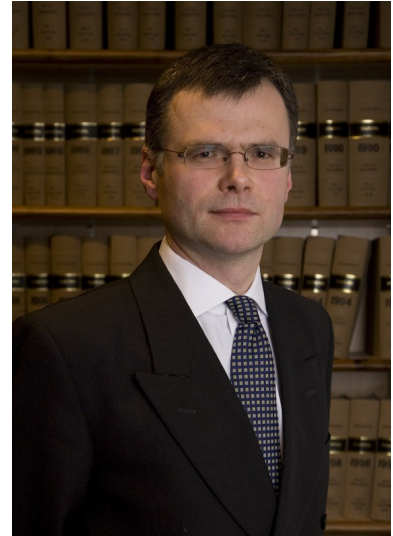


ANDREW THOMPSON

Called: 1991

Profile:

Practice comprises primarily commercial litigation, particularly litigation involving issues of company law and corporate insolvency, but also more general commercial litigation, as well as professional negligence claims and litigation arising out of partnership disputes and disputes within unincorporated associations. Mr Thompson also carries out advisory work in the same fields.



What the Journals say:

Ranked in: Chambers and Partners

Company and Commercial Dispute Resolution

...recommended is Andrew Thompson, seen as “*a modern-style, non-pretentious advocate,*” who is “*excellent at weighing up the logistics of a case.*” (Chambers and Partners)

Andrew Thompson is highly respected for his rigorous work ethic, which one commentator deemed “*second to none.*” (Chambers and Partners)

Andrew Thompson whose “*lightening-quick grasp of matters*” makes him “*a formidable opponent for anyone.*” (Chambers and Partners)

Ranked in: The Legal 500

Company and Insolvency

Andrew Thompson “*writes excellent opinions, untangling very complex facts and law with clarity and economy.*” (The Legal 500)

...a junior with a following in the insolvency field (The Legal 500)

Case List:

Company / commercial litigation

DEG-Deutsche Investitions (“DEG”) v Koshy and Gwembe Valley Development Co v Koshy and related actions. Acting for a state-owned German bank and a Court appointed receiver in a long running dispute arising out of an investment in Zambia, involving originally insolvency issues and claims in fraud and for breach of director’s fiduciary duties, which were brought to trial in 2001 and to the Court of Appeal in 2002-3; and more recently the subject of fresh actions by the original defendant seeking to set aside orders in the original actions on grounds of alleged fraud, on which judgment is just about to be given by the Court of Appeal. The issues of general interest arising in the first round of proceedings included limitation in relation to claims for breach of fiduciary duty (see eg [2004] 1 BCLC 131 (CA)) and on the second round, abuse of process and election and the test on striking out a claim to set aside an order on grounds of fraud on the merits (the present Appeal). So far reported decisions include [1999] BCC 953 (Park J), [2000] 2 BCLC 705 (Rimer J), [2001] 3 All ER 878 (CA), [2002] 1 BCLC 478 (Rimer J), [2004] 1 BCLC 131 (CA), [2005] 1 WLR 2434 (Hart J). No leader involved.

Company litigation / insolvency

Greycoat Management and Finance Limited and Others v Poole and Others – claim by companies in the Greycoat Group in liquidation against directors, claiming over £100 million on the basis of alleged breaches of section 151 of the Companies Act 1985 (financial assistance) and breaches of fiduciary duty. Acting for the defendant directors. Legal issues as to the application of section 151 and on the scope of directors’ fiduciary duties and insolvency issues. Trial fixed for 5 weeks starting in June 2008. With Michael Todd QC, Erskine Chambers.

Company litigation

Re Oxford Immunotech – a shareholders’ dispute giving rise to a Petition under section 459 of the Companies Act 1985. Acting for the venture capitalist majority shareholders of a start-up hi-tech business developing a diagnostic tool for TB. Selected as typical of the numerous shareholders’ disputes on which Andrew Thompson acts. Petition currently proceeding in the Chancery Division. No leader involved.

Professional negligence

Scottish & Newcastle v PwC – acting for the claimants in an £80 million professional negligence claim in the Commercial Court arising out of management consultancy services provided in relation to the redesign of the claimant's supply chain. A claim for negligence against management consultants is relatively unusual and it aroused some interest in the financial press (eg the FT). Settled right at the end of 2007 in the shadow of the Carlsberg – S&N takeover battle.

Gwembe Valley Development Co Ltd v. Koshy (No.2)

Ref: [2000] 2 BCLC 705

A decision regarding the validity of the appointment of joint receivers, in the context of an application to strike out a commercial fraud action on the ground of lack of authority to commence it.

Banque Financiere de la Cite v. Parc (Battersea) Limited

Ref: [1999] 1 AC 221

A banking case turning on principles of agency as applied to directors and upon the law of subrogation. The decisions of the Court of Appeal and the House of Lords turned on the application of the law of subrogation in the context of a refinancing of bank lending to part of the Omni Group prior to its collapse in 1991.

Re Lummus Agricultural Services Limited

Ref: [1999] BCC 953

Re Kaytech International Plc

Ref: [1999] 2 BCLC 351

Company Directors' Disqualification Act 1986

New Hampshire Insurance v Rush & Tompkins Group

Ref: [1998] 2 BCLC 471

A Court of Appeal decision on the winding up of foreign companies in England in circumstances where they are already in liquidation in their place of incorporation.

Re H&K (Medway) Limited

Ref: [1997] 1 WLR 1422

A contested application by administrative receivers for directions as to the proper construction of section 40 of the Insolvency Act 1986, which is an important decision as to the priority of preferential debts over a first floating charge where a receiver is appointed under a second floating charge.

Re BSB Holdings Limited (No. 2)

Ref: [1996] 1 BCLC 155.

Concerns the company which originally ran the BSB satellite TV station, before its merger with Sky TV. Legally, it was a significant decision dealing with, amongst other things, the scope of Section 459 and the duty of directors to act fairly as between different groups of shareholders.

Re Sentinel Securities Plc,

Ref: [1996] 1 WLR 316

A decision of wide practical importance on a public interest winding up petition which deals with the meaning of "insurance business" in the regulatory framework of the Insurance Companies Act 1982;

Re Holiday Promotions (Europe) Limited

Ref: [1996] BCC 671

A contested application for directions by liquidators as to whether or not the company held the proceeds of deposits paid to it by its customers on trust, considering the Quistclose line of authorities.

Re CSTC Limited

Ref: [1995] BCC 173

Company Directors' Disqualification Act 1986.

Re S.H. & Co. (Realisations) 1990 Limited

Ref: [1993] BCC 60

An application for directions by administrative receivers as to whether there had been compliance with the requirements of the procedure to "white-wash" what would otherwise be unlawful financial assistance contrary to Section 151 of the Companies Act 1985.