

## **BUSINESS & COMMERCIAL DISPUTES**

### **OVERVIEW**

Clients across the globe turn to us for guidance on navigating their complex business disputes when their commercial and reputational interests are at stake. Our lawyers offer clear, concise and efficient advice on the full range of commercial claims that enable our clients to gain the best result. We focus on carrying out our clients' business objectives as effectively and efficiently as possible, whether that means trying a dispute to a final decision in an arbitration or in court or crafting and executing litigation strategies designed to leverage a commercial resolution.

We are a leading disputes practice, representing corporates, financial institutions, and governments in complex commercial litigation in the Courts and Tribunals. We have a proven track record of advising domestic and multinational companies across a broad range of sectors, including banking and financial services, food and agribusiness, manufacturing, retail, digital services and technology, energy, health care and life sciences, sports, media and entertainment, and hospitality. While we are geographically diverse, we are also "one firm" and assemble teams of lawyers with the skills and background needed to tackle our clients' issues – across the globe.

We also have a strong record in the United States of resolving disputes through dispositive motion practice and, globally, through alternative dispute resolution, including mediation and other pre-trial strategies. Our experience, combined with the use of cutting-edge technology and an understanding of large-scale data, translate to positive and cost-effective results for our clients.

### **USING DATA AND TECHNOLOGY**

At BCLP, the imperative to innovate arises from our deep commitment to client service. We know our clients must operate with nimbleness and strength in an ever more challenging marketplace, and we expect the same of ourselves. Modern litigation requires an understanding of relevant technologies and the ability to manage large-scale data. We are experienced in both of these areas and with the legal requirements for data preservation and production as well as how to use data strategically to enhance case results and hold down costs.

## MEET THE TEAM



### **Robert J. Hoffman**

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### **Graham Shear**

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## RELATED PRACTICE AREAS

- Appellate
- Banking & Finance Disputes
- Class Actions
- M&A Disputes
- Mass Torts & Product Liability

- Fiduciary Disputes
- Forensic Technology
- Complex Coverage & Claims Disputes
- Consumer Finance Disputes
- Crisis Management & Reputational Risk
- Real Estate Disputes
- Shareholder Securities and Mergers & Acquisitions
- UK & EU Class Actions

## EXPERIENCE

- Defending global provider of crop inputs and services in personal injury cases nationwide, including chemical exposure and catastrophic personal injury claims.
- Acting for Legal and General (L&G), in a ground-breaking claim against Glencore. We are bringing novel claims under section 90A and Schedule 10A to FSMA 2000. L&G's claims are being case managed together with claims brought by various major asset managers and institutional investors. This group litigation, valued at around £1 billion, is at the forefront of securities actions in this jurisdiction.
- Successfully defended a billion-dollar lawsuit filed against Leprino Foods Company and its majority shareholders, including Chairman and CEO James G. Leprino, ending nearly two and a half years of litigation.
- Acting for Tata Consultancy Services in relation to a dispute concerning a high value, long term outsourcing agreement with the Disclosure and Barring Service. Having been featured in The Lawyer's Top 20 cases of 2023 and tipped to be one of the biggest IT trials of recent years. A judgment is expected in the first half of 2024.
- Obtained a significant victory for McLear & Co., a technology startup that designs and manufactures electronic smart rings, including payment rings, in a three-week trade secrets jury trial in the Northern District of California. McLear asserted three claims against a former officer and her company stole McLear's patent for the smart rings and then claimed they had the exclusive right to sell these rings in the U.S.
- Acting for EE Limited in ongoing litigation against Virgin Mobile. This high-profile dispute centres around the interpretation of exclusivity provisions concerning the migration of existing, and addition of 5G customers by Virgin Mobile.

- Acting as lead trial and appellate counsel for Lumen Technologies in connection with various municipal license tax matters throughout the State of Missouri.
- Acting for Playtech in a high-value contractual dispute with Caliplay SA. This hard-fought dispute has developed into a multi-jurisdictional engagement requiring us to provide urgent strategic advice and muster forces in Mexico to keep the claim in England alive at the same time as conducting the claim in England.
- Defended global specialty pharmaceutical market-leader Mallinckrodt LLC and its subsidiary SpecGx LLC in an action for alleged trade secret misappropriation and breach of contract in federal court in the Eastern District of Pennsylvania by Genus Lifesciences Inc. in connection with Genus's local anesthetic drug Goprelto.
- Acting for the Asturion Fondation – a foundation established to hold assets on behalf of the Saudi royal family – in highly contested proceedings for the recovery of an ultra-high value property portfolio including property in London. The case was identified by The Lawyer as one of their Top 20 cases for 2023 and the trial took place in October 2023.
- Representing a global leader in the food & beverages industry in a multimillion claim involving antitrust, trade secret, business interference, breach of contract, and promissory estoppel in the U.S. District Court for the Central District of California.
- Defended seller against claims of fraud, indemnification, breach of reps and warranties, and various investigations by U.S. Attorney's office and various regulatory agencies in connection with a \$550 million sale of a healthcare business; all contemplated charges were dropped and civil claims were settled for an amount below the funds remaining in the escrow account.

## RELATED INSIGHTS

Insights

Apr 29, 2025

### **Does “back to back” mean “pay when paid” in construction contracts?**

In *Sze Fung Engineering Limited v Trevi Construction Company Limited* [2025] HKCA 278[1], the Hong Kong Court of Appeal (“CA”) ruled that the “back to back” wording in that case was not a “pay when paid” clause, but governed only the timing of payment.

Insights

Apr 28, 2025

### **Hong Kong Court makes security for costs order against Mainland parties with no assets in Hong Kong**

In *Y and Another v GI and Another* [2025] HKCFI 1317[1], the Hong Kong Court of First Instance (“Court”) allowed the defendant’s application for security for costs against the plaintiffs in respect of the plaintiffs’ application to set aside an arbitral award. In doing so, the Court found that the plaintiffs were resident outside Hong Kong, had no assets available in Hong Kong and the setting aside application had little prospect of success.

News

Apr 24, 2025

## **BCLP Advises AMMO, Inc. on Sale of Manufacturing Assets to Leading Ammunition Maker Olin Winchester**

Insights

Apr 24, 2025

## **Understanding the Litigation Privilege**

Blog Post

Mar 26, 2025

## **EEOC Weighs in on DEI Discrimination and Publishes Informal Guidance**

News

Mar 24, 2025

## **BCLP Partner as Lead Source in Law.com’s Coverage of DOE Dismantling**

Blog Post

Mar 21, 2025

## **Embrace Tradition, Reject Modernity? Recent FTC and DOJ Deal Challenges Show Preference for Traditional Antitrust Theories of Harm**

Both the Federal Trade Commission (FTC) and Department of Justice (DOJ) Antitrust Division have now brought cases challenging deals under President Trump’s administration. In many respects, the theories of harm alleged in these cases are traditional and not necessarily reflective of the “new theories” under the 2023 Merger Guidelines. Additionally, in both cases, the DOJ and FTC show a continued focus on both price and non-price aspects of competition, especially those related to innovation.

Awards

Mar 20, 2025

## **Chambers Europe 2025**

Insights

Mar 19, 2025

## **HK Court relies on deemed service clause to dismiss a setting-aside application to enforce an arbitral award**