

## Mark O'Grady

Mark has a busy practice encompassing all areas of Chambers' work, including commercial disputes, professional negligence, company law, insolvency, debt recovery, property litigation and contentious probate. Mark appears regularly in the County Courts and High Court.

Mark is also frequently instructed on construction disputes, which have included:

Representing a respondent employer in adjudication proceedings relating to a pay-less dispute, which concerned disputed sums under a construction contract totalling some £100,000.

Represented a claimant in proceedings concerning defective refurbishment of residential premises. The claim successfully settled pre-trial.

Representing a respondent house builder in adjudication proceedings concerning a pay-less notice in relation to a development of six homes with a value of c. £85,000.

As well as working for professional clients, Mark is also Public Access qualified and so can take instructions directly from members of the public. Mark is also frequently instructed to appear on behalf of the Bar Pro Bono Unit and was shortlisted for the Young Pro Bono Barrister of the Year, 2018.

Called to the Bar in 2016, Mark formerly worked for JPMorgan as a corporate finance analyst in Mergers & Acquisitions, and most recently as a business analyst for a major Indian financial institution, Religare. His experience is an asset in matters involving company law, as well as in cases of a technical or complex nature more generally.

## Further information

### Qualifications

BPTC (Very Competent), BPP London 2016

GDP (Commendation), BPP London 2015

MRes War Studies (Distinction), King's College London 2010

MA Intelligence and International Security (Distinction), King's College London 2009



**Year of Call: 2016**

Contact Practice Manager  
Joe Grimmer  
[joe@lambchambers.co.uk](mailto:joe@lambchambers.co.uk)  
020 7797 8307

VAT Reg No  
259767737

BA (Hons) Politics (First Class, ranked 6th in year), Durham University 2006

## Scholarships

Lord Denning Scholarship (Lincoln's Inn)

Hardwicke Entrance Award (Lincoln's Inn)

Wolfson Scholarship (Lincoln's Inn)

Excellence Award (BPP London)

Economic and Social Research Council scholarship (MRes, War Studies)

## Recent cases

### **Barbara Marczak v Amarjit Singh-Mann (Claim No. D95YJ841), Central London County Court (28 October – 1 November 2019, 8 November 2019)**

Mark successfully represented the Claimant in a five-day multi-track action concerning disputed personal loans made to the Defendant totalling £110,000. The matter was heard before Recorder Johnathon Bellamy of 39 Essex Street. The court found that all the alleged loans were proven, however £60,000 of the total debt was extinguished by virtue of the Defendant's prior bankruptcy and the operation of s.281(1) of the Insolvency Act 1986. Nonetheless, the court awarded the Claimant her costs on the indemnity basis for the period until four months before trial, and costs on the standard basis thereafter. The Defendant was awarded no costs on account of his conduct throughout the litigation.

### **Elizabeth Davies & Others v Victoria Apartments (Prestatyn) Ltd (LVT/0026/07/16), Welsh Leasehold Valuation Tribunal, 26 September 2017**

This case concerned a residential service charge dispute. A group of leaseholders were dissatisfied with the block management company's expenditure of c.£40,000 on non-structurally supportive scaffold, which was said to have been erected to prevent the potential collapse of the block. Mark successfully represented the leaseholders at tribunal in arguing that all but £7,014 of the expense was unreasonable in amount and unreasonably incurred, and therefore could not be lawfully charged to leaseholders. Mark appeared against Counsel of 25 years call.

[A copy of the judgment can be found here](#)

### **Anderson v Sheil (C8QZ11V4), Wrexham County Court, 22-23 June 2017**

Mark was instructed by the Defendant as sole counsel in a two-day multi-track case. The matter concerned a commercial dispute, which was pleaded at c.£38,000. The case was heard before Recorder James Thom QC over two days.



The claim was substantially defeated, with the Defendant being ordered to pay just £1,340 of the total sum claimed. After the trial, Mark successfully negotiated a settlement on costs that resulted in the Claimant paying a net sum to the Defendant in respect of the his costs.

### **Example Advisory Work**

#### **Company law and related negligence claim against a property management company**

Mark advised the shareholders of a leasehold management company which was set up to manage a block of 22 flats above commercial premises. Each leaseholder owned one share in the company. The freeholder of the block was a multi-national pub management company (“the freeholder”). It retained one flat, which was used in connection with the commercial premises on the ground floor.

The freeholder (a major brewer) had ensured the appointment of two directors onto the company’s board, and it retained practical control over the entirety of the company’s affairs. There were no AGMs or other shareholder oversight.

Mark advised the leaseholders (and then later, the company) in respect of three matters: Firstly, in using the provisions of the Articles of Association to effect the removal of the two directors. Secondly, concerning breach of statutory duty by the two directors in failing to exercise reasonable care and skill, by causing significant wasted expense of c.£36,000. Thirdly, concerning negligence on the part of the block’s appointed managing agent in not following certain statutory consultation regulations, related to the wasted expense.

The matter settled pre-issue with the two (by then) former directors accepting my client’s Part 36 offer within the relevant period, and the managing agent coming to a separate settlement agreement. The leaseholders, who initially thought that they simply had a claim against an insolvent company, were able to recover a total of £35,000, plus their costs.

#### **Professional negligence; Seed Enterprise Investment Relief**

Mark was instructed to provide advice to a technology start-up company concerning negligence on the part of its accountants in failing to properly register the firm for Seed Enterprise Investment Relief. The consequence of this was that a number of the company’s UK investors did not receive the personal tax reliefs that they should have. Mark also drafted the pleadings. The claim settled shortly after issue.

#### **Probate**



Mark is presently instructed on a contentious probate matter where testamentary capacity is in issue as regards the deceased's will, as well as regards the validity of a transfer of the family home to a third party.

In another matter, Mark advised on the merits of making an out of time application under s.20 of the Administration of the Justice Act 1982 for rectification of a will. Connected with this, Mark also advised on a related negligence claim against the client's present firm of solicitors.

### **Interests**

Cycling, running, cooking and travelling.

