

# Collective litigation - London



## Our Practice

Our lawyers in London have extensive experience in defending clients in various forms of collective litigation across many industry sectors.

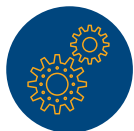
Recent years have seen a rapid growth in high-profile litigation by multiple claimants against large corporates and financial institutions. This growing business risk has been fuelled by new funding options for claimants, the momentum built by several high-profile claims, and the introduction of the 'opt-out' procedure for damages claims arising from competition law infringements.

We have a long track record of advising clients across the range of collective litigation mechanisms in England, including the successful defence of group litigation and representative proceedings, and handling bespoke statutory redress procedures. We were at the forefront of the development of mechanisms for defending multiple claims on a group-wide basis, and our work on representation structures has been commended in the FT Europe Innovative Lawyers report.

We can also draw upon the deep experience of our award-winning US class actions defence practice to identify emerging trends in global collective litigation, which makes us well equipped to anticipate developments in England.

We pride ourselves in ensuring that our clients are well prepared to manage whatever form of collective litigation they might face, with a strong focus on deploying the optimum strategy for responding to the litigation itself, together with the associated reputational and business risks.

## Our representative experience:



### Industrial

- Advised a multinational mining group on claims by local communities claiming to be affected by the development and operation of a mine in Africa.
- Represented a UK listed company on a large group claim by former factory workers relating to alleged failures in health and safety procedures by our client's local subsidiary, allegedly leading to serious long term health issues. The claim involved complex jurisdictional, limitation and parallel proceedings issues.
- Acted for the quality bank trustee in two multi-party international arbitrations concerning disputed payment calculations arising from the operation of quality bank arrangements to support an international oil pipeline.
- Advised a factory owner on an investigation and possible prosecution by the UK Health & Safety Executive in relation to the presence of asbestos at its UK facility, and related possible personal injury actions by current and former employees.
- Acted for the insurers of four major South African gold mining companies in respect of putative class actions arising from silicosis exposure.
- Represented the defendant in a multi-party patent infringement litigation brought by Digital Choice of Texas and relating to parental blocking technology for DVD players.
- Acted for the defendant as regards a class action brought by certain unions/construction workers in the construction industry in respect of blacklisting practices.



### Finance

- Advised on one of the largest group claims in the financial PI sector.
- Acted for the insurers of multiple banks, financial institutions and other service providers in respect of the defence of numerous class actions arising out of Madoff exposures.

- Acted for the insurers of a major investment fund manager in respect of a US investor class action arising out of alleged fraudulent and/or negligent misstatements and/or breaches of fiduciary duty in respect of two funds it was managing.
- Acted for the insurers of a major international financial institution in respect of the defence of a putative consumer class action against its Dutch subsidiary arising out of alleged mis-selling of unit-linked life policies in the Netherlands.
- Acted for the insurers of a fund manager in respect of the mitigation of possible claims from the investors in a fund that it managed in the renewable energy sector.



### Products

- Represented a major European food group in respect of claims and regulatory issues arising from the high-profile Irish pork contamination incident and product recall, involving interaction with regulators across several jurisdictions, advising on communications with the supply chain and on subsequent claims involving customers and suppliers.
- Acted for the defendant manufacturer in the Norplant group action, which was one of the earliest group actions in the UK. This action involved complex medical and scientific evidence, as well as novel issues of law under the Consumer Protection Act 1987. The order adopted by the court for allocation of costs formed the template for following group actions.
- Acted for a defendant manufacturer in the Organophosphate group action, concerning allegations that farmers and farm workers were adversely affected by the use of products containing Organophosphate chemicals. The case involved complex scientific and medical evidence.
- Acted for an international agrochemical company in a product liability dispute involving claims by a group of end users, arising from the allegedly defective formulation of an agrochemical product by a contractor.



## Securities

- Acted for the insurers of a major pharmaceutical company in respect of the defence of multiple US and Israeli federal securities class actions against the company and its directors arising from hostile takeover bid by competitor.
- Acted for the Independent Valuer appointed under the statutory compensation scheme put in place when Northern Rock Plc was taken into public ownership, including the creation of a procedure to consult with more than 160,000 shareholders, and coordinating the successful defence of more than 200 appeals to the Upper Tribunal.
- Acted for the insurers of a leading oil company in respect of the defence of multiple class actions arising out of a major environmental disaster, including federal securities actions, RICO actions, ERISA actions and shareholder derivative actions.
- Acted for the insurers of a major iron ore producer plc in respect of the defence of a putative shareholder collective action alleging breaches of duty by the Board of Directors arising from a sharp fall in share price following the collapse of a Ukrainian bank.



## Competition

- Advised on the first competition law case heard before the UK Supreme Court, securing a landmark decision on limitation periods.
- Advised a furniture manufacturer on its potential claims arising from the foam cartel decision.
- Advised a global logistics company in relation to a class action in the Eastern District of New York in respect of the global cartel investigations into freight-forwarding, particularly in respect of the settlement agreement entered into by the company and the plaintiffs individually and on behalf of a class of direct purchasers of freight-forwarding services.



## Pensions

- Acted for the trustee of an industry-wide occupational pension scheme in landmark representative proceedings concerning the proposed introduction of a new deficit contribution regime, binding more than 200 employers to revised contribution obligations.
- Acted in proceedings to determine the nature and extent of the power to change the index for pension increases from RPI to CPI, on behalf of all those in whose interest it would be for the index not to change.
- Acted for the trustee of a substantial occupational pension scheme as claimant in proceedings to determine issues arising from member complaints and an internet campaign arising from the employer's new policy on discretionary increases.
- Represented the trustee in representative proceedings concerning the scope of the power to amend the rules of an industry-wide pension scheme, involving parties to represent two opposing categories of sponsoring employer.



## Other experience

- Advised certain taxpayers on their participation in a group action regarding group loss relief not being available in relation to group companies in other EU Member States.
- Acted for the insurers of a US healthcare provider in respect of coverage issues arising from a class action brought by subscribers to health plans and doctors who provided services for the provider's patients.

## Key contacts in London



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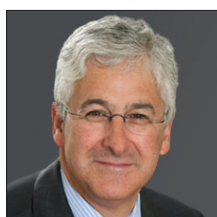
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