



# Giles Robertson

Call 2012

*"He's a super bright, very talented junior, capable of handling anything. He's very good on paper and on his feet."*

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*Chambers & Partners*

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Giles Robertson is developing a broad commercial practice, acting on his own and with others in the higher courts.

His work extends to banking and finance, commercial dispute resolution, commercial crime, civil fraud, insurance and aviation.

He has particular experience in heavy and complex litigation, acting in the *BTA v Ablyazov* and Republic of *Djibouti v Boreh* cases. His work is often international in nature. He particularly enjoys disputes with technical or scientific aspects.

He has also acted in a number of international arbitrations, including under the LCIA, SCC and ICC Rules.

## Recent Highlights

### Littop Enterprises v Ukraine

Successfully representing Ukraine in defeating a US\$6 billion claim brought by three nominally Cypriot companies relating to their minority shareholdings in Ukrnafta, Ukraine's largest producer of oil and associated gas, in an investment treaty arbitration under the Energy Charter Treaty (Stockholm Chamber of Commerce).

### Haddad v Al Rostamani [2021] EWHC 1892 (Ch)

Successfully acting in setting aside service of proceedings outside the jurisdiction in relation to a claim alleging a £1bn fraud.

### Goshawk Aviation Ltd v Terra Aviation Network SAS [2021] EWHC 1029 (Comm)

Acting for a subsidiaries in the Lion Air group in relation to a substantial leasing dispute arising out of the Covid-19 pandemic.

### **International Airfinance Corporation v Saudia (various including [2021] EWHC 2904 (Comm))**

Acting for Saudia in a substantial (up to \$4 billion) claim brought by International Airfinance Corporation.

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### **Barthélemy Holdings v Duet Group Ltd [2019] EWHC 2402 (Comm)**

Establishing a €5 million claim for breach of warranty arising out the protracted development of a hotel on St Barthélemy.

## Expertise

### **Administrative & Public Law**

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Notable Administrative & Public Law cases

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### **Newcastle United Football Club & Others v HMRC [2017] EWHC 2404 (Admin)**

Acting (with Richard Lissack KC and Robin Barclay KC) for Newcastle United Football Club in a challenge to the lawfulness of search warrants obtained by HMRC.

### **Aviation & Travel**

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Giles is particularly interested in aviation law.

Notable Aviation & Travel cases

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### **International Airfinance Corporation v Saudia (various including [2021] EWHC 2904 (Comm))**

Acting for Saudia in a substantial (up to \$500 million) claim brought by International Airfinance Corporation.

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### **Laudamotion v AerCap**

Representing a major European airline in relation to claims for damages arising out of the termination of long-term leases of Airbus A320 aircraft raising issues of compliance with conditions precedent, contractual construction, repudiatory conduct and mitigation.

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### **Goshawk Aviation Ltd v Terra Aviation Network SAS [2021] EWHC 1029 (Comm)**

Acting for a subsidiaries in the Lion Air group in relation to a substantial leasing dispute arising out of the Covid-19

pandemic.

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### **FlyNas v Genesis**

Acting for FlyNAS in relation to a dispute about engine maintenance reserves and aircraft redelivery.

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Acting for a number of airlines and lessors in relation to disputes arising out of the Covid-19 pandemic.

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Advising Bombardier over the sale of Short Brothers (the historic aircraft wing-making facility in Belfast and the largest employer in Northern Ireland), to the US aerospace manufacturer Spirit Aerosystems (an offshoot of Boeing) as part of a US \$1.1 billion deal.

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Advising an airline in relation to a dispute with a hotel contracted for crew rest and not required due to Covid-19.

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Acting (with John Taylor KC) in a substantial two-and-a-half-week ICC arbitration arising out of the redelivery of two Boeing 737 aircraft leased to a national airline, raising complex issues of correct maintenance practice of CFM56-7B engines in harsh environments.

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Acting for Laudamotion in a widely publicised dispute between Lufthansa and LaudaMotion relating to the termination of nine aircraft leases in circumstances alleged to be an abuse of a dominant position.

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### **Ethiopian Airlines v Honeywell & Others**

Acting (with Michael Crane KC and Tamara Oppenheimer KC) for Honeywell in a product liability / negligence claim arising out of the fire on board a Boeing 787 at Heathrow caused by a short circuit in the aircraft's emergency location transmitter battery.

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Acting on a number of disputes between airlines and OEMs in relation to the delivery of new aircraft.

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Acting (with Akhil Shah KC and Tamara Oppenheimer KC) in an arbitration focusing on the technical evolution and design heritage of a popular commercial transport type.

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### **Blake v Easyjet**

Established that compensation under Regulation 261/2004 should be converted to Sterling at the date of the claim rather than the date of the flight (as contended by the unsuccessful passenger).

## Banking & Finance

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Giles regularly acts for banks and financial institutions.

### Notable Banking & Finance cases

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#### Smith v Royal Bank of Scotland

Acting for RBS in a Court of Appeal case on limitation under s140A–C Consumer Credit Act 1974.

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Acting for a bank in a dispute with a government body over limitation for PPI complaints.

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#### O'Hare v Coutts [2016] EWHC 2224 (QB)

Acting for Coutts (with Tamara Oppenheimer KC) in its successful defence of a £5 million claim alleging negligence in the provision of investment advice.

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Acting for a number of banks in relation to PPI claims brought under ss140A–C CCA 1974.

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Frequently acting in cases with allegations of mis-selling of interest rate hedging products, including being seconded to Lloyds Bank's IRHP mis-selling review team.

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Advising (with Richard Handyside KC) a third party adviser in the RBS Rights Issue litigation on issues of disclosure and privilege.

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#### Pine River v Castex

Acting (with Sue Prevezer KC) for a syndicate of hedge funds in a claim arising out of the alleged manipulation of an Indian company's share price.

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#### ENPAM v Barclays

Acting for Barclays (with Sonia Tolaney KC and Adam Sher) responding to an appeal against a decision upholding the English court's jurisdiction to hear a claim for breach of a jurisdiction agreement arising out of an 'Italian torpedo' claim.

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#### PMAL v Lloyds

Acting for Lloyds Bank (with Adam Zellick KC) defending a claim for conspiracy and misrepresentation arising out of

the failure and subsequent rescue of a Yorkshire firm of car auctioneers.

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Advising a dynamic currency conversion service provider in a claim for breach of contract in relation to the provision of DCC services across Europe.

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Seconded to Barclays' Retail and Business Banking litigation team, assisting with customer litigation, including Consumer Credit Act claims.

## Civil Fraud

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Giles has acted in a number of fraud cases, including some of the largest matters.

### Notable Civil Fraud cases

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#### **Haddad v Al Rostamani [2021] EWHC 1892 (Ch)**

Successfully acting in setting aside service of proceedings outside the jurisdiction in relation to a claim alleging a £1 billion fraud.

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#### **Republic of Djibouti v Boreh [2016] EWHC 405 (Comm)**

Acting (with Lord Falconer, Philip Brook Smith KC, Jennifer Haywood and Amy Proferes) in the ten-week trial of the Republic of Djibouti's multimillion claim against Mr Abdourahman Boreh. Giles used his French to assist in proofing witnesses and preparing statements.

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#### **BTA Bank v Ablyazov [2014] EWHC 2788 (Comm)**

Acting (with Charles Béar KC) for Mr Mukhtar Ablyazov defending his right to assert legal professional privilege over documents held by his former solicitors.

## Commercial Crime

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Giles has assisted organisations facing criminal proceedings.

### Notable Commercial Crime cases

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#### **Newcastle United Football Club & Others v HMRC [2017] EWHC 2404 (Admin)**

Acting (with Richard Lissack KC and Robin Barclay KC) for Newcastle United Football Club in a challenge to the lawfulness of search warrants obtained by HMRC.

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Seconded for five months to Freshfields Bruckhaus Deringer LLP to assist the response of a major UK corporate to an extensive investigation by the SFO and other agencies.

## Commercial Disputes

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### Notable Commercial Disputes cases

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#### **International Airfinance Corporation v Saudia (various including [2021] EWHC 2904 (Comm))**

Acting for Saudia in a substantial (up to \$500 million) claim brought by International Airfinance Corporation.

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#### **Laudamotion v AerCap**

Representing a major European airline in relation to claims for damages arising out of the termination of long-term leases of Airbus A320 aircraft raising issues of compliance with conditions precedent, contractual construction, repudiatory conduct and mitigation.

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#### **Goshawk Aviation Ltd v Terra Aviation Network SAS [2021] EWHC 1029 (Comm)**

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#### **Barthélemy Holdings v Duet Group Ltd [2019] EWHC 2402 (Comm)**

Establishing a €5m claim for breach of warranty arising out the protracted development of a hotel on St Barthélemy.

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#### **One Step v Morris-Garner**

Acting (with Charles Béar KC and Stephen Knafler QC) in successfully seeking permission to appeal to the Supreme Court on the availability of Wrotham Park damages.

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#### **Cephalon v CP Pharmaceuticals**

Acting (with Bankim Thanki KC and Rosalind Phelps KC) in a £58 million claim arising from the refusal at short notice of a contract manufacturing organisation to continue manufacturing a lifesaving cancer drug.

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## Pine River v Castex

Acted (with Sue Prevezer KC) for a syndicate of hedge funds in a claim arising out of the alleged manipulation of an Indian company's share price.

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## Richmond Pharmacology v Chester & Ors [2014] EWHC 2692 (Ch), [2014] EWHC 3418 (Ch)

Acting (with Brian Doctor KC) in defending a £5 million claim for misuse of confidential information and breach of directors duties arising out of the sale of a minority shareholding. Following the successful conclusion of the six-day trial the defendants were awarded the majority of their costs of the action on the indemnity basis.

## Company, Restructuring & Insolvency

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### Notable Company, Restructuring & Insolvency cases

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#### Stobart Group Limited [2019] EWHC 258

Appearing for shareholder and former CEO Andrew Tinkler in proceedings arising from a boardroom dispute in this FTSE 250 company.

## Construction, Energy & Infrastructure

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### Notable Construction, Energy & Infrastructure cases

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#### Barthélemy Holdings v Duet Group Ltd [2019] EWHC 2402 (Comm)

Establishing a €5 million claim for breach of warranty arising out the protracted development of a hotel on St Barthélemy.

## Financial Services

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### Notable Financial Services cases

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#### Smith v Royal Bank of Scotland

Acting for RBS in a Court of Appeal case on limitation under s140A-C Consumer Credit Act 1974.

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Acting for a bank in a dispute with a government body over limitation for PPI complaints.

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Advising a regulator in relation to the response to authorised push payment scams.

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### O'Hare v Coutts [2016] EWHC 2224 (QB)

Acting for Coutts (with Tamara Oppenheimer KC) in its successful defence of a £5 million claim alleging negligence in the provision of investment advice.

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Acting for a number of banks in relation to PPI claims brought under ss140A–C CCA 1974.

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Frequently acting in cases with allegations of mis-selling of interest rate hedging products, including being seconded to Lloyds Bank's IRHP mis-selling review team.

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### PMAL v Lloyds

Acting for Lloyds Bank (with Adam Zellick KC) defending a claim for conspiracy and misrepresentation arising out of the failure and subsequent rescue of a Yorkshire firm of car auctioneers.

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Advising a dynamic currency conversion service provider in a claim for breach of contract in relation to the provision of DCC services across Europe.

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Seconded to Barclays' Retail and Business Banking litigation team, assisting with customer litigation, including Consumer Credit Act claims.

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## Insurance

Giles also has experience in insurance law.

## Notable Insurance cases

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Assisting in handling coverage issues arising from PPI mis-selling.

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Conducting a review of policy wordings for a major UK corporate following concerns about inadequate coverage.

## International Arbitration

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Giles has acted in a number of international arbitrations, conducted under a number of institutional and non-institutional frameworks, including the ICC, SCC, LCIA, and the Arbitration Act 1996.

## Notable International Arbitration cases

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### Littop Enterprises v Ukraine

Successfully representing Ukraine in defeating a US\$6 billion claim brought by three nominally Cypriot companies relating to their minority shareholdings in Ukrnafta, Ukraine's largest producer of oil and associated gas, in an investment treaty arbitration under the Energy Charter Treaty (Stockholm Chamber of Commerce).

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Acting (with John Taylor KC) in a substantial two-and-a-half-week ICC arbitration arising out of the redelivery of two Boeing 737 aircraft leased to a national airline, raising complex issues of correct maintenance practice of CFM56-7B engines in harsh environments.

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Acting (with Akhil Shah KC and Tamara Oppenheimer KC) in an arbitration focusing on the technical evolution and design heritage of a popular commercial transport type.

## Procurement

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## Notable Procurement cases

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Acting for Laudamotion in a widely publicised dispute between Lufthansa and LaudaMotion relating to the termination of nine aircraft leases in circumstances alleged to be an abuse of a dominant position.

## Professional Negligence

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## Notable Professional Negligence cases

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O'Hare v Coutts [2016] EWHC 2224 (QB)

Acting for Coutts (with Tamara Oppenheimer) in its successful defence of a £5 million claim alleging negligence in the provision of investment advice.

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Giles contributes to the Professional Negligence chapter in *Bullen & Leake's Precedents of Pleadings*.

## Directory Quotes

*"Giles is a fantastic junior and without hesitation one of the first people we will contact when a tricky matter comes our way. He is intellectually fearsome and is able to combine his great knowledge of the law with solid, practical commercial advice."*

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The Legal 500

*"He is a highly talented barrister with a great ability to process complex information quickly and is excellent on his feet. He has impressive drafting skills and comes up with practical solutions to issues."*

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Chambers & Partners

*"He is an intellectual powerhouse, superb on thinking up imaginative arguments, outstanding on paper, and a very talented advocate. He will go very far and is already established as a trusted adviser by the aviation litigation community."*

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The Legal 500

*"He is very clever, very commercial and thinks about all the angles."*

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Chambers & Partners

*"Giles has very good analytical skills and is always available."*

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Chambers & Partners

*"Giles is a highly sought-after senior junior, whose mastery of the civil procedure ensures clients can benefit strategically even in the most difficult cases."*

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Chambers & Partners

*Giles is a clear and deep thinker – his arguments have a strong analytical core. He clearly knows a great deal about aircraft maintenance and his analysis of contractual interpretation is pellucidly clear, systematic and convincing.*

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The Legal 500

*"Great to work with, very strong on all metrics - an innovative thinker."*

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Chambers & Partners

*"The maturity of Giles's legal analysis is far beyond his years, indicative of someone who is a star in waiting."*

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Chambers & Partners

## Directory Rankings

Chambers & Partners

- Aviation

The Legal 500

- Aviation – Tier 1

## Education

- BPTC (Outstanding), Kaplan Law School
- GDL (Distinction), BPP
- MA Cantab (First Class), Christ's College, University of Cambridge

## Appointments, Memberships and Prizes

- Buchanan Prize, Lincoln's Inn

- Honourable Mention, Foreign Direct Investment Moot (2011)
- Advocacy Scholar, Kaplan Law School
- Bachelor Scholar, Christ's College
- Mrs Vincent Astor Prize in History
- Widdrington Scholar, Christ's College

## Publications

- Contributor to Professional Negligence chapter in *Bullen & Leake's Precedents of Pleadings* 18<sup>th</sup> edn (Sweet & Maxwell 2016) and 19<sup>th</sup> edn (Sweet & Maxwell 2020)
- Contributor to *Law of Bank Payments*, Brindle & Cox, 5<sup>th</sup> edn. (Sweet & Maxwell 2018)

## Languages

- French (moderate)

## Awards

