



GEORGIA HENDERSON-CLELAND

Senior Associate

London

E: georgia.henderson-cleland@bcplaw.com

T: [+44 \(0\) 20 3400 3714](tel:+44(0)2034003714)

BIOGRAPHY

Georgia is a senior associate in the firm's Business and Commercial Disputes department. Georgia advises a variety of clients from financial institutions to individuals, and deals with a wide range of corporate and commercial disputes, as well as regulatory matters. She has experience in commercial and competition litigation, freezing injunctions and interim relief, enforcement, and internal and regulatory investigations. She also advises clients on issues such as bribery, corruption, money laundering and international sanctions, and has worked on a number of cross-border matters involving multiple jurisdictions. Georgia has previously undertaken a secondment in the legal team of a FTSE 100 company.

THE GROWTH OF CLASS ACTIONS: WHAT'S NEXT?

We explore the rapidly changing legal landscape

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Can multiple claimants use the same claim form in group actions?

A recent decision in the Birmingham County Court has added to the body of case law growing around the test for listing multiple claimants on the same claim form. In *Angel and others v Black Horse Limited*, unreported, 8 September 2023, County Court at Birmingham, a case involving over 5,000 claimants bringing claims against 8 finance companies, the claimants had issued proceedings using 8 claim forms (one against each defendant). HHJ Worster held that in this case it was impermissible under CPR 7.3 to use a single claim form for all the claims against the same defendant. The judge therefore ordered the claimants to sever their claims from the common claim forms. HHJ Worster relied heavily on the guidance given by the High Court in *Abbott v Ministry of Defence*

[2023] EWHC 1475 (KB) on the CPR 7.3 “convenience test”, which concerns whether multiple claimants may use a single claim form. These cases ...

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Oct 02, 2023

The long term implications of PFAS for real estate in the UK

Poly- and Perfluoroalkyl substances (“PFAS”) are widely present in soil and groundwater, and the negative human health consequences of this are starting to be understood. There are important implications for anyone with interests in real estate in the UK. This Insight analyses the risks of PFAS in the UK under UK law.

Insights

Sep 14, 2023

Raising the stakes in activist shareholder claims

The High Court has ordered that ClientEarth pay Shell’s costs in connection with all aspects of ClientEarth’s unsuccessful application for permission to continue a derivative claim against Shell and its directors. This is a departure from the default position in derivative proceedings. Usually, the company will not be awarded any costs incurred in making submissions in opposition to, or attending any hearing of, a shareholder’s application at the permission stage. This judgment therefore raises the stakes for activist shareholders who are considering bringing a derivative claim.

Insights

Sep 12, 2023

New Group Litigation Order issued together with the potential development of a new “GLO Lite” procedure for the collective case management of claims

The High Court has made a Group Litigation Order (GLO) in the class action proceedings of Tongue & Ors v Bayer Public Ltd Company & Ors [2023] EWHC 1792 (KB). This appears to be only the second GLO made by the High Court in 2023. In its judgment, the Court made a number of important comments about the factors it took into account when exercising its discretion to make a GLO. It also referred to a form of collective case management it named “GLO Lite”, which indicates that a new informal practice for managing class actions is developing in the High Court.

Insights

Aug 30, 2023

Município de Mariana v BHP Group: the English High Court casts its jurisdictional net wider in the Fundão Dam class action proceedings

In the High Court’s recent judgment in Município de Mariana & Ors v BHP Group (UK) Limited & Anor the Court found that England was “clearly the appropriate forum” to determine whether Vale SA, a Brazilian company, should share liability with the BHP Group in a class action claim being brought in the English High Court as the result of the 2015 Brazilian Fundão Dam disaster. The claim was brought as a CPR Part 7 High Court action, with a large number of claimants listed on one claim form, and is not a representative action or subject to a Group Litigation Order.

Insights

Aug 07, 2023

PACCAR: a new direction for the funding of class actions?

The Supreme Court’s decision in R (on the application of PACCAR Inc and others) (Appellants) v Competition Appeal Tribunal and others (Respondents) [2023] UKSC 28 has caused a stir in the legal industry, leaving a

number of question marks over the future direction of litigation funding. In this insight, we consider how the Supreme Court's ruling might specifically impact class actions in both the Competition Appeal Tribunal (CAT) and the High Court.

Insights

May 23, 2023

High Court dismisses green strategy derivative claim against Shell's directors

In February 2023 ClientEarth issued a derivative action against Shell's 11 directors. ClientEarth alleged that the directors had breached their duties under the Companies Act 2006 (CA 2006) by failing to adopt and implement an energy strategy that aligned with the Paris Agreement on Climate Change 2015 to limit global warming to 1.5°C. Given that it was bringing a derivative claim on behalf of the company, ClientEarth needed to obtain the permission of the court before the action could proceed. The application was considered on the basis of the papers before the court without the court hearing oral submissions. On 12 May 2023, the judge refused permission for the claim to proceed. The judge made several key points in his judgment which will be pertinent to future activist shareholder derivative actions.