

## Tom Wood

YEAR OF CALL: 2017

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## Practice Overview

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Tom specialises in substantial commercial litigation and arbitration, regularly acting in high-profile cases with an international element. His commercial practice covers civil fraud, banking, insurance, shareholders/JV disputes, professional negligence and competition claims. Before coming to the Bar, Tom practised as a Solicitor Advocate and Associate at Herbert Smith Freehills for four years in general commercial disputes and civil fraud.

Tom's significant current and recent instructions include:

- *Banca Intesa Sanpaolo SpA & Dexia Crediop SpA v Commune di Venezia (Financial List)*: acting for the claimant banks in proceedings concerning an ISDA Master Agreement, and in connection with Venice's €100 million counter-claim, listed for a five-week Commercial Court trial in June 2022 (led by Jasbir Dhillon QC).
- *Allianz Global Investors v Barclays Bank and others*: acting for HSBC in ongoing substantial follow-on and stand-alone damages claims against several international banking groups (in the Commercial Court and Competition Appeal Tribunal) concerning alleged manipulation of forex rates and bid/ask spreads over an 11-year period (led by Helen Davies QC and Sarah Abram QC). Tom was part of the Defendants' counsel team on the Claimants' application to strike-out aspects of the Defendants' pass-on Defences [2021] EWHC 399 (Comm) and the subsequent appeal [2022] EWCA Civ 353 (both led by Mark Hoskins QC).

- Acting for a shareholder in a multi-million US\$ property business in LCIA proceedings against his JV partner (involving allegations of dishonest misappropriation of assets and unfair prejudice) including two successful applications for interim relief to the LCIA (led by Alec Haydon QC).
- *Mayer Cars and Trucks v Jaguar Land Rover Limited*: acting unled for JLR in ongoing Commercial Court proceedings concerning a claim of unlawful means conspiracy and unjust enrichment. [2021] EWHC 2984 (Comm).
- *Sakab Saudi Holding Co v Al Jabri & Ors, Re: HSBC & Ors* [2021] EWHC 3390 (QB): acted for the successful applicants on an application to the English Court pursuant to a letter of request from the Canadian Court in connection with a high-profile US\$3.47 billion international fraud claim.
- *Watchstone v. KPMG*: acting for KPMG in its defence of allegations of breach of duty in connection with an audit said to be worth £14m (led by Tony Singla QC).
- *De Havilland v. SpiceJet*: acted for De Havilland in its successful application for summary judgment for liquidated damages of around US\$43m for breaches of an aircraft purchase agreement [2021] EWHC 362 (Comm) and in De Havilland's successful application to have SpiceJet's appeal struck out [2021] EWCA Civ 1834 (led by Jasbir Dhillon QC).
- Acting unled for a major international generics manufacturer in LCIA proceedings concerning claims for breach of contract worth US\$2m and cross-claims for loss of profits and revenue for alleged breach of warranty worth US\$2m, involving issues concerning the FDA regime.
- Advising a number of galleries and museums on potential claims under business interruption insurance policies for losses arising from the Covid-19 pandemic (led by Tony Singla QC).

Tom's previous significant instructions include: ***FRC v Deloitte***, acting for Deloitte in its defence of the FRC's complaint concerning Deloitte's audit of Autonomy plc (led by Thomas Plewman QC), ***West Ham v E20***, acting for E20 in its defence of West Ham United's claims relating to the rights to use the London Stadium, including an application to challenge privilege [2018] EWHC 2784 (Ch) with an expedited appeal on the issue shortly before trial [2018] EWCA Civ 2652 (led by Thomas Plewman QC); and, while at Herbert Smith Freehills, acting for Norilsk Nickel on various claims relating to the acquisition by a Botswanan company of mining interests, including a judicial review in South Africa and reckless trading proceedings against the government of Botswana, and an LCIA arbitration.

In 2015-16, Tom was Judicial Assistant to Lord Wilson and Lord Hodge at the Supreme Court. Prior to qualifying as a solicitor, he completed secondments as a judicial assistant to the Commercial Court (Eder J.) and Chancery Division (Proudman J.), and as a legal adviser to BP Legal Dispute Resolution.

Tom graduated from the University of Oxford where he was awarded the top first in his year in music, winning the University Gibbs prize. He completed a Master of Studies with distinction, before going on to

achieve distinctions in the GDL and LPC. As a pupil, he received the Lord Reid Senior Scholarship from Gray's Inn and a Phoenicia Scholarship from the Bar European Group.

## Commercial

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Tom practises across the full range of commercial work in chambers. He is regularly instructed as part of small and large teams in heavyweight commercial disputes, and has appeared with leading counsel before the Court of Appeal, High Court and Financial Reporting Council, and unled in the Commercial Court, Circuit Commercial Court and County Court.

Current and recent instructions include:

- *De Havilland v. SpiceJet*: acted for De Havilland in its successful application for summary judgment for liquidated damages of around US\$43m for breaches of an aircraft purchase agreement [2021] EWHC 362 (Comm) and in De Havilland's successful application to have SpiceJet's appeal struck out [2021] EWCA Civ 1834 (led by Jasbir Dhillon QC).
- *Mayer Cars and Trucks v Jaguar Land Rover Limited*: acting unled for JLR in ongoing Commercial Court proceedings concerning a claim of unlawful means conspiracy and unjust enrichment.
- *West Ham v E20*: acting for E20 on its defence of West Ham United's claims relating to the rights to use the London Stadium, including defending a privilege challenge [2018] EWHC 2784, and an expedited appeal on privilege issues [2018] EWCA Civ 2652 (led by Thomas Plewman QC).
- *L&J Lonsdale Metals v Jaguar Land Rover*: acting for JLR in resisting a Circuit Commercial Court claim for breach of contract and counterclaiming for payment of a trade debt (unled).
- *Lotus v Marcassus* [2019] EWHC 3128 (Comm): acting for a defendant challenging jurisdiction over a debt claim in the Commercial Court (unled).
- *Harbour Fund III LP v Kazakhstan Kagazy*: dispute in relation to a litigation funding agreement arising out of a £300 million civil fraud claim (led by Tom Adam QC).
- Advising two major beverages companies on contractual issues arising from a potential acquisition (led by Robert O'Donoghue QC).
- Acting for a major pharmaceuticals manufacturer in LCIA proceedings concerning a contract dispute with a purchaser worth in excess of US\$1 million (unled).
- *Leighton Offshore v Unaoil* [2014] EWHC 2965 (Comm), acting for Leighton (while at Herbert Smith Freehills).

## Civil fraud

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Many of Tom's cases involve serious allegations of fraud and dishonesty, and he has extensive experience of the different aspects of fraud litigation including urgent applications for interim relief. Relevant instructions include:

- Acting for a shareholder in a multi-million US\$ property business in LCIA proceedings against his JV partner (involving allegations of dishonest misappropriation of assets and unfair prejudice) including two successful applications for interim relief to the LCIA (led by Alec Haydon QC).
- *Sakab Saudi Holding Co v Al Jabri & Ors, Re: HSBC & Ors [2021] EWHC 3390 (QB)*: acted for the successful applicants on an application to the English Court pursuant to a letter of request from the Canadian Court in connection with a US€3.47 billion fraud claim.
- Advising a conglomerate on potential claims for fraudulent and negligent misstatement against a JV partner in relation to a multi-million dollar property development (led by Harry Matovu QC).
- Acting for an Italian business in connection with claims against a former director and his associates for dishonest breach of directors' duties, misappropriation of assets, knowing receipt and dishonest assistance (unled).
- Acting for Norilsk Nickel on various claims relating to the acquisition by a Botswanan company of mining interests, including reckless trading proceedings against the government of Botswana (while at Herbert Smith Freehills).
- Acting for an IT business in substantial LCIA proceedings concerning a JV dispute involving allegations of dishonesty, and ancillary relief proceeding in Cyprus (while at Herbert Smith Freehills).
- Advising beneficiaries on a multi-billion US\$ claim for breach of trust and a *Norwich Pharmacal* Application (while at Herbert Smith Freehills).

## International Arbitration

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Tom has extensive experience of arbitral proceedings, in particular in the LCIA where he has appeared led, unled and as an instructing solicitor. He also regularly advises on matters involving jurisdictional disputes concerning arbitration agreements and ancillary proceedings before national courts. Recent instructions include:

- Acting for a shareholder in a multi-million US\$ property business in LCIA proceedings against his JV partner (involving allegations of dishonest misappropriation of assets and unfair prejudice) including two successful applications for interim relief to the LCIA (led by Alec Haydon QC).

- Acting unled for a major international generics manufacture in LCIA proceedings concerning claims for breach of contract worth US\$2m and cross-claims for loss of profits and revenue for alleged breach of warranty worth US \$2m, involving issues concerning the FDA regime.
- *Kim v Republic of Uzbekistan* – ICSID arbitration against Uzbekistan by investors in two cement plants (led by Michael Swainston QC and Stephen Midwinter QC).
- Acting for Norilsk Nickel on various claims relating to the acquisition by a Botswanan company of mining interests, including a claim before the LCIA under an SPA (while at Herbert Smith Freehills).
- Acting for an IT business in substantial LCIA proceedings concerning a JV dispute involving allegations of dishonesty, and ancillary relief proceeding in Cyprus (while at Herbert Smith Freehills).

## Competition

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Tom is instructed in one of the largest competition damages claims before the Competition Appeal Tribunal (formerly the Commercial Court), *Allianz Global Investors v Barclays Bank and others*, acting for HSBC in substantial follow-on and stand-alone damages claims against several international banking groups concerning alleged manipulation of forex rates and bid/ask spreads over an 11-year period (led by Helen Davies QC and Sarah Abram QC). Tom was part of the Defendants' counsel team on the Claimants' application to strike-out aspects of the Defendants' pass-on Defences [2021] EWHC 399 (Comm) and the subsequent appeal [2022] EWCA Civ 353 (both led by Mark Hoskins QC).

## Publications

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- "Privy Council confirms availability of backward tracing", Herbert Smith Freehills Litigation Notes, 10 August 2015
- "Court of Appeal clarifies jurisdiction to order disclosure in support of freezing injunctions", Herbert Smith Freehills Litigation Notes, 19 March 2015
- "Supreme Court corrects 'wrong turn' in English law, holding that bribes received by an agent are held on trust for the principal", Herbert Smith Freehills Litigation Notes, 21 July 2014
- "Court of Appeal confirms account of profits available as remedy for dishonest assistance" (with Robert Hunter), Herbert Smith Freehills Litigation Notes, 17 July 2014
- "Supreme Court finds trustee fraud exception under Limitation Act does not apply to claims for dishonest assistance / knowing receipt", Herbert Smith Freehills Litigation Notes, 20 February 2014

## Education & Qualifications

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## Professional experience

2017-2018: Pupillage, Brick Court Chambers

2017: Called to the Bar of England and Wales

2013-2015, 2016-2017: Solicitor Advocate and Associate, Herbert Smith Freehills LLP, London (Dispute

Resolution)

2015–2016: Judicial Assistant to Lord Wilson and Lord Hodge, Supreme Court of the United Kingdom

2013: Legal Assistant, BP Legal Dispute Resolution

2012: Judicial Assistant to the Commercial Court and Chancery Division

2011–2013: Trainee Solicitor, Herbert Smith Freehills LLP

## **Education**

2014: Higher Rights of Audience, Herbert Smith Freehills LLP (top of cohort)

2011: Legal Practice Course, BPP Law School (Distinction)

2009–2010: Graduate Diploma in Law, BPP Law School (Distinction)

2007–2008: Master of Studies, Christ Church, University of Oxford (Distinction)

2004–2007: BA in Music, Christ Church, University of Oxford (First Class, top of year)

## **Scholarships and prizes**

### *Pupillage*

Lord Reid Senior Scholarship, Gray's Inn (2018)

Bar European Group Phoenicia Scholarship (2018)

### *As a Solicitor*

City of London Solicitors' Company Prize (2013)

Herbert Smith Freehills LPC Prize (2011)

### *University of Oxford*

Arts and Humanities Research Council Award (2007)

University Gibbs Prize for top first (2007)

Christ Church Finals Prize (2007)

Clifford Smith Prize (2007)

Dixon Scholarship (2006)

Academic and Instrumental Exhibition Awards (2005–2006)