

# James Stuart



James Stuart is an English barrister, specialising in commercial dispute resolution and litigation. His practice focuses upon shareholder disputes, company and insolvency, partnerships, franchises, employment, insurance, guarantees, banking and supply of goods and services. James represents individual and corporate Claimants and Defendants, and has built up considerable experience in recent years in conducting more protracted cases, often with an international element. He regularly deals with applications for Freezing Orders and other injunctions in restrictive covenant, confidentiality and similar disputes.



**Recent publications:** In July 2022, James wrote an article for Lexis PSL entitled *Carriage of Goods and CMR Convention* on the recent commercial court case *Knapfield v C.A.R.S.* which can be read [here](#).

James is a member of COMBAR, Employment Law Bar Association, Employment Lawyers Association, and TECBAR.

**Year of Call: 1990**

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## Further information

### Qualifications

- MA (Law) Gonville & Caius College, Cambridge

### Memberships

- COMBAR, Employment Law Bar Association, Employment Lawyers Association, R3, TECBAR, Bar Golfing Society



### Commercial

James deals with disputes covering a wide range of commercial areas, including specifically supply of goods and services and construction, sale and carriage of goods (domestic and international), partnerships, franchises, public procurement, commercial agency, agents,



consumer credit, insurance, guarantees, banking and mortgages and COBS regulations. His current practice includes conducting international and domestic arbitrations and the enforcement of international arbitral awards.

In relation to Company and Insolvency litigation, over the past few years he has been instructed in substantial cases (including long trials, interlocutory and appellate work) for both personal and corporate clients, including shareholder disputes, minority shareholders' claims, directors' duties and directors disqualification proceedings.

In the Professional Negligence field, James's practice covers claims involving solicitors, accountants, financial advisors, surveyors and architects.

James also has considerable recent experience in relation to many areas of Professional Disciplinary Tribunal work – including barristers, solicitors, legal executives, property professionals and valuers.

James regularly deals with cases requiring Urgent Interlocutory Relief applications in commercial cases, including applications for Freezing Orders and other injunctions in restrictive covenant, confidentiality and similar disputes.

### **Recently reported cases**

**Greetham -v- Greetham 2022 EWCA Civ 49 Court of Appeal; 2021 1 WLUK 508** – James successfully represented the respondent in this appeal which concerned issues of partnership, committal, custodial sentences and recusal.

**J Robbins Capital Partners Limited -v- Zamsort and others 2022 EWHC 1055 (Comm)** – This international mining dispute involved company director and shareholders issues and security for costs.

**Brian Leighton Garages -v- Allianz Insurance plc 2022 EWHC 1150 (Comm)** – This case related to commercial insurance, property damage and business interruption.

**La Cotte Consulting Ltd -v- Sovereign Steel Stockholders 2021 EWHC 1517 (Comm)** – This metals trading case involved issues of contract, joint venture and unlawful means conspiracy.

**Re: ETP UK Limited 2021 EWHC 1747 (Ch)** – This case related to pharmaceutical services and involved a share purchase dispute.

**Greetham -v- Greetham 2021 EWHC 998 QB** – James represented the successful claimant in this partnership dispute, involving issues of protected parties, capacity and



litigation friends.

**Abaidildinov -v- Amin 2020 EWHC 2192 (Ch)** – This case related to company directors, shareholders and declaratory relief.

**Dodoun -v- Collings 2019 EWHC 2008 (Ch)** – These proceedings included derivative claims, a freezing injunction and a commercial dispute regarding an international payment services business.

**Gladman -v- Gill & others 2019 HC BPC BL 16-10-19 BL-2019-LDS 000015** – James represented the successful party in this solicitors' partnership arbitration case related to arbitration proceedings and setting aside of an arbitral award

**JSC BM Bank -v- Kekhman 2018 EWHC 791 (Comm)** – This case related to banking and dissipation of assets. James represented the Defendant in a 5 week Commercial Court trial involving a £200m+ claim by Bank of Moscow, including issues of commercial fraud and Russian law.

**Bing Holdings -v- Hue-Williams 2017 EWHC 3149 (QB)** – This was a commercial contract claim relating to international art sales, involving issues of quantum meruit and unjust enrichment

**Stark -v- Walker 2017 EWHC 3535 (Ch)** – This case related to transfer of claims between High Court divisions

### **Previous reported cases of interest**

**Kudos Catering (UK) Ltd -v- Manchester Central Convention Complex Ltd [2013] EWCA Civ 38 in the Court of Appeal** – a case involving the provision of services under a 5-year venue catering services agreement where the central issue involved the contractual interpretation of exclusion of liability clauses.

James also represented the Appellant in **Crinion -v- IG Markets Ltd [2013] EWCA Civ 587 in the Court of Appeal**, which involved issues regarding Regulated Financial Services trading, powers of attorney and classification under COB/COBS rules.

In **Greaves -v- Stolkin [2013] EWHC 1140 Ch** – James represented the successful Claimant in a 2 week Chancery Division trial which concerned the validity of a codicil and testamentary capacity.

