

Kevin Pettican

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Profile

Kevin has a broadly based commercial practice focused on advocacy before the High Court, County Courts and arbitral tribunals. He is known for his clear commercial advice, client-friendly manner, and robust advocacy. Prior to joining 11SB in 2004, Kevin was Counsel with WilmerHale, one of the world's leading international arbitration practices. In appropriate cases, Kevin is happy to accept instructions under the Bar Public Access Scheme.

Commercial litigation and arbitration

Kevin's commercial litigation and arbitration practice includes contractual disputes of all kinds; civil fraud; disputes arising in the context of secured lending; equitable remedies; applications for (and to set aside) freezing injunctions and other urgent relief; cross border disputes involving issues of jurisdiction and the conflict of laws. In addition to his litigation practice, Kevin has significant experience of domestic and international commercial arbitration and has arbitrated disputes under the rules of the ICC, LCIA and UNCITRAL.

Company and Insolvency

He is regularly instructed to advise on and to litigate company law matters, in particular; disputes between shareholders including Section 994 petitions and petitions to wind up on the just and equitable ground; claims arising from the performance by directors of their duties, including proceedings against directors under the Company Directors Disqualification Act 1986. In addition, Kevin deals with all aspects of corporate and personal insolvency.

Property and Construction

Kevin is regularly instructed in contentious property matters, frequently by property developers and other industry professionals, but also by individuals. His recent experience includes a number of cases relating to remedies for failure to complete and delayed completion, disputes over easements and rights of way and boundary disputes, as well as disputes relating to the renewal of leases over commercial premises. Over the years, Kevin has been instructed in a number of construction and engineering disputes, acting at various times for employers, contractors and sub-contractors, both within the UK and internationally

Representative examples of Kevin's recent work in the above areas include:

- **Al Baho & Others v. Meerza [2011] EWHC 2984** Acting for the Claimants in defamation proceedings and related proceedings in the Chancery Division arising from the sale of a London property and the administration of the estate of the late Sheikh Salim Hamoud Al-Sabah (a member of the Ruling Family of Kuwait). An application by the Defendant to strike out the defamation claim on Jameel grounds was dismissed by Eady J in November 2011 and the significance of the decision was discussed in an article in the Solicitors' Journal on 13 December 2011 (see "Numbers Game" by Chris Hoyer Millar).

- **Szepietowski v. The Serious Organised Crime Agency [2011] EWCA Civ. 856.** A Court of Appeal case with sums in dispute in excess of £1.2 million concerning the marshalling of securities in the context of a settlement agreement.
- **Stanley Sherwin Beller v. Robert Henriques Valentine [2011] EWHC 2397.** Acting for a former solicitor in a substantial claim for outstanding fees against a liquidator in the context of a third-party funding arrangement.
- **Burkett-Coltman v. Hooke and another [2011] EWHC 1887.** A claim by a liquidator to reverse a transaction between the company and one of its directors at an undervalue involving a claim for contribution from a co-director.
- Acting for a retired GP resisting a substantial claim by his Trustee in Bankruptcy against payments arising from his NHS Pension Scheme.
- AssetCo (London) Ltd. Acting for AssetCo (London) Ltd, **the supplier of fire engines** and related services to the London Fire Brigade, in proceedings following the presentation of a winding up petition by HMRC.
- Acting for the former directors of a **UK-based travel business** in proceedings under the Company Directors Disqualification Act 1986.
- Advising an **AIM listed company** on various shareholder issues arising from a subscription and option agreement.
- Advising the shareholders in a **Russian telecommunications joint venture** on the position in relation to concurrent proceedings in two Caribbean jurisdictions and two Swiss-sited arbitrations.
- Acting for an **Italian company in an ICC arbitration** in London involving a substantial claim arising out of a contract for the supply of Granulated Blast Furnace Slag.
- Acting for a **major UK house-builder** in arbitration proceedings brought by a department store claiming damages allegedly caused by road-works.
- Acting for an **Italian company** in setting aside a High Court default judgment on the basis that English court lacked jurisdiction under Council Regulation (EC) 44/2001. The case also involved issues of service relating to Council Regulation (EC) 1348/2000.
- Acting for the claimant seeking damages for breach of an exclusivity agreement relating to the purchase of a prime residential property in London.
- Acting for the Leicestershire businessman Gilbert Kinch in a substantial fraud claim (in excess of £2 million) against a former solicitor arising out of a failed bid to acquire Leicester City Football Club, reported in part at **Kinch v. Rosling & Ors [2009] EWHC 286.**
- **Simmons Gainsford LLP v. Shah [2008] EWHC 2554, [2008] All ER (D) 237.** A dispute between a firm of accountants and a former partner concerning a claim for the proceeds of a life insurance policy.
- The Thakrar Litigation. Acting for various members of the Thakrar family in a multi-million pound claim brought by the trustee of Subash Thakrar, reported in part at **Jackson & Ors v. Thakrar & Ors [2007] EWHC 2173.**
- **Sansome v Waterline Angling Products Ltd [2007] All ER (D) 367.** Acting for the defendant in successfully resisting a substantial claim for damages arising from the alleged copying of the claimant's product.
- Acting for two of the shareholders in a **London-based pub business** in response to a shareholders' petition that the company be wound up on the just and equitable ground.
- Acting for one of the shareholders in a **London-based property business** in response to a shareholders' petition that the company be wound up on the just and equitable ground.