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Thomas Pausey

Barrister
Call 2020

Scope of Practice

• Arbitration • Banking and Financial Services • Commercial Litigation • Civil Fraud and Investigations • Company and Insolvency • Jurisdiction and Conflict of Laws • Injunctions

Overview

Thomas is developing a broad practice in commercial litigation and arbitration. He has experience across the full range of commercial disputes.

Thomas has been instructed as junior or sole counsel in a number of High Court proceedings. Some of his recent instructions include:

- **BM Brazil 1 Fundo v Sibanye-Stillwater:** acting for Sibanye-Stillwater in its defence to a $1bn SPA termination claim brought by funds owned by Appian Capital. (Liability trial and quantum trial listed for 2025).
- **Various Claimants v Hargreaves Lansdown**: acting for Hargreaves Lansdown in its defence to a group action brought by investors in the Woodford Equity Income Fund.
- **STLC Europe v Qatar Airways (and others)**: acting for multiple aircraft leasing companies in disputes with airline lessees arising from Russian sanctions.
- **Emirates NBD Bank v Saadat-Yazdi**: acting for two Emirati banks in claims to enforce Dubai judgments.
- **Skapin v StoneX**: acting for StoneX in its defence to a claim by a former trading client regarding a margin close-out event.

Thomas has also been instructed in numerous arbitrations under the LCIA, ICC, SIAC and UNCITRAL Rules, further details of which are set out below.

Examples of Recent Cases

Arbitration

- **SIAC Arbitration**
  Led by David Wolfson KC. Acting in defence of claims by a Middle Eastern bank to enforce an alleged loan agreement.

- ICC Arbitration
  Led by David Wolfson KC, Laurence Emmett KC, and Nehali Shah. Acted in a dispute between two major oil and gas companies in respect of their rights to the sale and purchase of LNG under a long-term contract.
- LCIA Arbitration
  Led by David Wolfson KC and Sebastian Isaac KC. Acted for a lender, owned by a Middle Eastern businessman, in a claim for repayment under a loan agreement.
- LCIA Arbitration
  Led by Sa'ad Hossain KC. Acted for an oil and gas E&P company defending a claim brought by their joint venture partner in respect of the financing of a Georgian mining prospect.
- UNCITRAL Arbitration
  Led by Laurence Rabinowitz KC and Niranjan Venkatesan. Acted for an oil and gas company in a claim for misrepresentation and breach of warranty arising out of an acquisition of North Sea assets.
- LCIA Arbitration
  Led by Sa'ad Hossain KC. Acted for a judgment creditor defending a claim pursued by its litigation funder. This included acting successfully in an application for strict witness protection measures for witnesses facing threats to their safety and in resisting late applications to amend the claim.
- ICC Arbitration
  Led by James MacDonald KC. Acted for an aircraft leasing company in a claim to recover unpaid rent due under a lease.

Commercial Litigation

- BM Brazil 1 Fundo v Sibanye-Stillwater
  Led by Sonia Tolaney KC, James McDonald KC, and Adam Rushworth. Acting for Sibanye-Stillwater defending a claim brought by funds owned by Appian Capital in respect of the termination of two SPAs under which Sibanye-Stillwater was to acquire Brazilian nickel and copper mines for over $1bn. The liability trial ([2024] EWHC 2566) addressed whether a geotechnical event at one of the mines constituted a material adverse effect entitling Sibanye-Stillwater to terminate the SPAs. The quantum trial is listed in 2025.
- Various Claimants v Hargreaves Lansdown
  Led by Craig Orr KC and Rachel Oakeshott. Acting for Hargreaves Lansdown defending a group action brought by investors in the Woodford Equity Income Fund.
- STLC Europe v Qatar Airways (and others)
  Led by James McDonald KC. Acting for various aircraft leasing companies in disputes with airlines regarding the performance of aircraft leases in the context of sanctions against Russia.
- Emirates NBD Bank and Emirates Islamic Bank v Saadat-Yazdi
  Led by Anneliese Day KC. Acting for the banks in claims to enforce Dubai judgments, in which fair trial, public policy, and fraud defences have been raised.
- Sumitovant Biopharma
  Led by Sonia Tolaney KC. Acted in Bermudan appraisal proceedings regarding the fair value of shares in connection with a merger of biopharmaceutical companies.
- Shell
  Led by Alexander Gunning KC. Acted for Shell in its claim against Greenpeace regarding the boarding of an FPSO vessel in the Atlantic Ocean.
- Financial Times v Al-Omeir
  Acted unled for the FT in a claim to recover sums owed under a licencing agreement related to the HTSI magazine.
- Mackie Motors v RCIFS (see [2022] EWHC 1942, [2022] EWHC 2336, and [2023] EWCA Civ 476)
  Led by David Cavender KC. Acted in a claim brought by a Scottish car dealership against the financing arm of the leading car manufacturers Renault and Nissan.
- Secret Commissions
  Led by Sonia Tolaney KC. Advising an IP law firm on its potential liability to clients for alleged secret commissions and on the representative action procedure.
- Headley v John Wiley & Sons
  Led by Camilla Bingham KC. Acted for the former CEO of the mthree group in a claim against Wiley arising out of Wiley's acquisition of the mthree group.

- Globeleq v Clean Energy Holdings
  Led by Camilla Bingham KC. Acted in a claim brought by an African power producer in respect of the exercise of a put option under a JVA relating to Nigerian power assets.
- iSCF Capital v Khaleefa Al-Muhairi and Saeed Al-Qebaisi
  Led by Camilla Bingham KC. Acted in a claim against two Abu Dhabi-based billionaires on guarantees they had given in respect of a contract entered into by one of their companies
- IBM UK
  Led by Laurence Emmett KC. Acted on behalf of a former executive of IBM UK in relation to missing pension contributions.
- Financial Times v Al-Omeir
  Acted unled for the FT in a claim to recover sums owed under a licencing agreement related to the HTSI magazine.
- Motor Fuel Group
  Acted unled for the UK's largest independent operator of petrol stations defending a claim for fees in respect of a trespass enforcement service.
- Energie-Pensions-Management
  Acted unled for a pension management company in defending a claim relating to the calculation of retirement benefits under an employment contract.
- Gambling
  Advised an individual who had suffered substantial betting losses on a potential claim for breach of duty of care against a betting company.

Banking and Finance

- Skapin v StoneX
  Acting unled for StoneX in its defence to a claim by a former trading client alleging that his positions were wrongfully closed-out on the City Index platform.
- Alshehhi v eToro
  Acted unled for eToro in its defence to a claim by a trading platform customer relating to the trading of depository receipts in Russian companies in February 2022.
- Secret Commissions
  Led by Sonia Tolaney KC. Advised a credit broker on its potential liability to customers in respect of commissions received from lenders.
- UK Fintech Company
  Advised a leading UK fintech company in relation to a potential claim arising out of mistaken payments from a bank account.
- Pension Scheme
  Acted for pension trustees in respect of sums fraudulently withdrawn from a pension scheme in an APP fraud.
- Barclays Bank
  Advised individual on potential claims against Barclays in respect of an APP fraud
- iSCF Capital v Khaleefa Al-Muhairi and Saeed Al-Qebaisi
  Led by Camilla Bingham KC. Acted in a claim against two Abu Dhabi-based billionaires on guarantees they had given in respect of a contract entered into by one of their companies.

Company and Insolvency

- Sumitovant Biopharma
  Led by Sonia Tolaney KC. Acting in Bermudan appraisal proceedings regarding the fair value of shares in connection with a merger of biopharmaceutical companies.
- Shareholders Agreement
  Led by David Wolfson KC. Advised institutional investors as to the exercise of rights of first offer in a shareholders agreement.
- Sequana
  Led by Niranjan Venkatesan. Advised on potential claims arising out of the Sequana litigation.

- The Parkmead Group
  Led by Sa'ad Hossain KC. Advised a UK oil and gas company on restoration of a dissolved company to the register.
- iSCF Capital v Khaleefa Al-Muhairi and Saeed Al-Qebaisi
  Led by Camilla Bingham KC. Acted in a claim against two Abu Dhabi-based billionaires on guarantees they had given in respect of a contract entered into by one of their companies. Both Defendants subsequently entered bankruptcy in the UAE, giving rise to issues as to the operation of the Cross-Border Insolvency Regulations.
- Re Harlequin Developments Ltd
  Drafted and presented a winding up petition, securing a winding up order following a County Court hearing.
- Re RI Kent Ltd
  Acted for a joinery company on its response to a s127 application and the prospects of seeking a validation order.

Energy and Natural Resources

- BM Brazil 1 Fundo v Sibanye-Stillwater
  Led by Sonia Tolaney KC and James McDonald KC. Acting for Sibanye-Stillwater defending a claim brought by funds owned by Appian Capital in respect of the termination of two SPAs under which Sibanye-Stillwater was to acquire two Brazilian nickel and copper mines for over $1bn. The liability trial ([2024] EWHC 2566) addressed whether a geotechnical event at one of the mines constituted a material adverse effect entitling Sibanye-Stillwater to terminate the SPAs. The quantum trial is listed in 2025.
- North Sea Oil and Gas Companies
  Led by Sa'ad Hossain KC. Advised owners of a satellite North Sea field on potential claims against the operator and owners of a hub field in respect of potential early decommissioning of the hub.
- ICC Arbitration
  Led by David Wolfson KC, Laurence Emmett KC, and Nehali Shah. Acted in a dispute between two major oil and gas companies in respect of their rights to the sale and purchase of LNG under a long-term contract.
- UNCITRAL Arbitration
  Led by Laurence Rabinowitz KC and Niranjan Venkatesan. Acted for a North Sea oil and gas company in a claim for misrepresentation and breach of warranty arising out of an acquisition of North Sea assets.
- CNRL
  Led by Sa'ad Hossain KC. Advised and prepared a global oil and gas company on its response to an injunction application and potential expedited trial in relation to its contractual obligations in respect of North Sea assets.
- LCIA Arbitration
  Led by Sa'ad Hossain KC. Acted for an oil and gas E&P company defending a claim brought by their joint venture partner in respect of the financing of a Georgian mining prospect.
- Globeleq
  Led by Camilla Bingham KC. Acted in a claim brought by an African power producer in respect of the exercise of a put option under a JVA relating to Nigerian power assets.
- The Parkmead Group
  Led by Sa'ad Hossain KC. Advised a UK oil and gas company on potential claims in relation to the decommissioning of North Sea assets.

Jurisdiction and Conflict of Laws

- Emirates NBD Bank and Emirates Islamic Bank v Saadat-Yazdi
  Led by Anneliese Day KC. Acting for the banks in claims to enforce Dubai judgments, in which fair trial, public policy and fraud defences have been raised.
- Golubovich v Mirimskaya [2022] EWHC 1605
  Led by Laurence Emmett KC. Acted in a jurisdiction challenge, including on appeal to the High Court, which related to a Part 20 claim brought by a former husband against his former wife, the main claim having been brought by their daughter against her father. The claims relate to the ownership of various artworks purchased prior to their divorce.
- PTA Application
  Advised a state organisation on an application for permission to appeal against a judgment declining

jurisdiction on forum non conveniens grounds.

Injunctions

- **Sumitovant Biopharma**
  Led by Sonia Tolaney KC. Acted in Bermudan appraisal proceedings, which have included resisting an application for injunctive relief relating to alleged misuse of confidential information.
- **CNRL**
  Led by Sa'ad Hossain KC. Advised and prepared a global oil and gas company on its response to an injunction application in relation to its contractual obligations in respect of North Sea assets.
- **Worldwide Freezing Order (confidential)**
  Assisted Richard Mott with an application for a WFO supporting the enforcement of DIAC arbitration awards against an international businessman charged with fraud across multiple jurisdictions (confidential).

Advocacy

- **Koganima v Ganem**
  Secured the set aside of a mistakenly (or possibly fraudulently) obtained default judgment and third-party debt order.
- **Harlow Bowl v Frozen Brothers**
  Acted for a frozen beverage company in successful defence of a claim brought by a bowling complex former customer.
- **Network Rail**
  Acted for Network Rail in a County Court trial of a claim for damage caused to a railway bridge by a negligent driver.
- **Overbury Estates**
  Secured summary judgment in the County Court for payment in respect of refurbishment works completed on a property appearing on the BBC show "Homes Under the Hammer".
- **Freeths LLP**
  Secured summary judgment in the County Court for unpaid fees.
- **Anglian Windows**
  Appeared on behalf of Anglian Windows in a County Court trial of a claim relating to a window installation.
- **Rollerdor**
  Appeared on behalf of Rollerdor in a County Court trial of a claim relating to a garage door.

Education

- City Law School, Bar Professional Training Course (Outstanding) [2019-2020]
- University of Oxford, Bachelor of Civil Law (Distinction) [2018-2019]
- University of Oxford, BA Jurisprudence (First, ranked fourth in year) [2015-2018]

Academic Achievements

- Prince of Wales Scholarship, Gray's Inn [2019]
- Mr and Mrs Kenny Lam's Graduate Scholarship in Law, St Catherine's College [2018]
- Foundation Graduate Scholarship, St Catherine's College [2018]
- Graduate Assistance Fund Scholarship for the BCL, Faculty of Law, University of Oxford [2018]
- Quadrant Chambers Prize for the best paper in International Trade, University of Oxford [2018]

- Gibbs Book Prize for performance in Contract, Tort, Trusts, and Land Law papers, University of Oxford [2018]
- Bailey Debating Prize, St Catherine's College [2017]
- David Blank Scholarship, St Catherine's College [2016]

Awards

Chambers TOP RANKED UK Bar 2026 One Essex Court

TOP TIER SET Legal500 UNITED KINGDOM 2026

Contact Clerks

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