

LUKA KRSLJANIN

Call 2013

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"Very good technically, very thorough and approachable"
(Chambers UK)

Practice Overview

Luka is ranked as a "Leading Individual" at the Bar in Chambers UK 2019: "He is confident and robust as an advocate", who is "able to think outside the box and consider matters not just legally but also tactically". He is ranked as an "up and coming" barrister by Chambers UK in the field of Private International Law.

His practice has a significant sports commercial focus, and he has represented well-known Football Clubs in the Premier League and French Ligue One. From 2016-2018, he acted for West Ham United in the heavily-publicised High Court litigation relating to the former Olympic Stadium (valued over £100m), which involved a major judgment from Court of Appeal. He is now instructed in the complex ownership dispute concerning Sheffield United, which is in a 6-week High Court trial from May-June 2019. He is also presently acting for French Club Stade Rennais F.C. in a multimillion pound commercial dispute before the High Court.

Luka also frequently acts in a range of cases with a cross-border element, hence his ranking as a leader in the field of private international law since 2017 (Chambers UK), and in high-level professional/clinical negligence litigation.

He frequently appears unled in the High Court and also has a considerable appellate practice, having acted before the Court of Appeal (5 times), Privy Council and Supreme Court, and the Bermudian Court of Appeal.

Commercial Dispute Resolution

Both led and as sole counsel, Luka regularly advises and acts in cases concerning all manners of commercial disputes, most commonly in the Sports context, but also more generally in the Joint Venture, Partnership and Agency contexts.

Practice areas

Commercial Dispute Resolution
Sport
Private International Law
Travel & Jurisdiction
Insurance & Reinsurance
Clinical Negligence
Professional Negligence

Memberships

PIBA
Guernsey International Lawyers Association

Qualifications

MA (Cantab)
BVC (Certificate of Honour)

Education

Cambridge University



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Most significantly, he has received repeat instructions from the Premier League Football Club West Ham United, for whom he has dealt with a range of complex, high-level commercial issues including Court proceedings valued at over £100 million.

He has particular interest in the controversial issue of implied obligations of good faith in English contract law, and has frequently advised on the issue and written on the subject for Law in Sport (<https://www.lawinsport.com/topics/articles/item/the-concept-of-good-faith-in-commercial-contracts-what-is-it-and-when-does-it-apply-in-the-sports-industry>)

Current and Recent Work

Sheffield United Ltd v UTB LLC & Ors [2019-]: Luka acts for Sheffield United Ltd in this dispute concerning the ownership of the Club. The dispute arises out of an Investment and Shareholders Agreement, pursuant to which Sheffield United Ltd (a limited company controlled by English businessman Kevin McCabe) and UTB LLC (a limited company controlled by Saudi Prince Abdullah Bin Mossad Bin Abdulaziz Al Saud) held 50% of the shares in the Football Club's holding company. UTB claims it is entitled to obtain Sheffield United Ltd's shares in the company, and the latter counterclaims and also pursues an unfair prejudice petition by which it asks the Court to make a buyout order in its favour. The case involves legally significant questions as to implied obligations of good faith.

WH Holding Ltd v E20 Stadium LLP [2018] EWCA Civ 2652: Luka acted for the successful Appellant, (led by Paul Downes QC) in this landmark appeal concerning the scope of litigation privilege. Luka's client succeeded in the appeal, with a unanimous Court of Appeal (Sir Terence Etherton MR, Lewison LJ and Asplin LJ) rejecting the Respondent's argument that it was entitled to redact and conceal evidence of discussions between Board Members regarding a potential settlement of the claim. The Court of Appeal held that such discussions, which were in the context of anticipated litigation but not directed at obtaining advice or evidence for that litigation, were not protected by litigation privilege.

West Ham v E20 Stadium LLP [2016-2018] Luka acted on behalf of the owners and operators of West Ham United, in their claim against the leasehold owner of the London Stadium (the former Olympic Stadium). West Ham alleged that E20, the Stadium owners, were unlawfully preventing West Ham from accessing certain seats in the Stadium, and therefore depriving West Ham of substantial ticketing revenue. The claim involved allegations that E20 has failed to act in good faith, and so invokes complex consideration of good faith issues. Prior to its settlement at trial,

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the case involved numerous complex case management issues, and interim applications which led to valuable High Court Judgments on **the redaction of commercially sensitive documents ([2018] EWHC 2578 (Ch))** and **applications for third party disclosure ([2018] EWHC 2971 (Ch))**.

B-P v K [2018-] Luka acts for the Claimant in this claim concerning the fraudulent transfer of monies from the client account of a professional financial investment adviser.

Atang & Another v Newatia & Credit Suisse [2016] Luka represented the Claimants in a professional negligence claim against a senior financial investment adviser, involving issues of breach of fiduciary duty and breach of the COBS rules.

Sport

Luka deals with disputes in a range of sports but has a particular reputation for his ability to litigate football cases. He is junior counsel of choice for West Ham United Football Club, the well-known Premier League Football team, and has represented them in a series of disputes, including in their high-profile dispute with the owners of the former Olympic Stadium; a claim valued at over £100 million.

In addition to his comprehensive commercial experience, Luka has conducted numerous personal injury/clinical negligence trials, and therefore is well-versed in cross-examining experts on complex scientific and medical issues in a sporting context.

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Private International Law

As a result of his work for the European Court of Justice, Luka has invaluable practical experience of engaging with Conflict of Laws issues at the highest judicial level in Europe.

Luka has also gained experience of high-level Conflict of Laws disputes before the English Courts. He has worked on landmark cases before the High Court, Court of Appeal and Supreme Court.

Current and Recent Work

X v Y [2018-]

(led by Marie Louise Kinsler QC), Luka is instructed in a case arising out of injuries sustained by a CNN journalist whilst on a reporting assignment in Gaza.

Re [X] Insurance [2018-]

Luka is instructed in this high-value (C.£80 million) matter, arising out of the collapse of a foreign motor insurer, which involves a number of complex insurance, insolvency and general contractual issues.

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Spring v EvKB (2017-)

(led by Charles Dougherty QC), an ongoing High Court case in which the Claimant, a former soldier stationed in Germany in the 1990s, seeks to claim in respect of injuries suffered during training.

Howe v MIB (2016)

(led by Marie Louise Kinsler), a High Court case on the issue of limitation in the context of a claim brought against the Motor Insurers Bureau relating to an accident abroad. Luka appeared for the successful Defendant. The Claimant is now seeking permission to appeal.

Brownlie v Four Seasons Ltd (2015)

(led by Howard Palmer QC and Marie Louise Kinsler), a Court of Appeal case concerning jurisdiction and choice of law in contract and tort;

Bianco v Bennett (2015)

(led by Marie Louise Kinsler), a High Court case in which Luka and Marie Louise succeeded on an important point of law regarding foreign causes of action in the English Courts;

Travel & Jurisdiction

Luka has established a reputation as a leading junior in a range of Conflict of Laws issues. Please see above under the heading, "Private International Law" for details of his involvement in leading High Court, Court of Appeal and Supreme Court cases in this field.

Additionally, Luka is regularly instructed to advise and act in claims arising out of injuries sustained on holidays, including package travel claims. Recent instructions include a claim brought in respect of a hypoxic brain injury sustained by a young boy who suffered a tragic drowning accident whilst on holiday.

Insurance & Reinsurance

Luka is building a considerable insurance practice.

Current and Recent Work

Miley v Friends Life [2017-]:

A much-publicised claim in which the holder of a permanent health insurance policy alleged that he suffers from a debilitating condition which renders him totally unable to carry out his previously lucrative employment. The Defendant insurer alleged fraud. Luka is presently instructed in the

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appeal to the Court of Appeal in this matter, which involves insurance contract disputes at the highest level (led by Caroline Harrison QC and Sonia Nolten).

A claim arising out of a life insurance policy, which considers the consequences of the murder of a policyholder.

A claim worth several millions of pounds relating to a professional indemnity insurance policy.

Clinical Negligence

Luka regularly advises, pleads and acts in clinical negligence disputes in the High Court and Appellate Courts. He has experience well beyond his call in this area. He has acted unled in High Court trials, and acted for the successful Defendant both in the High Court and in the Court of Appeal in *Manzi v King's College Hospital NHS Foundation Trust* [2018] EWCA Civ 1882, an important judgment on adverse inferences and fact-finding, as well as for the successful Respondent in the Privy Council in *Williams v Bermuda Hospitals Board* [2016] UKPC 4 (led by Benjamin Browne QC), a leading authority on the law of causation in the clinical negligence context. Luka is frequently instructed to advise on complex issues of causation.

Current and Recent Work

Luka frequently appears in trials, and has built up a reputation for his strong cross-examination of medical experts. His recent trial successes include the following:

Austin v Dorset County Hospital NHS Foundation Trust & Others [2019]:

Luka represented the First Defendant in this complex case relating to gynaecological treatment. The trial was originally listed for a full week's hearing. On the third day of trial, Luka cross-examined the Claimant's expert, and drew from him vital concessions which were fatal to the Claimant's case. The Claimant discontinued immediately after the cross-examination, and agreed to pay the Defendants' costs.

Hindmarsh v Norwich County Hospitals NHS Trust [2018]:

Luka acted for the successful Defendant in this case concerning spinal surgery carried out on the Claimant. A spinal fixation device had failed shortly after complex spinal surgery, and the Claimant alleged that this was the result of wrongful surgical technique. Under Luka's cross-examination, the Claimant's expert conceded that he had fallen into the "Sherlock Holmes fallacy" (the erroneous approach to causation rejected by the House of Lords in the

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famous case of *The Popi M*). The Judge found for the Defendant on breach and causation.

Teasdale v Royal Free London NHS Trust [2017]: Luka represented the successful defendant in this ophthalmology case where breach of duty had been admitted. Causation was firmly disputed and HHJ Baucher singled out Luka's cross-examination of the Claimant's expert, a Professor of Ophthalmology, as "exemplary", as essential in resolving the case in the Defendant's favour

Sinclair v Colchester Hospital NHS Foundation Trust [2017]: Luka represented the successful defendant in this Fatal Accidents claim arising out of cardiac treatment. The claim was pleaded in the value of several hundreds of thousands of pounds. The Court found for the Defendant on breach of duty and also on causation.

Professional Negligence

Luka is currently instructed as sole counsel in a professional negligence claim worth \$500,000. The claim relates to the provision of negligent investment advice by a senior, experienced financial investment adviser. As such, Luka has valuable experience of dealing with complex allegations of professional negligence, including breach of the COBs rules.

Luka has also gathered significant experience of high-level professional negligence disputes whilst assisting Andrew Miller QC. Luka worked on cases involving allegations of contractors', valuers' and solicitors' negligence.

Recommendations

"A Confident and Robust Advocate" **Chambers UK 2019**

"Very approachable and incredibly helpful" **Chambers UK 2019**

"Thinks Outside the Box...legally but also tactically" **Chambers UK 2019**

"A Bright and Self-Confident Advocate" **Chambers UK 2018**

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