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## Jade Fowler

Barrister  
Call 2019



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## Scope of Practice

• Arbitration • Banking & Finance • Commercial Litigation • Injunctions • Jurisdiction and Conflict of Laws • Group Litigation • Insolvency

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## Overview

Jade has a broad practice covering all areas of Chambers' work. She has worked on a range of commercial disputes including in areas such as banking, jurisdiction challenges, commercial litigation and arbitration. Jade has experience of working in counsel teams of various sizes and matters in her own right.

Recent and notable work includes:

- **The Environmental Information Regulations Litigation**  
Acting (with Edmund Nourse KC, James Nadin and others) for a group of UK water companies in group litigation involving approximately 100 claimants and claims of over £150m. The claim relates to the Environmental Information Regulations and raises issues about whether the water companies were obliged to provide information contained in environmental searches for free under those regulations, and claims restitution of all of the fees paid.
  - **Seiler v The Financial Conduct Authority**  
Acting against the FCA (with Ben Strong KC) in a reference to the Upper Tribunal of a decision of the FCA's Regulatory Decisions Committee to impose a prohibition order on the basis of lack of integrity.
  - **Município de Mariana & Ors v BHP Group Plc and BHP Group Ltd**  
Acted (with Charles Gibson KC, Daniel Toledano KC, Shaheed Fatima KC and others) for the defendant, BHP, in the high-profile group action brought by over 200,000 claimants in relation to the collapse of the Fundão Dam in Mariana, Brazil.
  - **LCIA Proceedings (2021)**
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Acted for the claimant (with Charles Graham KC) in a dispute concerning a claim for breach of contract and duty of obligations to disclose information under a joint venture agreement with the Defendant's European subsidiary company. The claim centred around the Claimant's purchase of a multinational oil and gas exploration and production company for \$5.5 billion, in circumstances where the Defendant was pursuing an arbitration claim against the company in question for \$8 billion.

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## Examples of Recent Cases

### Arbitration

- **LCIA Proceedings (2021)**

Acted for the Claimant (with Charles Graham KC) in a dispute concerning a claim for breach of contract and duty of obligations to disclose information under a joint venture agreement with the Defendant's European subsidiary company. The claim centred around the Claimant's purchase of a multinational oil and gas exploration and production company for \$5.5 billion, in circumstances where the Defendant was pursuing an arbitration claim against the company in question for \$8 billion

- Assisted Laurence Emmett (during pupillage) with legal research on rectification arising in relation to a PFI contract.
- Assisted Sebastian Isaac (during pupillage) in preparing for a high value ICC arbitration between substantial global commodities concerns (confidential).
- Assisted Sebastian Isaac (during pupillage) with preparing a defence to a claim between the offshore vehicles of two metals oligarchs in an LCIA Arbitration (confidential).

### Banking & Finance

- **Seiler v The Financial Conduct Authority**

Acting against the FCA (with Ben Strong KC) in a reference to the Upper Tribunal of a decision of the FCA's Regulatory Decisions Committee to impose a prohibition order on the basis of lack of integrity.

- **Kwok v UBS AG**

Assisted Seb Isaac (during pupillage) with advice and drafting Particulars of Claim in a high value claim against a bank in relation to its Hong Kong commercial banking operations.

### Commercial Litigation

- Acted for a defendant in successfully obtaining an order striking out a claim in respect of purported faulty goods.
- Acted successfully on two occasions for defendants in obtaining an order setting aside default judgment, both in respect of claims for breach of contract.
- Acted for a claimant in seeking recovery of a contractual debt.

- Acted for a claimant in seeking return of goods.
- **Koza Ltd v Koza Altin**  
Acted (with David Caplan) in an interim application in the long-running Koza litigation concerning the control of the corporate claimant.
- **Pipia v BGEO**  
Acted (led by Camilla Bingham KC) for a Georgian businessman in proceedings against the English branch of a Georgian financial institution.
- **Município de Mariana & ors v BHP Group Plc and BHP Group Ltd (TCC)**  
Acted (with Charles Gibson KC, Daniel Toledano KC, Shaheed Fatima KC and others) for the defendant, BHP, in the high-profile group action brought by over 200,000 claimants in relation to the collapse of the Fundão Dam in Mariana, Brazil.  
Acted for a defendant in successfully setting aside default judgment in a claim for breach of contract.
- **Bilta (UK) Ltd (in liquidation) & Ors v SVS Securities Plc & Ors**  
Assisted Laurence Emmett (during pupillage) in preparing a case for trial in the Commercial Court. This included analysing statements of case, attending meetings with witnesses (both factual and expert) and legal research on issues of accessory liability.
- Assisted Laurence Emmett (during pupillage) in settling advice on limitation issues arising in a contractual debt claim.
- **Aapico Investment Pte Ltd v ABT Investments (India) Private Ltd**  
Assisted Laurence Emmett (during pupillage) in opposing an application for an anti-suit injunction.
- **Kwok v UBS AG**  
Assisted Sebastian Isaac (during pupillage) with advice and drafting Particulars of Claim in a high value claim against a bank in relation to its Hong Kong commercial banking operations.
- Assisted Nicholas Sloboda (during pupillage) with settling the Defence to a breach of contract claim.
- **Crossley & Ors v Volkswagen Aktiengesellschaft & Ors**  
Assisted Nicholas Sloboda (during pupillage) with legal research on limitation issues in a dispute arising out of alleged deceit in the supply of motor vehicles.
- **Berkeley Square Holdings & Ors v Lancer Property Asset Management Ltd & Ors**  
Assisted David Wolfson KC and Richard Mott (during pupillage) with legal research on the scope of the exceptions to without prejudice privilege.
- **Ocado Group Plc and Ocado Central Services Ltd v McKeeve**  
Assisted Alexander Brown (during pupillage) with legal research on the granting of permission to bring contempt proceedings.
- Settled (with Alexander Brown) the Defence in a contractual dispute arising in the technology sector.

## Energy and Natural Resources

- **Município de Mariana & Ors v BHP Group Plc and BHP Group Ltd**  
Acted (with Charles Gibson KC, Daniel Toledano KC, Shaheed Fatima KC and others) for the defendant, BHP, in the high-profile group action brought by over 200,000 claimants in relation to the collapse of the Fundão Dam in Mariana, Brazil.

- **LCIA Proceedings (2021)**

Acted for the claimant (with Charles Graham KC) in a dispute concerning a claim for breach of contract and duty of obligations to disclose information under a joint venture agreement with the Defendant's European subsidiary company. The claim centred around the Claimant's purchase of a multinational oil and gas exploration and production company for \$5.5 billion, in circumstances where the Defendant was pursuing an arbitration claim against the company in question for \$8 billion.

## Group Litigation

- **The Environmental Information Regulations Litigation**

Acting (with Edmund Nourse KC, James Nadin and others) for a group of UK water companies in group litigation involving approximately 100 claimants and claims of over £150m. The claim relates to the Environmental Information Regulations and raises issues about whether the water companies were obliged to provide information contained in environmental searches for free under those regulations and claims of restitution of all of the fees paid.

- **Município de Mariana & Ors v BHP Group Plc and BHP Group Ltd**

Acted (with Charles Gibson KC, Daniel Toledano KC, Shaheed Fatima KC and others) for the defendant, BHP, in the high-profile group action brought by over 200,000 claimants in relation to the collapse of the Fundão Dam in Mariana, Brazil.

## Injunctions

- **Patel v Minerva Service Delaware, Inc and Ors**

Acted for the claimant (with Patrick Harty) in an application for an anti-suit injunction to restrain US arbitration proceedings.

- **Aapico Investment Pte Ltd v ABT Investments (India) Private Ltd**

Assisted Laurence Emmett (during pupillage) in opposing an application for an anti-suit injunction.

## Insolvency

- Successfully acted for a petitioner on a winding up petition.

## Jurisdiction and Conflict of Laws

- **Município de Mariana & ors v BHP Group Plc and BHP Group Ltd (TCC)**

Acted (with Charles Gibson KC, Daniel Toledano KC, Shaheed Fatima KC and others) for the defendant, BHP, in the high-profile group action brought by over 200,000 claimants in relation to the collapse of the Fundão Dam in Mariana, Brazil.

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## Education

- BPTC LLM, City Law School (Distinction) [2018-2019]
  - University of Cambridge, BA Honours Law (First) [2014-2017]
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## Academic Achievements

- Baron Dr Ver Heyden de Lancey Prize, Middle Temple [2019]
  - Scarman Scholarship, City Law School [2019]
  - Certificate of Honour, Middle Temple [2019]
  - Queen Mother's Scholarship, Middle Temple [2018]
  - Jennings Prize for first class mark in both Part IB and Part II of the Law Tripos at Wolfson College, University of Cambridge [2016 and 2017]
  - Dato Ng Kong Yeam Prize for best first class mark in Part IA of the Law Tripos at Wolfson College, University of Cambridge [2015]
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## Awards



# Contact Clerks



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