

Melody Ihuoma

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Melody's practice spans across general commercial law, professional negligence, construction, insurance and sports. She has assisted in a range of business to business disputes in the finance context and in connection with the sale of goods and the supply of services. She has also acted in claims involving allegations of serious wrongdoing or misrepresentation, and is currently instructed as a junior in one of the largest fraud disputes ever heard by the Commercial Court.

She has worked on a number of cross-border disputes, and is assisted in this regard by her French language abilities; Melody has experience of reading French language banking and legal documents for the purposes of litigation.

Prior to coming to the Bar, Melody read law at Balliol College, University of Oxford. During her time there she was awarded the Brackenbury Exhibition, Brackenbury Scholarship and the Alan Rodger Prize in Roman Law. She also worked for a term as a legal research assistant. Following her undergraduate studies, Melody undertook the Bachelor of Civil Law (BCL) at Oxford in 2016, achieving distinctions in Philosophical Foundations of the Common Law and in a dissertation ("Objectivity and Subjectivity in the Law of Contract Damages").

Privacy Policy

Click here for a [Privacy Policy](#) for Melody Ihuoma.

Areas of Expertise

Commercial litigation

Melody benefits from substantial legal research experience and exceptionally strong analytical skills, both of which equip her for tackling particularly complex commercial matters. She has acted in disputes involving allegations of wrongdoing and has also acted in a range of contractual matters. She has experience, in particular, with disputes raising questions in relation to the formation, interpretation and effect of contracts (including guarantees and consumer contracts) and deeds. Highlights include:

- *The Public Institution for Social Security v Fahad Maziad Rajaan Al Rajaan and 37 others*: acting as junior counsel in the defence of an USD 800 million civil fraud claim involving allegations of bribery and breach of fiduciary duty spanning across multiple jurisdictions and decades.
- Acting as sole counsel in a claim in misrepresentation arising out of an agreement for the development of a business e-commerce website.
- Assisting with closing submissions for conjoined ICC and LCIA arbitrations for claims for breach of fiduciary duty and dishonest assistance raising issues in relation to causation, equitable forfeiture and election between inconsistent remedies (during pupillage).
- Assisting with UNICITRAL arbitration proceedings worth USD 270 million for a dispute between a sovereign state and a

construction company raising issues relating to damages for misrepresentation and complex issues of illegality and public policy (during pupillage).

- Advising on the proper interpretation and effect of limitation and exclusion clauses in an agreement for the sale of fruit processing equipment.
- Instructions to act for a public authority in a dispute over the existence and terms of a vehicle hire agreement.
- *Filatona Trading v Navigator Equities* [2020] EWCA Civ 109: assisting, during pupillage, with the preparation of an appeal against a High Court judgment in a dispute over a shareholder agreement concerning the interaction between principles of contractual interpretation, the law of agency and the parole evidence rule.
- Advising in relation to a proposed claim for the rectification of a collateral warranty on the basis of common mistake (during pupillage).
- Assisting with a claim against the guarantors of a company's liability under a loan agreement (during pupillage). The proceedings raised questions in relation to execution formalities for deeds, estoppel and whether the guarantors' liability was discharged by virtue of a variation of the terms of the loan agreement.
- Drafting pleadings for a claim against a photography company, for negligence and for breach of contract, which raised issues concerning the identity of the contracting parties and remedies under the Consumer Rights Act 2015.

Her experience extends to commercial chancery matters, and includes:

- Instructions to act for a commercial landlord in a dispute concerning the lease of business premises, raising questions in relation to the effect of a no set off clause and a guarantee.
- *Perry v Neupert* [2019] EWHC 52 (Ch): assisting, during pupillage, with proceedings under s.50 of the Administration of Justice Act 1985, where trustees of the deceased's estate joined the proceedings in order to oppose the appointment of the deceased's daughter as personal representative of the estate.

Melody particularly enjoys commercial work with an international dimension. She has produced notes and advices on jurisdiction and, in particular, on the location in which financial loss is suffered for the purposes of the tort gateway. She also assisted, during pupillage, with an application for permission to serve a claim form (for an anti-suit injunction) outside the jurisdiction as well as an advice on a question of BVI's law of fraudulent conveyances.

She has a special interest in disputes about remedies, and she regularly appears as sole counsel in claims for the recovery of credit hire charges. She has been instructed in assessment of damages proceedings and also assisted with an advice, during pupillage, on the application of the rule in *White & Carter v McGregor* in a dispute arising from the alleged repudiation by a college of a long-term contract for the maintenance of college premises.

Melody has appeared as sole counsel in High Court and County Court proceedings in a range of procedural matters, and has experience of assisting, as junior counsel, with proceedings arising out of the grant of a freezing injunction, including an application for further asset disclosure. During pupillage, Melody also drafted the skeleton argument for a supermarket's successful application for security for costs in a claim made by one of its suppliers.

Professional negligence

Professional negligence is another area of special interest for Melody, and she has experience with claims against a range of professionals, including solicitors, barristers and tax and pensions scheme advisors. Highlights include:

- Acting for a firm of solicitors in defence of claims brought in contract and in unjust enrichment, arising out of the conduct of employment tribunal proceedings.
- Advising the defendant solicitors on duty and limitation in connection with a dispute about rent review provisions in a long lease.
- Assisting with an application to strike out a £22 million claim brought against a solicitor in connection with a conveyancing transaction (during pupillage). The proceedings raised issues surrounding the law on reflective loss, directors' duties and illegality.
- During pupillage, assisting with an advice on limitation for a claim against a pension scheme advisor for the loss of a chance to bring loss of a chance claims against that advisor and other advisors.
- An advice, during pupillage, on evidence, liability and mitigation in a dispute about negligently drafted mirror wills.



Construction, Technology and Engineering

Melody has been involved in a variety of construction disputes involving allegations of professional negligence and breach of contract. She has experience of advisory work, reviewing expert evidence and trial preparation. Examples include:

- Acting for a firm of kitchen installers in connection with proceedings to strike out the defendant company's counterclaim (settled).
- Instructed to act for and to advise a building contractor in defence of proceedings for breach of contract and negligence arising from the design and execution of domestic building works.
- Assisting (during pupillage) with closing submissions for a dispute valued at a sum in excess of £60 million, between a council and a contractor engaged to deliver a biological waste treatment plant. The dispute raised issues concerning declaratory judgments, waiver by election and the law on expert determination.
- Instructions to act in a dispute between an energy supplier and a consumer over the functioning of an electricity meter.
- Settling pleadings for a contractual dispute between a local authority and a management consultancy firm concerning the compilation of data for the authority's Geographic Information System.
- Assisting (during pupillage) with an advice on rectification, limitation and laches in connection with a dispute arising from an agreement for the provision of architectural and contract administration services.
- Instructions in a claim by heritage planning consultants for unpaid fees (where it was alleged that the services had been negligently carried out) (settled).

Sports

Melody has experience in a range of sporting disputes, with a particular focus on anti-doping matters. Her experiences include:

- Acting as junior counsel in relation to a preliminary investigation by UK Anti-Doping into the alleged presence of dorzolamide in a sprinter's urine sample.
- During pupillage, assisting with an EFL arbitration for a dispute over the interpretation of a football transfer agreement and promissory notes.
- Assisting, during pupillage, in the preparation of a CAS appeal in proceedings arising from the detection of furosemide in a gymnast's urine sample.

Insurance

Melody has worked on a range of insurance disputes, including coverage disputes and insurance brokers negligence claims. Examples include:

- Acting for insurers in the defence of a claim under an "all risks on portable property" insurance policy.
- During pupillage, drafting pleadings for claims against insurers and insurance brokers, including a business interruption claim.
- An advice, during pupillage, on the application of the terms "claim" and "single claim" in a directors and officers liability insurance policy.

Qualifications & Memberships

EDUCATION

BA (Hons) Jurisprudence, BCL (Balliol College, University of Oxford); BPTC (BPP University)

PUBLICATIONS

Co-authored with J Goudkamp, "A Tour of the Tort of Negligence" (2016) 32 Professional Negligence 137

MEMBERSHIPS



NEW SQUARE

BASL

BILA

COMBAR

NAWC

Languages

French (intermediate)

Insights

Supreme Court rules that defence of illegality will not save negligent solicitors (Stoffel & Co v Grondona)

30 October 2020

Melody Ihuoma contributes to an article by Halima Dikko of LexisNexis on Stoffel v Grodona. Please [click here](#) to read the article in full.

The limits of contractual discretion: UK Acorn Finance Limited v Markel (UK) Limited [2020] EWHC 922 (Comm)

26 May 2020

In UK Acorn Finance Limited v Markel (UK) Limited, HHJ Pelling QC applied the Supreme Court's decision in Braganza v BP Shipping Limited [2015] UKSC 17 in the context of an insurance dispute. The Judge found that an insurer had acted irrationally in concluding that misrepresentations made by the insured in risk profile documents were fraudulent. In particular, when exercising its contractual decision-making power, the insurer had failed to give due weight to the maxim that it was inherently more probable that any misrepresentation had been made negligently rather than dishonestly. HHJ Pelling QC's decision is considered by Melody Ihuoma of 4 New Square.