

David Peters

Call: 2005
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David has gained a wide experience of commercial law including contractual disputes, commercial fraud, arbitration, conflict of laws, insolvency and professional negligence. He won the 4 Stone Buildings prize for Civil Litigation in 2005, was awarded a Queen Mother's scholarship by the Middle Temple in 2004 and was elected scholar of Trinity Hall, Cambridge in 2003. He also represented Cambridge University at debating, reaching the 2004 World Debating Championship semi-finals.

Cases of interest

- **Oak Investment Partners XII v Boughtwood** [2009] EWHC 176, [2009] EWHC 641, [2010] EWCA Civ 23: Instructed (with Max Mallin) in relation to unfair prejudice petitions brought by the shareholders of a technology company.
- **Citigate Dewe Rogerson v Artaban** [2009] EWHC 1689: Instructed by the applicant for an order restraining presentation of a winding up petition. The application raised the issue of the appropriateness of presenting a petition in respect of alleged debts which were the subject of ongoing civil proceedings in Belgium.

Commercial litigation

- **FashionTV v FTV** (High Court, Chancery Division) Instructed (with Anthony Trace QC and Edward Cohen) in a claim arising out of a Licence to operate the "Fashion TV" television channel in Russia in the former CIS.
- **Hathurani v Jassat** (High Court, Chancery Division) Instructed (with Alan Gourgey QC) in a claim relating to an alleged partnership agreement and concerning transactions across a number of different jurisdictions.
- Instructed (with Max Mallin and Khawar Qureshi QC) in a dispute relating to the termination of a US\$ 500 million refinancing agreement.
- Instructed (as sole counsel) in relation to a substantial dispute over a contract for the distribution and marketing of a high street fashion label's products in Mexico.
- **Painter v Hutchison** [2007] EWHC 758 (Ch) (Lewison J) (with Tim Cowen). A two week High Court trial giving rise to issues relating to resulting/constructive trusts, sham transactions and illegality.
- Advising in relation to a substantial breach of warranty claim arising out of a business sale agreement.
- Advising on the possibility of obtaining an order from the English courts that a witness be deposed in support of a New York arbitration.
- Advising on the construction and effect of a "change of control" clause contained in a joint venture agreement.
- Advising on the construction of a television broadcasting franchise agreement.
- Advising and appearing in relation to claims under bank guarantees.
- Advising and appearing in relation to partnership disputes.
- Drafting documents for and appearing in applications and trials in the County Court. This includes experience relating to the obtaining and setting aside of urgent injunctive relief.
- Drafting documents for and appearing in applications in the High Court (including ex parte applications for freezing orders).

Commercial fraud

- **Tendler v Albion**: Instructed (with Alan Gourgey QC) by the Claimant in a fraud claim arising out of trading in high performance motor cars.
- **4-Eng v Harper & Simpson**: Instructed in connection with claims to reverse certain transactions as transactions defrauding creditors under s.423 of the Insolvency Act.
- Drafting proceedings in relation to an alleged fraud worth in excess of US\$340 million.

Insurance

David's insurance experience includes the following:

- 2008 - advising the assured company in relation to its liability to pay premiums pursuant to a vehicle fleet insurance policy.
- May 2010 - advising a third party in relation to bringing a direct claim on the professional indemnity policy of an insolvent firm of architects (under the Third Parties (Rights Against Insurers) Act 1930 and/or 2010).
- He is currently instructed in relation to an insolvency case concerning property disposals which took place whilst the respondent was a Lloyds name. Although not an insurance case, it does therefore require knowledge and understanding of the Lloyds Insurance market.

Conflict of laws

- **Citigate Dewe Rogerson v Artaban** [2009] EWHC 1689: See above
- **Hathurani v Jassat** (High Court, Chancery Division): See above
- Advising on obtaining certificates from the English Courts in support of the enforcement of an English judgment in India.
- Advising on the merits of (and procedure for) enforcing a judgment of the Guyanan High Court in England.

Company law

- **Oak Investment Partners XII v Boughtwood** [2009] EWHC 176, [2009] EWHC 641, [2010] EWCA Civ 23: See above
- Advising in relation to a wide range of company law matters (under both the new and old Companies Acts) including:
 - Shareholders' disputes
 - Breach of fiduciary duty claims
 - Derivative actions
 - Unfair prejudice claims
 - Reductions of capital

In addition to his experience in contentious matters, David has advised on and assisted with the drafting of shareholders' agreements.

Insolvency

- **Citigate Dewe Rogerson v Artaban** [2009] EWHC 1689: See above
- **4-Eng v Harper & Simpson**: See above
- **Re: Arc European Property Fund Ltd**: Instructed to appear on an application for the appointment of a Provisional Liquidator in respect of a Open Ended Investment Company
- Advising on the effects of the voluntary liquidation of a corporate member of a limited partnership on the operation of the partnership generally.
- Advising on the application of a Debenture to debts subsequently assigned to the Debenture-Holder.

- Drafting documents for, advising and appearing in relation to a wide range of personal and corporate insolvency matters (in both the High Court and County Courts) including:

Administration applications

Applications to restrain presentation and/or advertisement of winding-up petitions

Applications for validation orders

Bankruptcy and winding-up petitions

Applications and trials relating to preferences and transactions at an undervalue

Applications for private examination

Wrongful trading claims

What others say

David is recommended as an up-and-coming junior for commercial chancery by Chambers & Partners. He is also mentioned by Legal 500 in the area of insolvency. The directories highlight:

David Peters provides guidance on a diverse selection of concerns spanning company, partnership, contractual and insolvency disputes. Highlights include acting for the All England Lawn Tennis Club over urgent relief on the illegal resale of Wimbledon tickets. (*Commercial Chancery - Chambers UK 2012*)

“very commercial and always makes the right call”; ... (*Insolvency - Legal 500 2011*)