoppel; 140A -140B of the Consumer Credit Act 1974. Client subsequently acquired planning permission to build over 250 luxury homes on the land .

Acting for house building company in Lands Tribunal in claim for £5 million arising from inability to develop valuable building land subject to historic easements granted to gas and electricity suppliers.

Advising government department on parties contractual obligations regarding review of, and compliance with, the terms of an overarching legal framework contract affecting hundreds of government suppliers.

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 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: £1,500,000.

Acted for former director and major shareholder of Premier League Football Club in High Court Chancery proceedings against Club. This involved issues concerning lawfulness of distributions and maintenance of capital and “Duomatic “ principle.

Acted for an international trade association in Commercial Court proceedings successfully defended a restraint of trade claim brought by an arbitrator, after 5 day trial. The case is of particular significance to the international arbitration sector.

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

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

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

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 arising from disposal 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 who successfully applied to remove and replace Insolvency practitioner as Administrator of failing company.

Other cases of interest as a solicitor

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

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 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 our client in proceedings shortly before trial the client 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 complicated contractual issues the case gave rise to sensitive national 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 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.

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 was 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.

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.

Acted for local authority following collapse of part of River Calder flood protection works.

Acted for occupiers of adjacent industrial estate following the collapse of part of River Lea Navigation in London.

Acted for local authority in claim involving flooding of farmland and undermining of railway embankment.

Group Litigation

Conducted defence of 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)

Recommendations

"He is the perfect advocate for legally complex and challenging cases that require a quick and efficient response in difficult circumstances."

"He is a brilliant tactician who can turn a case around when your "back is to the wall."

"Greg is the barrister we go to when we have demanding cases because of his intellectual grasp and his strategic awareness. He is excellent with clients and works extremely hard to ensure the best possible results".

"Greg has an impressive ability to construct a compelling argument regardless of the apparent merits of a case . He is an excellent and fearless advocate who is always well prepared."

"He is outstanding; professional yet down to earth, giving 100% to every case."

"Greg was instructed extremely late in the day but his ability to grasp so very quickly the complex issues the case gave rise to and absorb the immense amount of material deployed was extremely impressive."

" I knew very quickly at our first meeting he was the counsel who could turn our struggling case around, which he did with great skill. He achieved a result which far exceeded our expectations."

"He is extremely able and an invaluable asset to any litigation team. Greg works extremely hard to look after the interests of his client."

"Greg is a thoroughly impressive Professional Negligence Counsel, remarkably diligent in his preparation and very astute tactically. He is unafraid to pursue difficult cases with force and he is able to take a sensible commercial approach when appropriate".