

## OUR PEOPLE

## Will Cook

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Will has a broad commercial practice in Chambers' core areas of work, with a particular focus on civil fraud, commercial litigation and arbitration, construction & engineering disputes, insurance and professional liability. He is also developing a growing practice in disciplinary & regulatory and offshore work. He is equally comfortable instructed both as sole Counsel and as part of a larger team, and appears frequently in the High Court and County Court.

Current and recent highlights of Will's practice include:

- *JD Classics Ltd v PwC LLP*: Instructed by the defendant "Big 4" audit firm in the defence of a c. £50m Commercial Court claim arising out of an alleged fraud at a classic car business (led by Ben Hubble KC and Adam Rushworth of One Essex Court)
- *H&P Advisory Ltd v Barrick Gold (Holdings) Ltd*: Instructed in the defence of an \$18m claim brought by an investment bank and arising out of the merger between two global mining companies (led by George Spalton KC)
- Instructed in a multi-million dollar ICC arbitration arising out of a joint venture in Saudi Arabia (led by Justin Fenwick KC and Tim Chelmick)
- *Darcliffe Homes Ltd v Glanville Consultants Ltd*: Instructed in the defence of a c. £7.5m TCC claim against an engineering firm arising out of alleged ground dissolution at a large housing development in Berkshire (led by Sian Mirchandani KC)
- Instructed in FRC proceedings against auditors arising out of the high-profile collapse of London Capital & Finance Plc (led by George Spalton KC)
- *Various Claimants v Spence*: Instructed as part of a Counsel team (led by Daniel Saoul KC) on behalf of c. 450 investors in Commercial Court claims for deceit and unlawful means conspiracy arising out of a collapsed property investment scheme
- *Executive Counsel to the FRC v KPMG LLP*: Will (led by David Turner KC) was instructed in these high-profile disciplinary proceedings against KPMG and its former partner/employees arising out of the FRC's investigations into KPMG's audits of Carillion Plc and Regeneris Plc, which culminated in a five-week trial before a Disciplinary Tribunal. The case was widely reported in the press and featured as one of The Lawyer's "Top 20 Cases of 2022"

Further details of Will's practice in specific areas can be found under the headings below.

Prior to joining Chambers, Will graduated from Oxford with a first class degree in Philosophy, Politics and Economics before studying the GDL and BPTC at City as a scholar of Gray's Inn. He previously represented England at the World Schools Debating Championships, winning the tournament in 2014 while also being named the best individual speaker.

## Privacy Policy

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## Expertise

### Civil Fraud, Asset Recovery & Injunctive Relief

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Will frequently acts in cases which involve allegations of fraud and dishonesty. He also has wide experience of professional liability claims and investigations which arise in the context of underlying frauds:

- *JD Classics Ltd v PwC LLP*: Instructed by the Defendant "Big 4" audit firm in the defence of a c. £50m Commercial Court claim arising out of an alleged fraud at a classic car business (led by Ben Hubble KC and Adam Rushworth of One Essex Court)
- *Various Claimants v Spence*: Instructed as part of a Counsel team (led by Daniel Saoul KC) on behalf of c. 450 investors in Commercial Court claims for deceit and unlawful means conspiracy arising out of a collapsed property investment scheme
- *Providence Investment Funds v PwC CI LLP*: Instructed for the defendant "Big 4" audit firm in proceedings in Guernsey arising out of an alleged Ponzi scheme said to have defrauded thousands of local investors. The case settled shortly before a five week trial in the Guernsey Royal Court (led by Edward Harrison of Brick Court)
- *Vneshprombank LLC v Bedzhamov*: Instructed as part of a large Counsel team (led by Justin Fenwick KC) in the defence of a £1.3 billion fraud claim arising out of the collapse of a Russian bank
- *Alfozan v Quastel Midgen LLP* [2022] EWHC 66: Instructed in the successful strike-out of a c. £6.5m claim against solicitors on grounds of "warehousing" and abuse of process. The underlying claim concerned an alleged fraud perpetrated on a Saudi national's valuable London property portfolio (led by Helen Evans KC)

### Commercial Dispute Resolution

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Commercial disputes sit at the heart of Will's practice. He is frequently instructed in the full range of disputes in both litigation and arbitration. Cases in which Will has been instructed include:

- *JD Classics Ltd v PwC LLP*: Instructed by the defendant "Big 4" audit firm in the defence of a c. £50m Commercial Court claim arising out of an alleged fraud at a classic car business (led by Ben Hubble KC and Adam Rushworth of One Essex Court)
- *H&P Advisory Ltd v Barrick Gold (Holdings) Ltd*: Instructed in the defence of an \$18m claim brought by an investment bank and arising out of the merger between two global mining companies (led by George Spalton KC)
- Instructed in a multi-million dollar ICC arbitration arising out of a joint venture in Saudi Arabia (led by Justin Fenwick KC and Tim Chelmick)
- Instructed in a multi-million pound ICC arbitration concerning the supply and installation of industrial equipment (led by George Spalton KC)
- *Jeffreys Henry LLP v Wishbone Gold Plc*: Instructed in the defence of a c. \$45m Commercial Court Claim brought by a Plc against reporting accountants and corporate advisors and arising out of an abortive bond issue (led by Benjamin Wood)
- *DataArt Technologies UK Ltd v Luxon Payments Ltd*: Instructed by a software developer in a £5m+ claim and counterclaim concerning the development of cryptocurrency software (led by Hugh Saunders)

- *Various Claimants v Spence*: Instructed as part of a Counsel team (led by Daniel Saoul KC) on behalf of c. 450 investors in Commercial Court claims for deceit and unlawful means conspiracy arising out of a collapsed property investment scheme
- *Providence Investment Funds v PwC CI LLP*: Instructed for the defendant “Big 4” audit firm in proceedings in Guernsey arising out of an alleged Ponzi scheme said to have defrauded thousands of local investors. The case settled shortly before a five week trial in the Guernsey Royal Court (led by Edward Harrison of Brick Court)
- Instructed to advise a retail group on a potential claim for breach of warranty under an SPA arising out of the £132m+ acquisition of a retail business (led by Matthew Bradley KC)
- *OpenGate Capital Management LLC v Melrose Plc*: Instructed by a Plc in the defence of a claim brought by a private equity firm and arising out of the £200m+ acquisition of a manufacturing business (led by Hugh Jory KC)
- *Vneshprombank LLC v Bedzhamov*: Instructed as part of a large Counsel team (led by Justin Fenwick KC) in the defence of a £1.3 billion fraud claim arising out of the collapse of a Russian bank
- Acted as Secretary to the Tribunal (chaired by Sir Richard Field) in a multi-million dollar HKIAC arbitration concerning a shareholder dispute

## Construction, Energy & Natural Resources

Will is regularly instructed across the full range of construction disputes, from smaller claims in the County Court through to significant and high-value proceedings in the TCC and in arbitration. He also has wide experience of professional liability claims against construction professionals. His experience in this area includes:

- *Vitsoe Ltd v Waugh Thistleton Architects Ltd*: Instructed for a firm of architects in the defence of a c. £5m claim arising out of the development of commercial premises in Warwickshire. Will appeared unled against a KC at the interlocutory stage
- *Darcliffe Homes Ltd v Glanville Consultants Ltd*: Instructed in the defence of a c. £7.5m TCC claim against an engineering firm arising out of alleged ground dissolution at a large housing development in Berkshire (led by Sian Mirchandani KC). Will appeared unled at the interlocutory stage
- Instructed (as sole Counsel) in a construction dispute arising out of renovation works at a residential property in Guernsey
- *London Tower Crane Hire and Sales Ltd v Jost Cranes GmbH & Co KG*: Instructed on behalf of defendant engineers in a £1.8m TCC claim arising out of the collapse of a crane at a construction site in London (led by Lucy Colter)
- *Multiplex Construction Europe Ltd v Bathgate Realisations Civil Engineering Ltd* [2021] EWHC 590 (TCC); [2021] PNLR 19: Will (led by Lucy Colter) acted for the defendant insurer in this important and widely reported decision on tortious duties of care in the context of large construction projects. The claim, which was pleaded at £12m and arose out of the construction of 100 Bishopsgate in the City of London, was dismissed following a three-day preliminary issue trial before Fraser J in the TCC
- Instructed by roofing contractors in the successful defence of a c. £40m contribution claim arising out of a large fire. The case gave rise to complex issues including co-insurance, *Norwich v Harvey* and legal causation (led by Sian Mirchandani KC)
- Instructed by the claimant housing association in a £9m construction arbitration concerning defects in the construction of a large housing development in London (led by Lucy Colter)
- Instructed (as sole Counsel) by numerous claimants in claims against various major developers concerning defective new-build housing developments

## Regulatory & Disciplinary

Will is developing a growing practice in this area, with a particular focus on disciplinary proceedings against accountants and auditors (having acted in some of the most high-profile FRC proceedings of recent years). He also deals frequently with regulatory issues which arise in relation to the legal profession.

- Instructed to advise a major City firm of solicitors on potential conflicts of interest and associated regulatory issues arising out of multi-party commercial litigation (led by Ben Hubble KC)
- *Executive Counsel to the FRC v KPMG LLP*: Will (led by David Turner KC) was instructed in these high-profile disciplinary proceedings against KPMG and its former partner/employees arising out of the FRC’s investigations into KPMG’s audits of Carillion Plc and Regeneris Plc, which culminated in a five-week trial before a Disciplinary Tribunal. The case was widely reported in the press and featured as one of The Lawyer’s “Top 20 Cases of 2022”
- Instructed in FRC proceedings against auditors arising out of the high-profile collapse of London Capital & Finance Plc (led by George Spalton KC)

- Assisting in advising regarding potential breaches of the SRA Code of Conduct by a partner in a “Magic Circle” firm of solicitors (during pupillage)

## Insurance

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Will acts in a wide range of insurance matters, including coverage disputes, subrogated claims and claims against insurance brokers. His instructions in other areas also frequently involve an insurance element:

- Instructed to advise insurers in respect of coverage issues arising out of various claims in excess of c. £147m concerning the refurbishment of housing developments at various locations throughout the UK (led by Richard Liddell KC)
- Instructed to advise a major insurer in respect of potential breaches of a collective insurance agreement (led by Roger Stewart KC)
- Instructed on behalf of the successful insurers in a two-day LCIA arbitration concerning the construction and/or rectification of a “cladding” exclusion in a professional indemnity insurance policy (led by George Spalton KC)
- Instructed in the defence of a €9m COVID-19 Business Interruption insurance claim brought by a real estate investment manager concerning alleged losses arising from its European property portfolio (led by David Turner KC)
- Instructed to advise professional indemnity insurers in respect of claims made by the administrators of a collapsed SIPP provider which had promoted Non-Standard Investments to its customers (led by David Turner KC)
- Instructed by roofing contractors in the successful defence of a c. £40m contribution claim arising out of a large fire. The case gave rise to complex issues including co-insurance, *Norwich v Harvey* and legal causation (led by Sian Mirchandani KC)
- Instructed (as sole Counsel) to advise a property manager in respect of potential claims against its insurance broker arising out of under-insurance
- Instructed (as sole Counsel) on behalf of a credit provider in a claim in respect of a legal expenses insurance policy. The underlying claims brought against the insured concerned an alleged data breach said to have affected thousands of customers
- *FCA v Arch Insurance (UK) Ltd* [2020] EWHC 2448 (Comm): while still a pupil, Will was instructed by three major non-participating insurers in relation to issues arising from the high-profile COVID-19 Business Interruption insurance test case

## Offshore Litigation

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Will frequently acts in disputes with an international element, and where there are multiple parallel proceedings in different jurisdictions. He is also developing a growing practice in offshore litigation, including:

- Instructed in an appeal against a non-party costs order made in the context of long-running commercial litigation in the Isle of Man (led by George McDonald)
- *Providence Investment Funds v PwC CI LLP*: Instructed for the defendant “Big 4” audit firm in proceedings in Guernsey arising out of an alleged Ponzi scheme said to have defrauded thousands of local investors. The case settled shortly before a five week trial in the Guernsey Royal Court (led by Edward Harrison of Brick Court)
- Instructed (as sole Counsel) in a construction dispute arising out of renovation works at a residential property in Guernsey

## Professional Negligence

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Professional liability claims form a core part of Will’s practice. He is regularly instructed on behalf of both claimants and defendants, and has experience of claims against a wide range of professionals, including solicitors, barristers, accountants, auditors, surveyors, valuers, engineers, architects and other construction professionals.

- *JD Classics Ltd v PwC LLP*: Instructed by the defendant “Big 4” audit firm in the defence of a c. £50m Commercial Court claim arising out of an alleged fraud at a classic car business (led by Ben Hubble KC and Adam Rushworth of One Essex Court)
- *IV Fund Ltd SAC v Mountain*: Instructed on behalf of a major firm of solicitors responding to an application in the High Court for collateral use of documents which had been disclosed in previous litigation. Will appeared unled against a KC and a senior junior at the hearing of the application
- Instructed in a \$7m claim against a major City firm of solicitors arising out of the sale and leaseback of several large oil

tankers (led by George Spalton KC)

- *Darcliffe Homes Ltd v Glanville Consultants Ltd*: Instructed in the defence of a c. £7.5m TCC claim against an engineering firm arising out of alleged ground dissolution at a large housing development in Berkshire (led by Sian Mirchandani KC). Will appear unled at the interlocutory stage
- *Lloyd v Michelmores*: instructed in a multi-million pound claim against a firm of solicitors arising out of the liquidation of an SPV and the failed defence of subsequent High Court litigation (led by Patrick Lawrence KC and Tim Chelmick)
- *Alfozan v Quastel Midgen LLP* [2022] EWHC 66: Instructed in the successful strike-out of a c. £6.5m claim against solicitors on grounds of “warehousing” and abuse of process. The underlying claim concerned an alleged fraud perpetrated on a Saudi national’s valuable London property portfolio (led by Helen Evans KC)
- *Multiplex Construction Europe Ltd v Bathgate Realisations Civil Engineering Ltd* [2021] EWHC 590 (TCC); [2021] PNLR 19: Will (led by Lucy Colter) acted for the defendant insurer in this important and widely reported decision on tortious duties of care in the context of large construction projects. The claim, which was pleaded at £12m and arose out of the construction of 100 Bishopsgate in the City of London, was dismissed following a three-day preliminary issue trial before Fraser J in the TCC
- Instructed to advise a HNW individual on prospective claims against lawyers and financial advisers arising out of a defective post-nuptial agreement (led by Ben Hubble KC)

## Qualifications

**Education:** BA, Philosophy, Politics & Economics, Oriel College, Oxford (First Class Honours – 7<sup>th</sup> highest in year); GDL, City, University of London (Distinction – 4<sup>th</sup> highest in year); BPTC, City, University of London

**Scholarships & Awards:** Academic Scholarship (Oriel College, Oxford); CPE Scholarship, Lord Justice Holker Scholarship (Gray’s Inn); Jean Monnet Prize in EU Law (City, University of London)

**Memberships:** Commercial Bar Association; Professional Negligence Bar Association

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