

## Tom Pascoe

YEAR OF CALL: 2013

*"Decisive, speedy and polished."*

Legal 500 2020

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## Practice Overview

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Tom's practice covers commercial, competition and regulatory law. He has worked on substantial cases in all of these areas, including:

- *Federal Republic of Nigeria v P&ID* [2020] EWHC 2379 – acting for Nigeria in applying to set aside one of the “world’s largest lawsuits” – a London arbitration award worth US\$10 billion – on grounds of fraud (led by Mark Howard QC, instructed by Mishcon de Reya);
- *Raga v SCM Financial Overseas Limited* [2018] EWHC 1008 (Comm) – LCIA arbitration worth approximately \$1 billion between two Ukrainian oligarchs concerning sales of telecoms business, involving parallel arbitration and High Court proceedings (led by Neil Calver QC, instructed by Quinn Emanuel);
- *AssetCo Plc v Grant Thornton LLP* [2020] EWCA Civ 1151 (Comm) – Acting for the successful claimant in recovering over £20 million for audit negligence (led by Michael Swainston QC and Mark Templeman QC instructed by Mishcon de Reya);
- *Facebook v CMA* – acting for Facebook in respect of its merger with GIPHY Inc (led by Robert O'Donoghue QC, instructed by Latham & Watkins);
- *Pfizer; Flynn v CMA* [2020] EWCA Civ 339 – appeal against CMA decision imposing largest ever competition fine for alleged excessive pricing of epilepsy drugs (led by Kelyn Bacon QC, instructed by Macfarlanes);
- *FX litigation* – acting for RBS in a class action and follow-on claim concerning alleged manipulation of foreign exchange rates (led by Joshua Holmes QC, instructed by Macfarlanes).

Tom's previous experience includes working as the judicial assistant to Lord Dyson MR in the Court of Appeal, where he was involved in a number of prominent commercial, public and EU law cases. He holds a

law degree from the University of Cambridge (Double First) and a BCL degree from the University of Oxford (Distinction).

Tom is called to the Bar of Gibraltar as well as the Bar of England and Wales. He is ranked as a leading junior in the field of energy law, having acted in both commercial and competition cases in this field.

## Commercial

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Tom has experience of a broad range of commercial cases, including arbitrations and proceedings in the Commercial Court and Chancery Division. His recent cases include:

- *Federal Republic of Nigeria v P&ID* [2020] EWHC 2379 – acting for Nigeria in applying to set aside one of the “world’s largest lawsuits” – a London arbitration award worth US\$10 billion – on grounds of fraud. See press coverage e.g. [here](#).
- *Raga v SCM Financial Overseas Limited* [2018] EWHC 1008 (Comm) – LCIA arbitration worth approximately \$1 billion between two Ukrainian oligarchs, involving parallel arbitration and High Court proceedings (led by Neil Calver QC, instructed by Quinn Emanuel);
- *British Gas Trading v Shell; Esso* [2018] EWHC 3943 – representing British Gas in a dispute worth in excess of £75 million concerning a long-term gas supply contract (led by Michael Bools QC, instructed by Herbert Smith Freehills);
- *Gazprom v Overgas* [2018] EWHC 3724 (Comm) – representing Overgas in energy-related claim for over \$100 million concerning gas supply arrangements with Gazprom in Bulgaria, alleged breaches of directors’ duties, and counterclaims for alleged breaches of competition law (led by Neil Calver QC, instructed by Squire Patton Boggs);
- *AssetCo Plc v Grant Thornton LLP* [2019] EWHC 150 (Comm) and [2020] EWCA Civ 1151 – acting for the successful claimant in recovering over £25 million from Grant Thornton as a result of auditor’s failure to detect widespread management fraud (led by Michael Swainston QC and Mark Templeman QC, instructed by Mishcon de Reya);
- *Single Buoy Mooring Inc v Zurich Insurance plc & ors* – \$1.5 billion insurance dispute raising questions of coverage and causation in connection with the abandonment of an oil platform in the North Sea (led by Mark Howard QC, Neil Calver QC and Steven Midwinter QC, instructed by Herbert Smith Freehills);
- *Sheikh Mohamed v Sheikh Majid* [2016] EWHC 1989 (Comm) – \$62 million claim for repayment of an oral loan agreement. Appeal currently pending before the Court of Appeal (led by Neil Calver QC, instructed by Macfarlanes).
- *Otkritie International Investment Ltd v Ivory Key Holdings Ltd* (Claim No 12 O No 10) – defending a money-laundering claim arising out of a large-scale fraud carried out by the Urumovs (see [2014] EWHC 191 (Comm)) (led by Neil Calver QC).

- *Sinocore International Co Ltd v RBRG Trading (UK) Limited* [2018] EWCA Civ 838 – Court of Appeal judgment concerning circumstances in which an English court may refuse to enforce an arbitral award on public policy grounds where the award is based on fraud (led by Neil Calver QC)
- *Eclairs Group Ltd v JKX Oil & Gas plc* – injunction application against a company’s decision to restrict shares before a vote on the removal of its directors, following the Supreme Court’s ruling in [2015] UKSC 71 (led by Michael Swainston QC).
- *Al-Dowaisan v Mayfair Developments and Properties Ltd* – Chancery Division claim for £15 million involving property investments in the UK and Morocco made over a period of 20 years (led by Michael Bools QC).

## Competition

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Tom’s practice covers all areas of EU and competition law, including competition appeals before the CAT, follow-on damages claims, mergers, commercial cases involving competition infringements and other areas of EU law such as sanctions. Notable cases includes:

- *Facebook v CMA* – acting for Facebook in respect of its acquisition of GIPHY Inc (led by Robert O’Donoghue QC, instructed by Latham & Watkins);
- *FX litigation* – acting for RBS in a follow-on claim and class action brought by a number of large financial institutions (led by Joshua Holmes QC, instructed by Macfarlanes);
- *Pfizer; Flynn v CMA* [2020] EWCA Civ 339 – CAT appeal against CMA decision imposing largest ever fine for breach of competition law for alleged excessive pricing of an epilepsy drug sold to the NHS (led by Kelyn Bacon QC, instructed by Macfarlanes). See e.g. the BBC news report [here](#).
- *Trucks cartel litigation* – acting for MAN Trucks in follow-on claims, including two class actions, with estimated claim value in excess of £1 billion (led by Daniel Jowell QC, instructed by Slaughter and May);
- *Associated Lead Mills Limited v CMA* – representing lead manufacturer in CMA investigation into alleged cartel activity in the construction sector (led by David Scannell QC);
- *PHS Limited v CMA* – acted for the CMA defending a challenge to a merger remedy in the washrooms sector;
- *Ping v CMA* – representing a golf club manufacturer fined by the CMA for online sales restrictions (led by Robert O’Donoghue QC).
- *Gazprom v Overgas* – representing Overgas in a Commercial Court claim for over \$100 million involving alleged price-fixing, collusion and refusal to supply on Eastern European natural gas markets by Gazprom (led by Neil Calver QC, instructed by Squire Patton Boggs);
- *iiyama v Samsung* – acting for Samsung in a follow-on claim concerning LCD panels (led by Robert O’Donoghue QC, instructed by Covington & Burling);
- Advising the IP Federation and IP Law Association on the implications of Brexit for the Unified Patent Court (with Richard Gordon QC). The advice has been widely disseminated and reported. See e.g. the *Legal Week* report [here](#).

- *TQ Delta v Zyxel* – representing TQ Delta at interlocutory stage of a major FRAND dispute (led by Nick Saunders QC, instructed by Gowling)
- *Lebara Mobile Ltd v Lycamobile UK Ltd* [2015] EWHC 3318 (Ch) – injunction application against a ‘Block’ applied to Lebara websites over Lyca’s mobile network. The case raised important questions about the effect of the “net neutrality” Regulation.

## Public Law

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Tom has experience of a broad range of public law work. He regularly acts *pro bono* for organisations such as Amnesty, Liberty, the European Human Rights Advocacy Centre (“EHRAC”) and the Human Dignity Trust. Notable cases include:

- *R (Miller) v Secretary of State for Exiting the European Union* [2017] UKSC 5 - representing the Welsh Counsel General in landmark constitutional case concerning the government's power to give notice to leave the European Union under Article 50 TEU (led by Richard Gordon QC).
- *R (Forge Care Homes) v Cardiff & Vale University Health Boards & ors* [2016] EWCA Civ 26 – judicial review concerning the division of responsibility between the NHS and local authorities for care home funding. Appeal heard by the Supreme Court in April 2017 (led by Richard Gordon QC).
- *R (States of Guernsey) v DEFRA* - judicial review against the suspension of Guernsey fishing licences, concerning the scope of the EU Common Fisheries Policy and A1P1 (led by Marie Demetriou QC).
- *Sophocleus v Foreign and Commonwealth Office* – historic claims for torture and ill treatment of Cypriot insurgents by colonial security forces during the 1950s (led by Marie Demetriou QC).
- *MM (Somalia) v Home Secretary* [2016] EWCA Civ 715 – intervening in Court of Appeal for UNHCR on whether an asylum seeker can be expected to give up his profession as a journalist in order to avoid the risk of death and violence from a terrorist organisation (led by Marie Demetriou QC).
- *MST (Eritrea)* [2016] UKUT 443 - intervening in Upper Tribunal for UNHCR in Country Guidance case concerning conditions in Eritrea.
- *R (LCCSA) v Lord Chancellor* [2015] EWHC 295 (Admin) (on appeal [2015] EWCA 230) – Divisional Court challenge to reduction of duty solicitors’ legal aid contracts (as a pupil, with Martin Chamberlain QC).
- *Nzolameso v Westminster CC* [2015] UKSC 22 – challenge to Council’s policy of relocating homeless people to surrounding areas (as a pupil, with Martin Chamberlain QC).
- *R (W,X,Y and Z) v Department of Health* [2014] EWHC 1532 (Admin) – challenge to arrangements for sharing data about NHS debtors between Trusts and the Home Office (as a pupil, with Marie Demetriou QC)

## Education & Qualifications

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## Employment

2014-15: Pupillage, Brick Court Chambers

2014: Judicial assistant to Lord Dyson MR in the Court of Appeal (Civil Division)

2013-14: Stipendiary Lecturer in Tort Law, Wadham College, University of Oxford

2013-14: Supervisor in Constitutional Law, Robinson College, University of Cambridge

2013-14: Teaching Fellow in Tort Law, UCL

## Education

2012: BCL, Trinity College, University of Oxford (Distinction)

2011: BA Law, Robinson College, University of Cambridge (Double First)

## Prizes

2013: Stephen Chapman scholarship, Inner Temple

2012: Prize for highest mark in BCL Philosophical Foundations of the Common Law paper

2012: Trinity College, Oxford Prize for BCL results

2009-11: Cambridge Law Faculty Rebecca Flower Squire Scholarship (placed 4<sup>th</sup> in year), Robinson College Scholarship, Robinson College Prize for Tripos results, Nicola Blakeman Memorial Prize

## Directory quotes

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"A smart and strategic thinker." "He writes really well and is clever and nice to deal with." (Chambers & Partners 2022)

"Tom is in high demand for a reason, he is extremely detailed-orientated and brings a positive attitude to even the most serious of cases." (Legal 500 2022)

"Very responsive to clients. Excellent engagement with the substantive issues. Very good drafting in tight time frames." (Legal 500 2022)

"He is very responsive, extremely user-friendly and clearly super clever." "He is a very bright, keen, hard-working and intelligent junior." (Chambers & Partners 2021)

"Tom is an absolute pleasure to work with – he is strong on the law but also incredibly practical. He works very well in a team, is quick to respond and is very client-friendly." (Legal 500 2021)

"Decisive, speedy and polished." (Legal 500 2020)