

# Timothy Killen

Call 2010



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Timothy Killen specialises in commercial disputes and arbitrations, both in the UK and overseas.

Tim is recommended in the directories as being “standout” and “head and shoulders above the rest” with “an exceptional knowledge of English commercial law” and “unparalleled experience of commercial litigation in the Middle East”.

In 2024, Tim was awarded “*Commercial Junior of the year: English Bar in the Middle East*” at the inaugural Legal 500 Middle East and North Africa Awards.

Tim has excellent knowledge and experience across a number of industry sectors, particularly in financial services, insurance and reinsurance, building and construction, and energy. His practice encompasses various areas of specialist commercial law including expertise in commercial fraud, private international law, international trade and professional negligence.

Tim is an experienced advocate and is commended in the legal directories for his “style as an advocate” being “calm, assured and attractive”, as having “a beautiful manner in court”, and for being “indefatigable on his feet”.

Much of Tim’s work is international in nature and many of his cases involve issues of jurisdiction and choice of law arising out of cross border litigation. He has a particularly good reputation in the Gulf Region, where he has experience of actions in the DIFC Courts in Dubai, the ADGM Courts in Abu Dhabi and arbitrations seated in, and relating to, GCC countries. Tim has also advised as a foreign expert on English law in relation to proceedings in the commercial court in Paris and was instructed as an expert contributor on English civil fraud remedies in relation to a reform paper commissioned by the Japanese Government.

Described as being “fantastically bright”, “a very strong strategist” and “a master of his craft,” Tim is recommended in Chambers and Partners as a leading practitioner for Commercial Dispute Resolution, \_\_\_\_\_

International Arbitration, Insurance, Civil Fraud and Property Damage work, and in Legal 500 UK for his expertise in Commercial Litigation, International Arbitration, Civil Fraud, Professional Negligence and Insurance and Reinsurance. Tim is also top ranked in both Legal 500 EMEA and the Chambers and Partners Global Guide for his Commercial Dispute Resolution work in the UAE.

Before coming to the Bar Tim taught law at university level, first as a seminar tutor in tort law at the University of Birmingham and later as a sessional lecturer at Birkbeck College, University of London and a visiting lecturer at the University of Osnabrück in Germany. In the 2014/5 academic year Tim was a Tutor (Non-Stipendiary College Lecturer) in Tort at Hertford College, University of Oxford.

## Expertise

### Arbitration

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Tim regularly acts as counsel in domestic and international arbitration proceedings, and has experience in both institutional and ad hoc arbitrations.

Tim is recommended in both the Legal 500 and Chambers and Partners as a leading junior in International Arbitration work, and commercial work. In addition, Tim is listed in both the Legal 500 EMEA and Chambers & Partners Global Guide as a Band 1 practitioner for his commercial work in the United Arab Emirates.

### Notable Arbitration cases

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Acting in section 9 Arbitration Act and anti-arbitration relief proceedings arising out of facultative reinsurance arrangements placed on the London market in respect of a large US property loss (Commercial Court, London)

Acting in a US\$10m DIAC Arbitration concerning the supply and upgrade of a mobile land drilling rig (Dubai Seat, English law governed)

Acted in a US\$80m ADCAAC Arbitration concerning the provision of aerospace technology services (Abu Dhabi Seat, UAE law governed)

Acted (led by Bob Moxon Browne KC) in US\$250m DIFC-LCIA arbitration proceedings arising out of D&O insurance (DIFC Seat, DIFC law governed)

Acted in injunction proceedings in support of a DIFC-LCIA arbitration arising out of oil bunkering arrangements (DIFC Courts, Dubai)

Acted in contested enforcement proceedings for the recognition and enforcement of a US\$4m DIFC-LCIA Arbitration Award, raising issues of waiver, requirements to administer oaths and tiered dispute resolution clauses under UAE law (DIFC Courts, Dubai)

Acted for an arbitral institution in section 68 and section 69 proceedings in relation to an international trade

dispute (Commercial Court, London)

Acted in a US\$11m DIFC-LCIA Arbitration concerning obligations under a joint venture agreement (UAE law governed)

Acted in a US\$14.5m DIFC-LCIA Arbitration concerning warehousing agreements (Dubai seat)

Acted (leading Ruth Kennedy) in a s.68 proceedings (challenge for procedural irregularity) in relation to an LCIA Arbitration concerning sale and supply of organic produce from Eastern Europe (Commercial Court, London)

Acted in contested enforcement proceedings for the enforcement of a US\$10m DIFC-LCIA arbitration (Dubai Seat, UAE Law governed) (DIFC Courts, Dubai)

Acted (led by Tom Montagu-Smith KC) in an application for interim injunction in support of DIFC-LCIA Arbitration proceedings (DIFC Courts, Dubai)

Acted (led by Roger ter Haar KC) in linked DIFC-LCIA arbitration and DIFC court proceedings concerning an injunction to restrain a call on a performance bond

Acted (led by Andrew Miller KC) in a US\$40m ICC London arbitration concerning the operation of a power station in Qatar.

Acted in linked LCIA arbitrations concerning the construction of a gas-fired power plant (Zurich seat)

Acted in s.24 (removal of arbitrator for bias) proceedings in support of an arbitration concerning long-tail reinsurance contracts (Commercial Court, London)

Acted in Court proceedings in support of an ICC arbitration (Paris seat) concerning the construction of a biomass power station (TCC, London)

Acted in an ad-hoc London-seated arbitration under the IBA Rules (English and Israeli company dispute over exclusive supply agreements)

Acted for German, Luxemburg, Delaware and English companies in a multiparty ICC Arbitration arising out of a large property investment scheme

Acted (led by Neil Moody KC) for a business interruption insurer in an ad-hoc arbitration (UNCITRAL rules) concerning coverage under a manufacturing policy

Acted for a consortium of investment banks in an emergency application for injunctive relief in support of a DIFC-LCIA Arbitration arising out of security taken over an oil rig (DIFC Courts, Dubai)

Acted for a major department store in a dispute concerning shop fit-out works (JCT/CIMAR)

Advising on and acting in enforcement proceedings of various international arbitration awards (DIFC Courts, Dubai and Commercial Court, London)

## Commercial Dispute Resolution

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Tim's commercial practice encompasses a wide variety of complex contractual claims, cases involving share purchase agreements, the securitisation of mortgage debt, the alleged mis-selling of structured financial products, the enforcement of sole agency agreements, international contracts for construction projects, commodities trading, the sale of goods, issues of jurisdiction and choice of law, and claims arising out of and in support of arbitration and adjudication proceedings.

Tim is recommended in both of the legal directories as a leading practitioner for commercial work. In addition, Tim is listed in both the Legal 500 and Chambers and Partners Global as a Band 1 practitioner for his commercial work in the United Arab Emirates.

### Notable Commercial Dispute Resolution cases

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Acted (led by Rupert Reed KC) for a major Middle Eastern Insurance company in a US\$40m dispute concerning an alleged agreement for third party administration services (DIFC Courts, Dubai)

Acted (led by Charles Dougherty KC) in a claim made by two Russian state-owned banks in relation to bond transactions. Claim alleged to be worth over US\$500m (Commercial Court, London)

Acted in a US\$6m breach of contract claim concerning the management of golf tournaments in Dubai (DIFC Courts, Dubai)

Acted in a US\$1m breach of contract claim against a hedge fund (Abu Dhabi Global Markets Court)

Acted in enforcement proceedings to enforce a US Court Judgment against a London financial institution arising out of a motor racing sponsorship deal (Chancery Division, London)

Acted (led by Anneliese Day KC) in application for "reflective" freezing injunction in support of high value civil fraud proceedings in Cyprus (DIFC Courts, Dubai)

Acted for a major news organisation in a US\$4.5m breach of contract claim against a media services company (DIFC Courts, Dubai)

Acted for a telecommunications equipment supplier in a claim for breach of contract against a supplier of electricity cables (TCC, London)

Acted (led by Neil Moody KC) in a dispute concerning the adequacy of a traffic deck coating system supplied for use in the Dubai Mall, UAE (TCC, London)

Acted for a German reinsurer in a claim against a Swiss loss adjuster for breach of contract, unjust enrichment, breach of fiduciary duty and breach of trust in respect of services carried out in relation to the Christchurch earthquakes in New Zealand in 2010/11 (London Mercantile Court)

Acted for a Singaporean jeweller in a c. US\$2.8million claim for breach of consignment agreements by a London-based jeweller (Commercial Court, London)

Acted for a South African investment bank in an \$11million claim for breach of sale and purchase

agreements arising out of a skyscraper development in Dubai (DIFC Courts, Dubai)

Acted for insurers of a large oil refinery in a £1.5million claim concerning the quality of gas oil

Acted for the successful Respondent Bank in an appeal relating to the strike out of costs proceedings and the scope of the grant of relief from sanctions (DIFC Courts, Dubai)

Acted (led by Alexander Layton KC) in a contractual dispute between a German supplier of raw materials and an English manufacturer, featuring a challenge to a purported agreement as to jurisdiction (Commercial Court, London)

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## Commercial Fraud

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There are natural synergies between Tim's commercial fraud practice and his commercial practice, where he has experience of actions involving allegations of inducing a breach of contract, unlawful interference with economic interests, deceit, unlawful means conspiracy and breach of confidence. Tim has particular expertise in cases involving alleged fraudulent activity with an international element.

Tim is recommended in both of the legal directories as a leading practitioner for Civil Fraud work.

### Notable Commercial Fraud cases

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Acted in a breach of confidence and conspiracy claim for a large manufacturer of industrial chemicals against a company set up by former employees (Commercial Court, London)

Acting for an UHNWI in a US\$85m civil fraud claim against former trusted advisers, first claim in the DIFC Court to consider the rule against reflective loss post Marex (DIFC Courts, Dubai)

Acted (led by Mark Vanhegan KC) in a breach of confidence claim concerning allegations of misuse of confidential trade secrets, alleged to be valued at £100m (Chancery Division, London)

Acted for Russian Individuals in an alleged fraud concerning Russian company formation (Commercial Court, London)

Acted in a claim by a large manufacturing company against a former manager for breach of fiduciary duty arising out of invoicing processes (Chancery Division)

Acted for a former CEO of an international energy company in a claim for unpaid bonus. Claim concerned allegations of breach of fiduciary duty (ADGM Courts, Abu Dhabi)

Acted for a German reinsurer in a claim against a Swiss loss adjuster for breach of contract, unjust enrichment, breach of fiduciary duty and breach of trust in respect of services carried out in relation to the Christchurch earthquakes in New Zealand in 2010/11 (London Mercantile Court)

Acted in a claim by a company against former auditors for allegedly failing to spot a VAT fraud

Acted in a claim by an engineering company against a former employee and a potential competitor for the alleged unauthorised use of commercial software licences held on a central computer network (Mercantile Court)

Provided advice and representation in various cases involving obtaining and resisting freezing injunctions and other emergency interim orders, including Norwich Pharmacal relief and non-party disclosure orders

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## Construction

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Tim has a busy construction practice with experience of construction arbitrations (JCT/CIMAR, LCIA, DIFC-LCIA, ICC and ad hoc), adjudications (both statutory and contractual), and numerous claims in the TCC. Many of Tim's cases involve consideration of standard form construction contracts, including JCT, ICE, NEC and FIDIC. Tim's experience in property damage and insurance claims means he is particularly well-placed to deal with complex issues of technical evidence and issues concerning the insurance of construction projects.

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### Notable Construction cases

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Acted (led by Neil Moody KC) on behalf of the owner and operator of the Silverstone race track in respect of allegedly defective resurfacing works, causing the cancellation of the British Moto GP (TCC, London)

Acted in proceedings arising out of a crane collapse on a large development in West London (TCC, London)

Acted in linked LCIA arbitrations concerning the construction of a gas-fired power plant (Zurich seat)

Acted in linked arbitration and court hearings concerning applications for injunctions to restrain calls on performance bonds

Acted in enforcement proceedings of a DIFC-LCIA arbitration award arising out of a large construction project in Dubai

Acted in Court proceedings in support of an ICC arbitration (Paris seat) concerning the construction of a biomass power station (TCC, London)

Acted (led by Neil Moody KC) in a dispute concerning the construction of a large residential development, raised issues concerning the scope of pure economic loss (TCC, London)

Acted in a statutory adjudication concerning milestone payments for the construction of a power plant

Acted in a preliminary issue trial concerning the proper interpretation of a modified JCT contract, raising issues of joint insurance (TCC, London)

Acted (led by Neil Moody KC) in a dispute concerning the adequacy of materials supplied to construct the car parks of the Dubai Mall, Dubai UAE (TCC, London)

Acted (led by Neil Moody KC) on behalf of a main contractor against a civil and structural engineer sub-contractor concerning allegations of professional negligence in the design of underpinning works during the

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construction of a hotel. Included a substantial delay claim (TCC, London)

Acted in an arbitration (JCT/CIMAR) on behalf of a luxury department store regarding the adequacy of store fit-out works

Acted (led by Neil Moody KC) for the successful main-contractor respondents in a statutory adjudication relating to the construction of a flood management scheme

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## Insurance

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Tim has experience in both insurance and reinsurance matters, particularly in relation to issues of policy coverage and interpretation. Tim is listed in both The Legal 500 and Chambers and Partners as a Leading Junior in Insurance and Reinsurance work.

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### Notable Insurance cases

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Acted in three sets of “test cases” concerning COVID-19 business interruption loss (aggregation of losses under the Marsh Resilience/RSA 4 wording; at the premises clauses; and non damage denial of access clauses)

Acting (led by Charles Dougherty KC) in the first COVID-19 business interruption claim to be brought in the DIFC Courts

Acted (led by Neil Moody KC) in a claim arising out of coverholder arrangements on behalf of an insurer issuing warranty certificates for newly built developments (Commercial Court, London)

Acted (led by Bob Moxon Browne KC) in an arbitration concerning coverage of a D&O Policy

Acted in Court proceedings in support of an arbitration concerning long-tail reinsurance contracts (Commercial Court, London)

Acted for CAR insurers in proceedings concerning issues of joint insurance of a large construction project in central London (TCC, London)

Acted (with Neil Moody KC) in an arbitration (UNCITRAL Rules) concerning coverage under a manufacturing policy

Acted for insurers in a coverage dispute concerning insurers’ liability under a marine trades policy (Mercantile Court)

Acted for a German reinsurer in a claim against a Swiss loss adjuster for breach of contract, unjust enrichment, breach of fiduciary duty and breach of trust in respect of services carried out in relation to the Christchurch earthquakes in New Zealand in 2010/11 (Mercantile Court)

Acted (with Neil Moody KC and Sonia Nolten) in a multi-million pound fire claim, which raised issues of policy coverage, misrepresentation, material non-disclosure, waiver and the operation of the FSMA and ICOBS

Rules (Commercial Court, London)

Acted on behalf of a leading insurance and reinsurance company in the Middle East in a c. US\$2million claim relating to issues of jurisdiction arising out of potential liabilities under six quota share reinsurance treaties (DIFC Courts, Dubai)

Defended a claim on behalf of an insurer on the basis that the insured used fraudulent means or devices in the claims process (Chancery Division)

Provided advice and representation relating to the coverage of numerous professional indemnity policies, D&O policies, a pollution legal liability policy, CAR policies, a jewellers' block policy, trade credit policies and various business interruption, commercial risk, motor and home insurance policies

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## Private International Law

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The international nature of many of Tim's cases often lead him to deal with issues of jurisdiction and choice of law in the context of both arbitration and court proceedings.

Tim has particular experience of actions in, and involving, the Middle East and regularly appears before the Courts of the Dubai International Financial Centre (DIFC). Tim has also appeared on a number of occasions before the Courts of the Abu Dhabi Global Market (ADGM). He is recommended by the Legal 500 and Chambers and Partners Global as a Band 1 leading practitioner for commercial work in the UAE where he is commended as having "unparalleled experience of commercial litigation in the Middle East".

Tim frequently acts in cases concerning provisions of foreign law, and has experience of cases governed by, amongst others, the law of Belgium, Cyprus, Denmark, Finland, France, Germany, Ireland, Israel, Italy, the Kingdom of Saudi Arabia, Luxemburg, Norway, Pakistan, Qatar, Russia, Singapore, Spain, Switzerland, the UAE, and the USA (Delaware, New York, North Carolina, Texas).

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## Notable Private International Law cases

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Acted in proceedings for a stay of arbitration proceedings and corollary anti-arbitration relief arising out reinsurance arrangements which were argued to be subject to either English court jurisdiction or New York seated arbitration (Commercial Court, London)

Acted for the operator of a mobile land rig in a preliminary issue hearing concerning the validity of an arbitration clause, and a challenge to the jurisdiction of the Tribunal (DIAC, Dubai seat, English governing law)

Acted for a major Middle Eastern Insurance company in a US\$40m dispute concerning third party administration services (UAE governing law, DIFC Courts, Dubai)

Acted (led by Charles Dougherty KC) in a jurisdiction challenge brought by various Russian individuals in respect of a claim made by two state-owned Banks (Commercial Court, London)

Acted for a major news organisation in a US\$4.5m breach of contract claim against a media services

company (UAE governing law, DIFC Courts, Dubai)

Acted for a former CEO of an international energy company in a claim for unpaid bonus, concerns allegations of breach of fiduciary duty (ADGM Courts, Abu Dhabi)

Acted for a large manufacturing entity in disputes concerning the governing law of various supply agreements (adjudication, arbitration and court proceedings)

Acted in an ad-hoc London-seated arbitration under the IBA Rules (English and Israeli company dispute over exclusive supply agreements, concerning issues of applicable law)

Acted for German, Luxemburg, Delaware and English companies in a multiparty ICC Arbitration arising out of a large property investment scheme (raised issues of applicable law, and choice of law rules applicable in arbitrations)

Acted for a German reinsurer in a claim against a Swiss loss adjuster for breach of contract, unjust enrichment, breach of fiduciary duty and breach of trust in respect of services carried out in relation to the Christchurch earthquakes in New Zealand in 2010/11. Considered issues of incorporation of jurisdiction clauses from a master contract and the requirement of “evidenced in writing” for the purposes of Article 23 of the Lugano Convention (Mercantile Court)

Acted for a Singaporean jeweller in a c. US\$2.8million claim for breach of consignment agreements by a London-based jeweller; raised issues of jurisdiction and applicable law (Commercial Court)

Acted for a German private bank on the recovery of money paid in error to a London-based bank via a multibanking payment system

Acted (led by Alexander Layton KC) in a contractual dispute between a German supplier of raw materials and an English manufacturer, featuring a challenge to a purported agreement as to jurisdiction (Commercial Court, London)

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## Professional Negligence

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Tim has experience in actions involving a wide range of professionals including accountants/auditors, surveyors, loss adjusters, architects, builders and other construction professionals, solicitors, bankers and insurance brokers.

### Notable Professional Negligence cases

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Acted on behalf of commercial land agents in claims arising out the sale of development land on behalf of a trust (Chancery Division, London)

Acted on behalf of an investment fund in a claim against insurance brokers (Commercial Court, London)

Acted on behalf of insurance and reinsurance brokers in a claim made arising out of the placing of a project policy (DIFC Courts, Dubai)

Acted on behalf of a firm of solicitors in a claim made in respect of the sale of a business (Commercial Court)

Acted (led by Neil Moody KC) on behalf of a main contractor against a civil and structural engineer sub-contractor concerning allegations of professional negligence in the design of underpinning works during the construction of a hotel (TCC, London)

Acted in a claim against a tax adviser for failing to advise on US tax liabilities under a personal investment scheme

Acted in a multi-million pound claim, (led by Daniel Crowley), against an insurance broker for a negligent failure to advise on insuring a commercial risk following a company restructure (Mercantile Court)

Various surveyors' negligence cases, including an action involving arguments of undisclosed agency arrangements and corporate banking structures (Chancery Division)

Various solicitors' negligence actions, including allegations of failures to advise, failures to secure easements and failures to secure good title in a property conveyance

Cases of accountants'/auditors' negligence, including allegations of a failure to spot a fraud allegedly carried out by company directors

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## Property Damage

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Tim has acted and advised in numerous cases concerning property damage caused by alleged breaches of construction contracts, fires, flooding, building work and subsidence. Tim is ranked as a leading junior in Chambers & Partners for Property Damage work, where he is recognised as having "expertise in fire and flood disputes" and for being "particularly good at construction-related matters [and being] known for the strong technical knowledge he brings to cases".

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### Notable Property Damage cases

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Acted (led by Neil Moody KC) in a dispute concerning a catastrophic fire in a shopping centre, alleged to have been caused by faulty electrical installations. (TCC, London)

Acted (led by Neil Moody KC) in a dispute concerning the adequacy of materials supplied to construct the car parks of the Dubai Mall, Dubai UAE (TCC, London)

Acted (led by Neil Moody KC) on behalf of a main contractor against a civil and structural engineer sub-contractor concerning allegations of professional negligence in the design of underpinning works during the construction of a hotel. Included a substantial delay claim (TCC, London)

Acted (led by Neil Moody KC) for the successful main-contractor respondents in a statutory adjudication relating to the construction of a flood management scheme

Acted for household insurers in a 2 day trial against a major computer manufacturer, where it was found that a fire was caused by a defective laptop battery (Recorder Hancock KC)

Acted for a local authority in a claim arising out of a fire which started in a timber-framed building which was under construction (TCC, London)

Acted (led by Neil Moody KC) in a £12million claim arising out of the installation of an external wall insulated render system on multiple council-owned blocks in Glasgow (TCC, London)

Acted in various flooding claims for and against water companies and local authorities

Acted in a claim for losses arising out of the collapse of a marine crane (TCC)

Acted in a claim (led by Andrew Miller KC) concerning damage caused to a solvent processing plant following a crane collapse.

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## Significant Cases

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***Tyson International Company Limited v GIC Re, India*** [2024] EWHC 236 (Comm) – Acted (leading Ben Phelps) on behalf of a captive insurer in an application for anti-arbitration relief injuncting a New York seated arbitration concerning a large property loss which was reinsured on a facultative basis.

***International Entertainment Holdings & Others v Allianz Insurance PLC*** [2024] EWHC 124 (Comm) – Acted (led by Charles Dougherty KC) in a COVID-19 business interruption insurance coverage dispute concerning a non-damage denial of access clause. Considered the meaning of “incident” and “policing authority”, as well as limits and the relevance of knowledge to causation.

***Tyson International Company Limited v Partner Reinsurance Europe SE*** [2023] EWHC 3243 (Comm) – Acted (leading Ben Phelps) on behalf of a captive insurer in an application for anti-arbitration relief and opposing a section 9 Arbitration Act stay in respect of facultative reinsurance of a large North American property portfolio.

***Lals Holding Limited & Others v (1) Emirates Insurance Company (PSC) (2) SIACI Insurance Brokers LLC*** [2022] DIFC CFI 073 (1 November 2023) – Acted (led by Charles Dougherty KC) in the first COVID-19 business interruption insurance dispute to be heard by the DIFC Court. Considered issues of corrective construction and the operation of a closure clause and “loss of attraction” clause in a commercial policy of insurance.

***Free Leisure Ltd (t/a Cirque le Soir) v (1) Peidl and Co Limited and (2) QBE UK Ltd*** [2023] EWHC 792 (Comm) – Acted on behalf of insurers in successful strike out of a claim said to be valued at around £4m. Raised issues of limitation under the Third Party (Rights Against Insurers) Act 2010, and what needs to be done to validly protect time from running when issuing a claim form.

***Various Eateries Trading Ltd v Allianz Insurance Plc*** [2022] EWHC 2549 (Comm); [2024] EWCA Civ 10 – Acted at first instance and on appeal (led by Charles Dougherty KC) in this claim (heard at first instance with *Stonegate Pub Co Ltd v MS Amlin Corporate Member* and *Greggs Plc v Zurich Insurance Plc*) concerning aggregation, causation and policy periods in relation to COVID-19 related BI insurance loss.

**Flowcrete v Vebro Polymers UK Ltd** [2022] EWHC 480 (Comm); [2023] EWHC 22 (Comm) – Acted for Claimants in a claim for breach of confidence and unlawful means conspiracy relating to the alleged taking of confidential information by a competitor in the industrial and construction chemicals industry. Interim applications considered springboard and delivery up relief, scope of the Disclosure PD, and injunctions to restrain allegedly privileged documents said to have been disclosed in error by the Defendants.

**Oman Insurance Company PSC v Globemed Gulf Healthcare Solutions LLC** [2021] DIFC CA 009; [2017] DIFC CFI 051 (30 January 2024) – Acted (led by Rupert Reed KC) in DIFC Court of Appeal proceedings arising out of a US\$40m claim for breach of a “Third Party Administration Services” contract. Considered the invalidity of a company as a matter of UAE law if there is no majority company ownership by a UAE national, and issues of jurisdiction over questions of the validity of “onshore” UAE companies. Also acted in 7 day trial of issues before the DIFC Court in May 2023.

**Elite Insurance Co Ltd v BCR Legal Group Ltd** [2021] EWHC 3250 (Comm) – Acted (led by Neil Moody KC) on behalf of a Gibraltar insurance company in claim for breach of coverholder agreements. Application considered limitation periods and the scope of duties owed by coverholders and appointed representatives under FSMA.

**Lirit v Liwanu** [2021] DIFC ARB 011 – Acted in DIFC Court Proceedings concerning a challenge to the enforcement of a DIFC-LCIA final award.

**PJSC National Trust Bank v Mints & Others** [2021] EWHC 692 (Comm) – Acted (led by Charles Dougherty KC) in a jurisdiction challenge brought by the former Chairman of Russian Bank. Raised issues of *forum conveniens*, multiplicity of proceedings and material non-disclosure.

**EA Chiverton v Maugham** [2020] EWHC 3849 (TCC) – Acted for the Defendant in a security for costs application which considered the adequacy of a parent company guarantee offered in the context of a construction industry shut down during the COVID-19 pandemic.

**P v Q** [2020] EWHC 1688 (Comm) – Acted (leading Ruth Kennedy) in a s.68 Arbitration Act challenge to an award.

**Rubingh v Veloqx RSC Ltd** [2020] ADGM CFI 005 – Summary judgment application in respect of a US\$1m breach of contract claim brought against an Abu Dhabi Global Market investment fund.

**Sky News Arabia FZ-LLC v Kassab Media FZ (LLC)** [2018] DIFC CFI 067 (January 6, 2020) – Acted for the successful claimant in a US4.5m breach of contract claim. Judgment the first DIFC Court judgment to consider issues of governing law for the award of interest on breach of contract claims.

**Berardo v Stumpf Energy Ltd** [2018] ADGM CFI 1 – Acted for the Claimant, former CEO of an international energy company in a claim before the Courts of the Abu Dhabi Global Market. Hearing concerned application brought by the Defendant to stay proceedings before the ADGM Courts pending the resolution of a criminal trial before the onshore courts in Abu Dhabi.

**Pakistan Reinsurance Company v Equitas Limited and Others** [2018] EWHC 3136 (Comm) – A s.24 Arbitration Act challenge to remove an arbitrator for bias.

**ADVA Optical Networking Ltd v Optron Holding Ltd** [2018] EWHC 852 (TCC) – Acted for Claimants in a claim relating to the supply of allegedly defective electrical cables. Successfully opposed an application to amend a defence and resile from an admission six weeks before a five day trial.

***Al Nahda Insulation Contracting LLC & Anor v Tremco Illbruck Export Ltd*** [2017] EWHC 956 (TCC) – Acted for the supplier of a car park surfacing system used in the construction of the Dubai Mall. Installation sub-contractor brought a £16m claim, but subsequently consented to strike out of the majority of shipments as breach of contract occurred on the dates of the bills of lading. The sub-contractor subsequently made an application to amend its pleading to attempt to circumvent issues of limitation. Supplier successfully opposed the application on the basis that the causation argument pleaded in response to limitation had no real prospect of success, and the application was made late. (Led by Neil Moody KC).

***GB Building Solutions Ltd v SFS Fire Services Limited*** [2017] EWHC 1289 (TCC); 172 Con. L.R. 18 Preliminary issue trial considering the interpretation and effect of joint insurance provisions and modified terms of a JCT Sub-Contract relating to practical completion. Issue concerned whether the Main Contractor was able to maintain a claim against the Sub-Contractor for loss.

***R + V Versicherung AG v Robertson and Co SA*** [2016] EWHC 1243 (QB); [2016] 4 WLR 106; [2017] 2 All ER 676; [2017] 1 All E.R. (Comm) 995; [2016] Lloyd’s Rep I.R. 612 – Acted for the successful German reinsurer in a jurisdiction challenge brought by a firm of Swiss loss adjusters. Considered issues of incorporation of jurisdiction clauses from a master contract and the requirement of “evidenced in writing” for the purposes of Article 23 of the Lugano Convention. (Led by Charles Dougherty KC).

***Bailey and Others v Glaxosmithkline (UK) Ltd*** [2016] EWHC 178 (QB), [2016] All ER (D) 44 (Feb) – Acted (with Jacqueline Perry KC and Niazi Fetto) for group action claimants under a Group Litigation Order against the pharmaceutical company responsible for producing the antidepressant drug “Seroxat” in a claim under the Consumer Protection Act 1987. Considers the extent of the court’s case management powers following a lengthy *ad hoc* stay.

***Firststrand Property Holding (Middle East) Limited v DAMAC Park Towers Company Limited*** CFI 030/2014 – Dubai International Financial Centre Court claim in deceit and breach of contract against a property developer in relation to the off-plan purchase of commercial units.

***Bate v Aviva Insurance UK Limited*** [2013] EWHC 1687 (Comm); [2013] Lloyd’s Rep IR 492; [2013] All ER (D) 138 – Multi million pound claim arising out of a fire at a large domestic property (with Neil Moody KC and Sonia Nolten); concerned issues of policy coverage and interpretation, alleged misrepresentation, material non-disclosure and alleged waiver by insurers.

***Tradebe Solvent Recycling Limited v Coussens of Bexhill*** [2013] EWHC 3786 (QB); [2013] All ER (D) 10 – Action for business interruption and property damage losses arising out of a crane collapse at a solvent recycling plant. Concerned issues of causation and mitigation of loss. (Led by Andrew Miller KC)

***AAM Holding Limited and Others v First Capital of Switzerland Investment Bank Limited and Others*** CFI 044/2012 – Claim brought in the Courts of the Dubai International Financial Centre relating to various cross border investments. Considered the applicability of injunctive proceedings in relation to cheques issued in onshore Dubai and the relevance of pre-existing arbitration proceedings.

***Mana v Clariden Leu Asset Management (Dubai) Ltd*** CFI 030/2011 – Represented the Dubai International Financial Centre registered investment Bank in an appeal brought by investors relating to the alleged mis-selling of structured financial products; issues of relief from sanctions and the strike out of detailed costs assessment proceedings.

## Additional Information

Tim has rights of audience before the Courts of the Dubai International Financial Centre.

## Awards

- Commercial Junior of the Year: English Bar in the Middle East, Legal 500 Middle East and North Africa Awards, 2024
- Pegasus Trust Scholarship, Inner Temple
- Arden Senior Scholarship, Gray's Inn
- Prince of Wales Scholarship, Gray's Inn
- Lee Essay Prize, Gray's Inn
- Norman Tapp Memorial Prize, Gray's Inn

## Education

- MA Law (Jurisprudence) with German Law, Hertford College, Oxford University

## Languages

- High German
- Swiss German

## Memberships

- COMBAR
- TECBAR
- LCLCBA

## Publications

- “Transforming companies using the ADGM Companies Regulations 2020: The consequence of redomiciliation for insolvency and litigation in the UAE”, The Oath, Issue 102, April 2021 (With Robert Whitehead)

- “Article 14 of Rome I and choice of law rules in cross-border assignments”, *Butterworths Journal of International Banking and Financial Law* (B.J.I.B. &F.L. 2020, 35(2), 108 (Feb 2020) (With Charles Dougherty QC)
- “Can only two play that game? Interim measures and non-parties to arbitrations: A comparative analysis of the approach of the English and DIFC Courts”, *The Oath*, Issue 75, June 2018 (With Daniel Crowley)
- “Business interrupted: matters to consider in BI disputes” *Lloyd’s List Insurance Day*, L.L.I.D. 2017, Nov 30, 7.
- “Theoretical Justifications for the ‘Reliance Bar’” *Construction Law Journal* (2017) 33 Const. L. J. Issue 1 (Thompson Reuters) (With Neil Moody QC)
- “Stigma Damages in Contracts of Sports Sponsorship” *Law in Sport*, 22nd November 2013 (with Stuart Benzie)
- “Religious Discrimination: Opening a Pandora’s Box” Issue 2, 2010, *Gray’s Inn Student Law Review*
- Case Comment: *Sanoma Uitgevers BV v The Netherlands* (Art 10 and Journalistic Privilege) Issue 4, 2009 of the *European Human Rights Law Review*
- “Legality and Morality: Partners in Crime? – Self Interest and a Moral Ultra Vires” *The Cambridge Student L. Rev.* 1 (2007)) (Cambridge University Press/Heinonline)

## Recommendations

*“Timothy is a brilliant legal analyst who quickly sees the fault-lines of any case in terms of both the relevant principles and the available evidence.”*

**Legal 500 EMEA 2024 (English Bar – Commercial, Middle East)**

*“When it came time to choose counsel, I chose Timothy Killen, with no hesitation. He is tried and tested in insurance matters.”*

*“Timothy Killen’s advocacy is first-rate and masterful. He has an excellent cross-examination style and it feels like the whole room goes quiet during it.”*

*“Timothy Killen is very hard-working, thorough and an excellent lawyer.”*

**Chambers Global 2024 (Dispute Resolution: The English Bar – Middle East-wide)**

*“Tim Killen provides excellent written work and very good advice.”*

*“A very intelligent barrister whose advice is superb.”*

*“Tim is exceptionally bright and goes the extra mile to assist.”*

**Chambers UK 2024, Chambers Global 2024 (Commercial Dispute Resolution – London Bar)**

*“Timothy Killen is very client-focused and responsive. He has excellent drafting skills and commercial perspective beyond his years.”*

**Chambers UK 2024 (Insurance – London Bar)**

*“Timothy has a first-class legal mind and is a measured and gentle advocate who quickly establishes a rapport with the judge. His pleadings are a work of legal art.”*

**Legal 500 EMEA 2024 (English Bar – Commercial, Middle East)**

*“Very bright and great with his case law. Thinks about things carefully and is very responsive. Clients like him.”*

**Legal 500 2024 (London Bar – Insurance and Reinsurance)**

*“Timothy’s advocacy skills are outstanding. His methodical and meticulous style leaves you in no doubt that you are in very safe hands. He is a pleasure to work with and very client friendly, he shows equal respect and consideration to members of the team at all levels.”*

**Legal 500 2024 (London Bar – International Arbitration: Counsel)**

*“Timothy is on a meteoric rise at the commercial bar. He is super-smart, completely across the papers, and fantastic at leading a team.”*

**Legal 500 2024 (London Bar – Commercial Litigation)**

*“Hardworking, very commercial, and a great advocate.”*

**Legal 500 2024 (London Bar – Fraud: Civil)**

*“Tim is very responsive and pragmatic when it comes to dealing with such big ticket, complex claims. He has a solid grasp of the subject, but always has a clear sight of the end goal, something which counsels sometimes get lost on when dealing with high volume matters.”*

**Legal 500 2024 (London Bar – Professional Negligence)**

*“Timothy has a first-class legal mind and is a measured and gentle advocate who quickly establishes a rapport with the judge. His pleadings are a work of legal art.”*

**Legal 500 EMEA 2023 (English Bar – Commercial, Middle East)**

*“Tim is an outstanding insurance junior with a practice well beyond his seniority. He is frequently against silks and has an outstanding knowledge of the law in this field, but he wears his razor-sharp intellect lightly and is much admired by clients and opponents alike. He has a calm and reassuring manner in court and is a penetrating cross-examiner.”*

**Legal 500 2023 (London Bar – Insurance and Reinsurance)**

*“He gets on top of the details very quickly, is meticulous in his preparation and performs an outstanding job in advocating the case.”*

**Legal 500 2023 (London Bar – International Arbitration: Counsel)**

*“Tim does a first-rate job. He gets on top of the details quickly, prepares an impressive skeleton and does a fantastic job in the advocacy.”*

**Legal 500 2023 (London Bar – Commercial Litigation)**

*“Tim is delightfully calm and measured. The enemy could be at the gate and over a cup of tea Tim will devise a strategy to neutralise the situation.”*

**Legal 500 2023 (London Bar – Fraud: Civil)**

*“He is extremely intelligent and provides a great deal of insight and guidance to even the most complex of legal and factual issues.”*

**Chambers UK 2023, Chambers Global 2023 (Commercial Dispute Resolution – London Bar)**

*“Timothy is very approachable, technically able and thorough.” “He is a polished advocate and gives well-reasoned and strong advice.” “Timothy handles incredibly complex cases with complete ease and poise at all times.”*

**Chambers UK 2023 (Property Damage – London Bar)**

*“Timothy is incredibly polished and user-friendly.”*

**Chambers UK 2023 (Fraud: Civil – London Bar)**

*“Timothy is very polished and gives well-reasoned and strong advice.” “Tim’s exceptional knowledge is well complemented by his effective communication and impressive advocacy skills.”*

**Chambers UK 2023 (Insurance – London Bar)**

*“Tim is a fantastic advocate, very responsive and one of the leading barristers for work in the common law courts in the UAE.”*

**Legal 500 EMEA 2022 (English Bar – Commercial, Middle East)**

*“Tim is a standout junior, head and shoulders above the rest. He is supremely intelligent, sensible and really understands client service”*

**Legal 500 2022 (London Bar – Commercial Litigation)**

*“Extremely personable. Absolutely no nonsense – Tim gets to the heart of the issues and takes the right points”*

**Legal 500 2022 (London Bar – Fraud: Civil)**

*“A very strong strategist who considers the detail of each particular problem while appreciating the ramifications for the rest of the litigation and for the client more broadly. He is also extremely bright, but applies this in a way that is grounded in the practical realities, and is very dedicated, routinely pulling out all the stops to get the best result for the client”*

**Legal 500 2022 (London Bar – Insurance and Reinsurance)**

*“He has a stellar practice in the Middle East with a loyal following at some of the top firms”*

**Legal 500, 2022 (London Bar – International Arbitration: Counsel)**

*“He has an exceptional knowledge of English commercial law, combined with an unparalleled experience of commercial litigation in the Middle East. His style as an advocate is calm, assured and attractive – he always looks to persuade the judge rather than batter them into submission.”*

**Legal 500 EMEA 2022 (English Bar – Commercial, Middle East)**

*“He is responsive, has a good eye for strategy and is indefatigable on his feet” “Very intelligent, knowledgeable, easy to work with and personable”*

**Chambers UK 2022 (Fraud: Civil – London Bar)**

*“An excellent go-to commercial dispute junior, who is a master of his craft. He covers all the angles and is extremely helpful, pleasant and user-friendly. He inspires confidence”*

**Chambers UK 2022 (Commercial Dispute Resolution – London Bar)**

*“He possesses an invaluable ability to distil the key issues from prolix pleadings and voluminous documents”  
“He has a beautiful manner in court”*

**Chambers UK 2022 (Property Damage – London Bar)**

*“Tim is fantastically bright, insightful and works incredibly hard. He never lets you down. He is knowledgeable and approachable providing great technical advice and is a real sounding board for us. He has excellent judgement, is not afraid to get his hands dirty to get into the detail of case, and is great with clients”*

**Legal 500 2021 (London Bar – International Arbitration: Counsel)**

*“Tim is a rare gem of a barrister; his sharp mind and ability to quickly analyse and breakdown any legal issue make him a formidable advocate who is unparalleled in his field”*

**Legal 500 2021 (London Bar – Commercial Litigation)**

*“Bright, efficient and very user friendly”*

**Legal 500 2021 (London Bar – Insurance and Reinsurance)**

*“An intelligent legal analyst and a gently persuasive advocate”*

**Legal 500 EMEA 2021 (English Bar – Commercial, Middle East)**

*“A lawyer with a great personality. He can get through a massive amount of work in a short time and has a very high success rate.” “He is a persuasive advocate who steers a case very effectively.”*

**Chambers UK 2021, Chambers Global 2021 (Commercial Dispute Resolution – London Bar)**

*“A very good barrister who provides excellent drafting and speedy advice.”*

**Chambers UK 2021 (Insurance – London Bar)**

*“He is brilliant, especially on defended liability and subrogated recovery. Clients really like him; he’s incredibly bright and will give you ten different authorities on things.” “He’s developed an impressive profile for someone of his call.”*

**Chambers UK 2021 (Property Damage – London Bar)**

*“Knows his brief inside out and is a clear, calm advocate, who is also very responsive.” “Tim Killen is very bright indeed, meticulous and a very sure pair of hands for commercial matters.”*

**Chambers UK 2020 (Commercial Dispute Resolution – London bar)**

*“He is very knowledgeable.” “A confident and intelligent barrister.” “He’s very commercially minded and has an exceptional work ethic.”*

**Chambers UK 2020 (Property Damage – London Bar)**

*“He is very bright and able”*

**Legal 500 2020 (Insurance and Reinsurance – London Bar)**

*“Very clever and engaging – he knows his areas very well”*

**Legal 500 2020 (English Bar – Commercial, Middle East)**

*“Very user-friendly, very attentive and very bright.” “He gives clear, articulate pleadings and has an approachable and friendly manner.”*

**Chambers UK 2019 (Property Damage – London Bar)**

*“He has quite simply superb knowledge of the law, and is both very commercially minded and extremely responsive.” “Very hard-working and very bright, he gets involved in a case quite quickly and is willing to help with all stages of it.”*

**Chambers UK 2018 (Property Damage – London Bar)**