

# GEORGE HILTON

Call 2012

## Get in touch

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## Practice Overview

George is an in demand commercial barrister who practises across Chambers' core practice areas with a particular focus on commercial litigation and arbitration, banking and finance, insurance, property damage and IP/IT.

He has developed a reputation for working diligently and efficiently from the outset of complex litigation, making difficult tactical decisions calmly in the face of significant time pressure.

This includes applications for freezing injunctions, mandatory injunctions and specific performance orders, injunctions to restrain winding up petitions, applications for disclosure and delivery up, and Norwich Pharmacal / Bankers Trust orders.

He has particular expertise dealing with disputes involving expert technical or accounting evidence including cross-examination of the relevant experts.

He is instructed in the Commercial, Chancery and TCC divisions of the High Court either as sole advocate or working as part of a larger legal team.

George read Chemistry as a Scholar at New College, Oxford and graduated in 2010 with first class honours, winning the Oxford University Press Chemistry Prize as well as various college awards for his academic performance.

He obtained a Diploma in Intellectual Property law from the University of Oxford and is a competent computer coder, literate in most mainstream coding languages.

## Practice areas

Banking & Finance  
Commercial Litigation & Arbitration  
Commercial Fraud  
Construction  
Insolvency  
Intellectual Property  
Professional Negligence  
Property Damage

## Memberships

COMBAR  
Chancery Bar Association  
Junior Chancery Bar  
Young International Arbitration Group  
ICC Young Arbitrators Forum  
IP Bar Association

## Qualifications

MChem (first class honours)  
BPTC (Outstanding)  
GDL

## Education

New College, Oxford University  
City Law School  
College of Law



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## Banking & Finance

George is instructed to advise and appear in cases concerning ISDA Master Agreements, GMRA, FSMA 2000, guarantees and mortgage security.

## Current and Recent Work

*Lacuna Edinburgh Ltd (in liquidation) v Barclays* [2017] (QB) – instructed by the claimant in relation to a c.£350,000 claim by liquidator for mis-selling of an interest rate hedging product in connection with a development of student accommodation in Edinburgh.

*X v Y* [2016] acted for claimants in a s.138D FSMA 2000 mis-selling application against a firm of Independent Financial Advisors in relation to claims for pensions mis-selling. Proceedings settled.

Advised the FCA in relation to the validity of terms in settlement agreements entered into with firms trading in contravention of s.19 FSMA 2000.

Assisted with a \$90 million financial services regulatory claim under DFSA's regulations and COB Rules for the mis-selling of financial products on a leveraged basis.

Assisted the FCA in *FCA v Asset Land* [2013] EWHC 178 (Ch) – collective investment scheme.

Assisted with *FCA v Cavendish Moore Ltd* (2013) a collective investment scheme/ "landbanking" trial that subsequently settled.

Acted for the Pensions Regulator in financial support direction proceedings against trustees of a global manufacturer's pension scheme.

Assisted the Pensions Regulator with contribution notice proceedings brought against a private equity fund.

## Commercial Litigation & Arbitration

George is instructed to advise and appear in litigation and arbitrations involving shareholder disputes, breach of joint venture agreements, breach of partnership agreements, directors' duties, directors' disqualification, guarantees, indemnities, agency issues, insolvency, rights of set off, bailment and general contractual disputes.

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## Current and Recent Work

Instructed in on-going international arbitration proceedings in relation to the breach of a joint venture agreement concerning the construction of a \$550 m industrial facility in Asia (assisting Laurence Rabinowitz QC and Sebastian Issac at One Essex Court).

Instructed as sole counsel for the petitioner in an unfair prejudice petition related to a £4.5m minority shareholding in a pioneering IT company.

**X Ltd v Y Ltd & Z Ltd** [2017] sole counsel acting for the claimant and petitioner in a claim and related unfair prejudice petition where funds and assets in excess of £2.5 m have been misappropriated from a company by its former Director and co-shareholder and distributed in breach of trust through a complex network of companies.

**BAT Caribbean v PHP Tobacco Carib Sarl** [2017/on-going] – assisting Charles Dogherty QC and Stewart Chirnside at 2TG in an approximately €5.5m claim arising out an exclusive distribution agreement to import tobacco products into Guadeloupe and Martinique. Due for trial in February 2018.

**Lacuna Edinburgh Ltd (in liquidation) v Barclays** [2017] (QB) – instructed by the claimant in relation to a c.£350,000 claim by liquidator for mis-selling of an interest rate hedging product in connection with a development of student accommodation in Edinburgh.

**X v Y LLC** [2016] – unfair prejudice petition in the DIFC and related breach of contract claims concerning a business located in the DIFC (under DIFC law).

**Kiril Mischeff Ltd v. Osman** [2016] – High Court proceedings arising from the Defendant's fraudulent misappropriation of sums from the Claimant, judgment for which was successfully enforced into the Defendant's substantial pension fund.

**Sprint Cellular Division Limited (In Liquidation) -v- (1) A Payne (2) G Webb** [2016] – instructed as sole counsel for the shareholder director, D2, in misfeasance/preference/TUV proceedings brought by joint liquidators.

**X v Y (commercially sensitive)** [2016/ongoing] acting for the Claimant in proceedings alleging misappropriation of valuable IP rights and diversion of revenue streams.

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**X v Y** [2015] Advised and instructed in arbitration proceedings in relation to a claim for the breach of a multi-million pound lockout agreement.

Advised a FTSE 100 pharmaceutical company on the merits of seeking a declaration as to its contractual rights under a patent licensing agreement.

**Androulla Marcou v Tiebridge Property Company Limited** [2016] acted as sole counsel in the High Court, Companies Division for the defendant in unfair prejudice petition proceedings, including acting in the on an interim hearing (on that occasion led by Marcia Shekerdeman QC at Wilberforce Chambers).

**Birmingham City Council v Mushtaq's Limited** [2016] – proceedings in relation to allegedly fraudulent procurement of local government grant funding.

Assisted with a claim for interim relief under s25 CJA 1982 in support of proceedings in Russia: **JSC VTB Bank v Skurikhin**.

Assisting the claimant in the commercial fraud claim of **Avrahami v Biran** [2013] EWHC 1776 (Ch).

Assisted the successful appellant in the Supreme Court appeal of **Abela v Baaderani** [2013] UKSC 44 concerning alternative service of proceedings outside the jurisdiction.

**Dennis Wise v Tony Jimenez & CD Investments Ltd (in liquidation)** [2014] W.T.L.R. 163 – sole counsel acting for the joint liquidators of D2 in a 7-day High Court Chancery trial where the claimant had paid the sum of £500,000, through D2 acting as his agent, for the agreed purpose of investing in a golf course development; D1 was found to hold the money on a *Quistclose*

Assisted the Respondent in the Supreme Court appeal of **VTB Capital Plc v Nutritek** [2013] UKSC 5 concerning issues of piercing the corporate veil and a forum dispute in relation to a \$200 million fraud claim.

## Commercial Fraud

He has also developed a reputation for dealing with commercial fraud cases diligently and effectively from the outset, obtaining freezing injunctions, Norwich Pharmacal/Bankers Trust and search orders as well as advising upon enforcement and international enforcement strategies.

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## Current and Recent Work

**X Ltd v Y Ltd & Z Ltd** [2017] sole counsel acting for the claimant and petitioner in a claim and related unfair prejudice petition where funds and assets in excess of £2.5 m have been misappropriated from a company by its former Director and co-shareholder and distributed in breach of trust through a complex network of companies.

**Kiril Mischeff Ltd v. Osman** [2016] – High Court proceedings arising from the Defendant's fraudulent misappropriation of sums from the Claimant, judgment for which was successfully enforced into the Defendant's substantial pension fund.

**Sprint Cellular Division Limited (In Liquidation) -v- (1) A Payne (2) G Webb** [2016] – instructed as sole counsel for the shareholder director, D2, in misfeasance/preference/TUV proceedings brought by joint liquidators.

**X v Y (commercially sensitive)** [2016/ongoing] acting for the Claimant in proceedings alleging misappropriation of a valuable patent and diversion of revenue streams.

**Birmingham City Council v Mushtaq's Limited** [2016] – proceedings in relation to allegedly fraudulent acquirement of local government grant funding.

Assisted with a claim for interim relief under s25 CJA 1982 in support of proceedings in Russia: **JSC VTB Bank v Skurikhin**.

Assisting the claimant in the commercial fraud claim of **Avrahami v Biran** [2013] EWHC 1776 (Ch).

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# GEORGE HILTON

## Construction

George has experience of construction, engineering and infrastructure litigation and arbitration (LCIA and *ad hoc*), including disputes in Russia and the Middle East. He has acted as sole counsel and as junior counsel in instruction proceedings relating to delay, estoppel, bad faith, disputes between partners of joint venture agreements, jurisdiction, coverage and insurance and disputes arising out of JCT agreements.

## Insolvency

George is regularly instructed in corporate and personal insolvency matters, including liquidation/winding-up, administration, voluntary arrangements, bankruptcy and transaction avoidance.

## Current and Recent Work

***X Ltd v Y Ltd & Z Ltd*** [2017] sole counsel acting for the claimant and petitioner in a claim and related unfair prejudice petition where funds and assets in excess of £2.5 m have been misappropriated from a company by its former Director and co-shareholder and distributed in breach of trust through a complex network of companies.

***Lacuna Edinburgh Ltd (in liquidation) v Barclays*** [2017] (QB) – instructed by the claimant in relation to a c.£350,000 claim by liquidator for mis-selling of an interest rate hedging product in connection with a development of student accommodation in Edinburgh.

Acting as sole counsel for the Liquidator in a complex Companies Court claim against a former company Director for misfeasance, breaches of fiduciary duty, transactions at an undervalue and/or preferences under the Insolvency Act 1986;

***Dennis Wise v Tony Jimenez & CD Investments Ltd (in liquidation)*** [2014] W.T.L.R. 163 – sole counsel acting for the joint liquidators of D2 in a 7–day High Court Chancery trial where the claimant had paid the sum of £500,000, through D2 acting as his agent, for the agreed purpose of investing in a golf course development; D1 was found to hold the money on a *Quistclose*

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# GEORGE HILTON

## Intellectual Property

With his background in chemistry, experience working in the IP department at Herbert Smith Freehills and in the enforcement division at the European Commission, George has experience dealing with both hard and soft IP and IT matters, often in the context of broader commercial disputes. He recently (2017) gained a postgraduate Diploma in Intellectual Property Law from the University of Oxford.

He is a competent computer coder, literate in most mainstream coding languages.

He accepts instructions in the IPEC and Chancery (Patents) High Court, as well as in trade mark registration proceedings in the UKIPO.

## Current and Recent Work

Instructed as sole counsel for the Claimant in a patents entitlement claim.

Instructed in opposition proceedings before the UKIPO.

Advised on UK and EU unregistered design right, copyright, passing off and trade mark infringement claims.

Assisted the EU Commission take action against various online games platform providers for the mis-selling of in-app purchases.

Advised a motorbike manufacturing company on UK and EU unregistered design rights, copyright, passing off and trade mark infringement claims.

Advised a street lighting company on potential UK and EU unregistered design right infringement and copyright infringement.

*Idenix v Gilead* [2014] EWHC 3916 (Pat) instructed for Gilead from the early stages of expedited pharmaceutical patent trial.

Advised a pharmaceutical company in relation to formulation patent infringement proceedings.

Drafted pleadings in relation to chemical dye patent infringement proceedings.

Advised a pharmaceutical company on the merits of seeking a declaration as to its contractual rights under

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# GEORGE HILTON

## Professional Negligence

George is developing a broad professional negligence practice with a focus on the negligence of solicitors, accountants, architects and patent attorneys.

## Current and Recent Work

Acted for a defendant law firm in relation to their allegedly negligent under-settlement of a claim.

Instructed as sole counsel to represent a law firm in successfully defending a professional negligence claim relating to its allegedly negligent prosecution of proceedings.

Acted for the claimant directors in a claim for damages for negligent investment advice they received from their financial advisors.

*Caliendo v Mishcon de Reya* [2016] EWHC 150 (Ch) – assisted Alan Gourgey QC in a solicitor's negligence claim concerning the sale and disposal of interests of the claimants in shares in one or more corporate entities which owned Queen's Park Rangers football club.

Advising the Claimant on an architect's failure to design a building which complied with the local authority planning restrictions.

Acting for the defendants in proceedings alleging negligence and breach of contract for failing to maintain water chemistry which was said to have caused corrosion and damage to a manufacturing plant.

## Property Damage

George has a property damage practice with a particular emphasis on damage caused by chemicals, fire and failures in construction materials. His scientific background and technical proficiency means that he is particularly comfortable dealing with the technical detail and expert evidence such cases frequently involve.

## Current and Recent Work

Acted for Claimants and Defendants in a number of substantial fire claims cases, sometimes arising out of defective products.

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# GEORGE HILTON

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Acted for Claimants and Defendants in a number of tree root subsidence claims.

Acted for the Claimant proprietor of a block of flats in a long running party wall matter, involving a substantial ancillary nuisance claim.

Acting for the Claimant in a claim for substantial flooding damages.

Obtaining specific disclosure orders in the Technology and Construction High Court.

Acting for the defendants in proceedings alleging negligence and breach of contract for failing to maintain water chemistry which was said to have caused corrosion and damage to a manufacturing plant.

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