

## Jonathan Scott

YEAR OF CALL: 2017

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## Practice Overview

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Jonathan has a broad practice, including heavy-duty commercial litigation, arbitration, and competition cases before the Competition Appeals Tribunal and the Courts. He has considerable experience of working on big cases, in big teams, with a leader (or leaders); but is equally happy acting as sole counsel. Jonathan's more recent commercial work has had a particular focus on banking, energy and professional negligence, but he is interested in, and will happily accept instructions in, all types of commercial disputes, as well as competition matters.

Highlights of Jonathan's current and recent instructions include:

- *Federal Republic of Nigeria v JP Morgan*: acting for the Nigerian state in a claim alleging breach of the banker's Quincecare duty of care, for in excess of \$1 billion (with Roger Masefield QC and Richard Blakeley). This was one of The Lawyer's Top 20 Cases of 2019. The 7-week trial was heard in Spring 2022 and judgment is awaited.
- Acting for the claimant in a c. \$750m ICC arbitration relating to the sale of an interest in an oil field, involving allegations of breach of contract and deceit (with Tim Lord QC and Michael Bolding). The case went to a final hearing in the summer of 2021.
- *Spire and Hortensia v Withers [2021] EWHC 2401 (Comm)*; *Prime v Withers [2021] EWHC 2401 (Comm)*. Acting for the claimant property developers in two professional negligence claims against conveyancing solicitors, which were heard back-to-back in January and February 2021 (with Tony Singla QC). Jon's clients succeeded at trial in establishing negligence, and recovered damages, in each case. The defendant solicitors have appealed the judgment in *Spire and Hortensia*; the appeal, for which Jon is instructed, will be heard in June 2022.

- *Trina Solar FSD 92 of 2017 (NSJ)*: one of several ‘appraisal rights’ cases in the Courts of the Cayman Islands with which Jon has assisted. In this case Jon assisted both with the trial of the action in 2019 and with the Dissenting Shareholders’ appeal heard in 2022. Judgment on the latter is awaited.
- *Trucks Cartel Litigation*: acting for a defendant truck manufacturer in a series of follow-on cartel damages claims (with Daniel Jowell QC, David Bailey and Tom Pascoe). This was another of The Lawyer’s Top 20 Cases of 2019. Trials of various individual claims have been listed, and judgment is awaited on applications for a Collective Proceedings Order.
- *Gutmann v Stagecoach & ors*: acting for a respondent to this application for a collective proceedings order, in which an appeal is listed in June 2022 (with Daniel Jowell QC and Sarah Abram QC).

Before coming to the Bar, Jonathan worked for two years at an asset management firm, specialising in currency risk hedging. Jonathan was part of a team responsible for analysing and improving the firm’s currency derivative investment strategies, and also co-authored a book chapter on emerging market currency investing.

Jonathan graduated from the University of Oxford in 2012, with first class honours in philosophy, politics and economics. He later converted to law, and was awarded the Ann Ebsworth Award, the Birkenhead Award and the Atkin Scholarship by the Honourable Society of Gray’s Inn.

## Commercial

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Jonathan has a broad commercial practice in which heavy duty litigation before the English courts features prominently. His current and recent commercial litigation instructions include, among others, the following:

- *Federal Republic of Nigeria v JP Morgan*: acting for the Nigerian state in a claim alleging breach of the banker’s Quincecare duty of care, for in excess of \$1 billion (with Roger Masefield QC, Richard Blakeley and Ben Woolgar). This was one of The Lawyer’s Top 20 Cases of 2019. The 7-week trial was heard in Spring 2022 and judgment is awaited.
- *Spire and Hortensia v Withers [2021] EWHC 2401 (Comm); Prime v Withers [2021] EWHC 2401 (Comm)*. Acting for the claimant property developers in two professional negligence claims against conveyancing solicitors, which were heard back-to-back in January and February 2021 (with Tony Singla QC). Jon’s clients succeeded at trial in establishing negligence, and recovered damages, in each case. The defendant solicitors have appealed the judgment in *Spire and Hortensia*; the appeal, for which Jon is instructed, will be heard in June 2022.

- *E20 and LLDC v Allen & Overy LLP*: acting (with Tony Singla QC) for the defendant solicitors in this professional negligence claim, which relates to the concession agreement between E20 and West Ham Football Club in respect of the latter's use of the London Stadium. The trial is listed for October 2022.
- *Heritage Travel and Ors v Windhorst and Ors [2021] EWHC 2380 (Comm)*: Jon appeared in this contested application to lift a stay of proceedings and enforce a Tomlin Order by way of summary judgment, seeking over EUR 172 million (with Simon Salzedo QC). Jon's clients were successful and judgment was entered in their favour.
- *Lombard and Natwest v Airbus [2021] EWHC 2025 (Comm)*: Jon acted for the purchaser of a defective helicopter in a claim against the manufacturer, at a substantial strike-out and preliminary issues hearing in May 2021 (with Fionn Pilbrow QC and Jon Lawrence).
- Acting (as sole counsel) in claims brought by a strategic and financial advisor in the energy sector seeking payment of unpaid commissions.

Jonathan has also assisted in a series of offshore 'appraisal rights' cases in the Cayman Islands (under section 238 Companies Law) and Bermuda (under section 106 of the Companies Act). These include:

- *Trina Solar FSD 92 of 2017 (NSJ)*: assisted with trial of action in 2019 and with Dissenting Shareholders' appeal heard in 2022. Judgment on the latter is awaited.
- *FGL Holdings FSD 184 of 2020 (RPJ)*: assisted with directions hearing in November 2020.
- *Nord Anglia FSD 235 of 2017 (IKJ)*: assisted with appeals, which were compromised after the exchange of skeleton arguments and shortly before the hearing.
- Advising on other Cayman Islands s238 cases.
- *Jardine Strategic (Bermuda)*: assisted with heavy (three day) directions hearing in October 2021.

## Arbitration

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In addition to his litigation practice, Jonathan also has significant experience in commercial arbitrations. Highlights of his arbitration work are the following, each of which went all the way to a final hearing and involved significant technical and foreign-law expert evidence:

- Acting for the claimant in a c. \$750m ICC arbitration relating to the sale of an interest in an oil field, involving allegations of breach of contract and deceit (with Tim Lord QC and Michael Bolding). The case went to a final hearing in the summer of 2021.
- Acting in a c. \$150m UNCITRAL arbitration concerning a joint venture for the operation of an oil refinery (with Mark Howard QC, Neil Calver QC and Stephen Midwinter QC).

## Competition

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Jonathan is currently instructed in two major competition law matters:

- *Trucks Cartel Litigation*: acting for a defendant truck manufacturer in a series of follow-on cartel damages claims (with Daniel Jowell QC, David Bailey and Tom Pascoe). These include both ordinary claims, many of which are listed for trials, and (potentially) collective proceedings, where judgment is awaited on applications for a Collective Proceedings Order. This was one of The Lawyer's Top 20 Cases of 2019.
- *Gutmann v Stagecoach & ors*: acting for a respondent / defendant to this application for a collective proceedings order, in which the applicants seek to certify a set of standalone abuse of dominance claims against train operating companies. The CPO was granted by the CAT at first instance ([2021] CAT 31). An appeal by the train operating companies is listed for June 2022 (with Daniel Jowell QC and Sarah Abram QC).

## Publications

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Corominas and Scott, "Investing in Emerging Market Currencies: A Rewarded Risk," in Pojarliev and Levich (eds.), "The Role of Currency in Institutional Portfolios" (2014).

## Education and Qualifications

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**Professional Experience:**

2017: Called to the Bar of England and Wales

2012 – 2014: Investment Strategy Analyst, Record Currency Management

**Education:**

2016 – 2017: BPTC, City Law School (Outstanding, top of year)

2015 – 2016: GDL, City Law School (Distinction)

2009 – 2012: MA, Philosophy, Politics and Economics, University of Oxford (Balliol College) (First Class)

**Scholarships and Prizes:**

*The Honourable Society of Gray's Inn*

Lord Atkin Senior Scholarship for Pupillage (2018)

Birkenhead Award for the BPTC (2017)

Ann Ebsworth Award for the GDL (2016)

*City Law School*

Senior Scarman Scholarship for best overall mark on the BPTC (2017)

*Balliol College, Oxford*

NT Huxley Scholarship (2010 – 2012)

*Mooting*

Finalist, City University Senior Moot (2017)

Winner, City University GDL Moot (2016)

Quarter-finalist team and highest individual speaker score, ELSA European Human Rights Moot Court Competition (2016)