

John Ditchburn



John has an international commercial practice encompassing commercial litigation, insurance, banking and finance, insolvency, property and aviation and travel. He provides clear and focused advice on a range of legal, practical and procedural issues in contentious and non-contentious matters. His experience of litigation is vast, combining regular advocacy with drafting and advisory work. He also deals with international arbitration and alternative dispute resolution, including mediation.



Further information

Qualifications

- Honourable Society of the Middle Temple: admitted 2005, called 2007
- Inns of Court School of Law: Bar Vocational Course: 2007
- Brasenose College, University of Oxford: BA Law: 2006

Memberships

- Commercial Bar Association
- Chancery Bar Association



Commercial

John is experienced in dealing with commercial matters from straightforward debt recovery to high-value cross-border litigation. His thorough and pragmatic approach to problem solving, combined with a detailed knowledge of civil procedure and experience across a variety of areas of law enables him to provide innovative and practical solutions to difficult problems. His practice includes all aspects of litigation, with a substantial element of courtroom advocacy, from urgent applications for injunctions to lengthy trials with numerous witnesses. He provides advice on contentious and non-contentious matters and deals with forms of dispute resolution other than litigation, including mediation and arbitration.

Year of Call: 2007

Contact Practice Manager

Joe

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John is regularly instructed in insurance disputes and has particular expertise in trade credit and aviation insurance.

Related Cases

Re C (in liquidation): John represents several companies in claims by a liquidator for the recovery of allegedly void payments totalling millions of pounds.

H v U: A claim brought under a profit share agreement between individuals and companies domiciled in England and Wales and abroad, relating to the development of several properties in Italy.

M v G: Two claims involving four parties arising out of an agreement to transfer the rights in a patent application, involving allegations of malicious falsehood and breach of contract.

BCS Corporate Acceptances Ltd and others v Taylor and Drewett [2016] EWHC 533 (QB): An application for a freezing injunction against the wife of a judgment debtor, which John successfully resisted, and subsequent claim involving trusts and section 423 of the Insolvency Act 1986.

DM Deals LLC v Amazon.co.uk Limited [2016] EWHC 1520 (Comm): John represented the claimant in a claim valued at over \$37 million against Amazon.

G v L: A claim for land introduction and sales and marketing fees, in which John obtained judgment following a three-day trial and subsequently opposed the defendant's costs appeal to the Court of Appeal.

P v B: John represented a statutory body in a claim and mediation relating to licences to retain works in the River Thames.

A v R: John obtained judgment and indemnity costs against a company and its director over the non-payment of tax on the importation of a Ferrari and subsequently dealt with various issues relating to enforcement and costs, including obtaining a freezing injunction, charging order and order for sale.

Property

John handles property disputes involving commercial and residential property. He advises on restrictive covenants, easements, mortgages and charges, trusts of land, estoppel, and land registration. This work often raises discrete issues in other areas of law such as conveyancing, construction, and probate. He deals on behalf of both landlords and tenants with tenancy issues including disrepair, rights to possession, tenancy fraud, public law and human rights issues, anti-social behaviour,



service charge disputes, and failure to comply with landlords' statutory obligations. He also works on contentious and non-contentious aspects of leasehold enfranchisement.

Related Cases

Solad Sakander Mohammed and another v Boston Mohammed and others [2018] EWHC 805 (Ch): John successfully opposed an interim application to restrain 13 individuals from entering the Abbey Mills mosque.

K v M: Part 8 claim in which John obtained judgment in November 2017 following a two-day trial of allegations of fraud in relation to trusts of land and subsequently obtained an order for sale.

G v L: A claim for land introduction and sales and marketing fees, in which John obtained judgment following a three-day trial and subsequently opposed the defendant's costs appeal to the Court of Appeal.

G v O: A claim for specific performance of a contract for the sale of a property in which the date for completion was one year after the exchange of contracts, raising various points of property and conveyancing law.

F v O: A tenancy fraud trial involving alleged sub-letting and a substantial issue as to the tenant's relationship with the alleged sub-tenant.

Banking & Finance

John advises banks and financial institutions on issues relating to financial contracts and assists with the recovery of debts and assets pursuant to credit facilities, hire-purchase agreements, guarantees, and mortgages. He has substantial experience of dealing with highly litigious individuals and of protecting the lender through strike out, summary judgment, costs, and civil restraint.

Related Cases

M v N: John defended a claim by a legally qualified litigant in person whose written arguments ran to hundreds of pages and who made numerous applications including for permission to appeal to the Supreme Court.

F v H: John assisted a society with the recovery of a substantial sum of money paid under a life assurance policy over a period of almost 20 years following the death of the policy holder.

S v O: John obtained a possession order following various breaches of mortgage terms by the mortgagor and subsequently defended numerous applications and claims by the mortgagor, who raised a variety of allegations including fraud and sale at an undervalue.



Insolvency

John deals with corporate and personal insolvency litigation on behalf of creditors and debtors. He assists creditors and their insurers with the recovery of debts in an insolvency context and with related issues.

John has significant experience of bankruptcy and winding up petitions, applications for injunctions restraining presentation and advertisement of petitions, and applications to set aside statutory demands. He provides advice and representation in claims for the recovery of void payments under s.127 of the Insolvency Act 1986 and in applications for the validation of such payments. He is instructed in litigation involving allegations of undervalue under s.423 of the Insolvency Act 1986 and related proprietary claims and in claims against directors of insolvent companies.

In his commercial and debt recovery work, John is constantly alert to potential issues of insolvency and is innovative in finding ways to protect commercial claimants in the event of insolvency of a debtor.

Related Cases

Re C (In liquidation): John represented several companies in claims by a liquidator for the recovery of allegedly void payments totalling millions of pounds.

Re G (In liquidation): A claim to recover money paid to an insurer under a guarantee bond prior to its entering administration.

D v P: An application to set aside an order made under s.212 of the Insolvency Act 1986 against a director and shadow director several years after it was made.

M v P: An application to restrain presentation of a winding up petition made by an advertising company against a solicitor representing an American client.

C v N: Following service of statutory demands on a commercial tenant of two public houses and her guarantor, John opposed an application to set aside a demand and represented the petitioning creditor at multiple hearings in relation to the subsequent petition.

D v A: Advice to an insurer on a loss and expense claim under a construction contract following the insolvency of a construction company.

A v R: John recovered a substantial judgment and costs debt owed by an insolvent company by pursuing a director for dishonest assistance in breach of trust.

Aviation and Travel



John regularly represents and advises airlines, travel agents and airports on claims governed by English, EU and international law. His work includes passenger claims arising out of delay, cancellation, denied boarding and lost baggage, personal injury claims governed by international conventions, and inquests into deaths linked to aircraft, hang gliders and paragliders. He deals with contractual claims involving airlines, airports and their insurers and with issues involving jurisdiction and the validity of purported assignments.

International

John represents clients from all over the world in cross-border disputes raising issues of English and international law. He regularly deals with issues of jurisdiction, choice of law, service and enforcement abroad.

Related Cases

Hanwha Q Cells GmbH v Lark Power Generation Ltd [2018] EWHC 3356 (QB): John successfully resisted a jurisdiction dispute by an English defendant relying on the German claimant's terms and conditions.

ICC arbitration involving parties in Switzerland, Moldova, Romania and the U.S.A.

Numerous challenges by airlines to the jurisdiction of the courts of England and Wales pursuant to clauses in their terms and conditions.

