

## Jonathan Scott

YEAR OF CALL: 2017

*"A very gifted junior: quick, responsive and brilliant."*

Legal 500 2024

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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, civil fraud, 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. Jonathan is experienced in group litigation, both under the CPR and under the CAT's collective proceedings regime. He is often instructed in cases with an international element and enjoys grappling with the issues of jurisdiction and conflict of law that arise.

Highlights of Jonathan's current and recent instructions include:

- *Magomedov and ors v TPG and ors: acting (with Tim Lord KC, Thomas Plewman KC, Will Hooper and Jessie Ingle) for a Russian businessman and his companies, in a claim alleging a fraudulent conspiracy to wrest assets from the claimants for the benefit of Russian state companies, with the total quantum of the claim running to some US\$13.8 billion. Jon appeared unled at a hearing of the Claimants' application to serve proceedings out of the jurisdiction and for alternative service.*
- *Trucks Cartel Litigation: acting for a defendant truck manufacturer in a series of follow-on cartel damages claims (with Daniel Jowell KC, David Bailey and Tom Pascoe). These include both ordinary claims, and (potentially) collective proceedings. Jon has appeared at various hearings in this litigation, including an appeal against aspects of class certification. This was one of The Lawyer's Top 20 Cases of 2019.*
- *Federal Republic of Nigeria v JP Morgan [2022] EWHC 1447 (Comm): 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 KC and Richard Blakeley). This was one of The Lawyer's Top 20*

*Cases of 2019. Jon appeared at the 7-week trial of the claim, heard in Spring 2022, and on various interlocutory applications.*

- *Cavallari and ors v Mercedes-Benz: acting (with Helen Davies KC and Richard Blakeley) for the defendants in this substantial group litigation, concerning the emissions of diesel vehicles and the alleged use of 'defeat devices'.*
- *Wirral Council v Reckitt Benckiser Group plc: acting (with Helen Davies KC Tony Singla KC) for a defendant to a claim under s.90A / schedule 10A of the Financial Services and Markets Act. The claim has been brought as an 'opt in' representative action under CPR 19.8, following dicta in Lloyd v Google [2021] UKSC 50. A hearing listed for November 2023 will determine whether the claim is to be permitted to proceed in that way.*
- 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 KC and Michael Bolding). The case went to a final hearing in the summer of 2021.

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: [2022] EWHC 1447 (Comm): 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 KC and Richard Blakeley). This was one of The Lawyer's Top 20 Cases of 2019. Jon appeared at the 7-week trial of the claim, heard in Spring 2022, and on various interlocutory applications.*
- *Cavallari and ors v Mercedes-Benz: acting (with Helen Davies KC and Richard Blakeley) for the defendants in this substantial group litigation, concerning the emissions of diesel vehicles and the alleged use of 'defeat devices'.*
- *Wirral Council v Reckitt Benckiser Group plc: acting (with Tony Singla KC) for a defendant to a claim under s.90A / schedule 10A of the Financial Services and Markets Act. The claim has been brought as an 'opt in' representative action under CPR 19.8, following dicta in Lloyd v Google [2021] UKSC 50. A hearing listed for November 2023 will determine whether the claim is to be permitted to proceed in that way.*

- *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 KC). Jon's clients succeeded at trial in establishing negligence, and recovered damages, in each case. Jon also acted on the defendants' appeal in the *Spire and Hortensia* case [2022] EWCA Civ 970.
- *E20 and LLDC v Allen & Overy LLP*: acting (with Tony Singla KC) for the defendant solicitors in this professional negligence claim, which related to the concession agreement between E20 and West Ham Football Club in respect of the latter's use of the London Stadium. The claim was settled before trial.
- *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 KC). 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 KC and Jon Lawrence).
- *Pacific Andes Enterprises v Deloitte Touche Tohmatsu*: acting (with Thomas Plewman KC) for the defendant auditor in this auditor's negligence claim, brought in Hong Kong.
- 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): Jon assisted with the trial of the action in 2019 and with the Dissenting Shareholders' appeal heard in 2022. The appeal judgment, handed down in May 2023, secured a substantial increase in the award payable to Jon's clients, and gave important guidance on the evidence required to prove the reliability of the merger price in future cases.
- *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 in arbitral proceedings related to the *Magomedov v TPG* litigation.
- 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 KC 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, which went to a final hearing (with Mark Howard KC, Neil Calver KC, Stephen Midwinter KC, Charlotte Thomas and David Heaton).

## Competition

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Jonathan is currently instructed in four major competition law matters, and has considerable experience in actions under the Collective Proceedings regime under section 47B of the Competition Act 1998:

- *Trucks Cartel Litigation*: acting for a defendant truck manufacturer in a series of follow-on cartel damages claims (with Daniel Jowell KC, David Bailey and Tom Pascoe). These include both ordinary claims, and (potentially) collective proceedings. This was one of The Lawyer's Top 20 Cases of 2019.
- *Which? v Qualcomm*: acting (with Daniel Jowell KC, Nicholas Saunders KC, David Bailey, Emma Mockford and Sophie Bird) for the defendant, a manufacturer of mobile phone chipsets and licensee of cellular patents, in collective proceedings alleging an abuse of dominance.
- *Gutmann v Stagecoach & ors*: acting (with and Sarah Abram KC) for a defendant to these collective proceedings, which is the first certified standalone abuse of dominance claim. The CPO was granted by the CAT at first instance ([2021] CAT 31). Jon appeared on the appeal by the train operating companies ([2022] EWCA Civ 1077]) (led by Daniel Jowell KC), and appeared unled at a CMC in September 2023.
- *BSV Claims Limited v Bittylicious and ors* : acting (with Tony Singla KC) for a defendant to these proposed collective proceedings, alleging that an anti-competitive agreement to delist a cryptocurrency token from certain exchanges arose from a series of Tweets. Jon appeared unled at the first CMC in September 2023.

## 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)

## directory quotes

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