



Pépin Aslett

Head of Commercial

Email: pepin.aslett@stjohnsbuildings.co.uk

Phone: 0161 214 1500

Year of Call: 1996

Pépin Aslett is a well-respected barrister acting in a broad range of commercial disputes, including contract, company and fraud claims. He is also qualified at the Bar of Bermuda.

Strengths: "Pépin is a really good, technical lawyer." **Chambers UK Bar 2023 (Commercial Dispute Resolution)**

"Pépin has a very sharp mind and he is a master tactician. He is able to provide first class advocacy and legal advice as well as ideal strategic and commercial advice. He is one of the best senior junior barristers, he never backs down and he is happy to take on silks when required. His rapport with clients is excellent and he always fits right into a team. His rapport with clients is perfect: charming and professional at the same time." **Legal 500 2023**

Pépin Aslett is a skilled commercial and chancery practitioner, noted for his expert handling of complex and high-value disputes. He is regularly instructed in tricky banking and finance matters, and has experience appearing in both the High Court and the Court of Appeal.

Strengths: "He is very forensic and detailed in his approach." "He is a very sharp advocate and a very proficient senior junior. He is hugely confident and formidable in court." **Chambers UK Bar 2022 (Banking & Finance)**

Pépin has a well-established reputation as a Senior Junior specialising in commercial litigation and data and information law with an emphasis on major and complex litigation. His extensive experience is well suited to disputes spanning many disciplines and he takes a commercial and pragmatic hands-on role to develop case tactics and strategy. He regularly acts as part of a team of KCs, juniors and relevant expert professionals.

In addition to appearing in the Court of Appeal and High Court in England and Wales, Pépin has

appeared in Supreme Court of Gibraltar and the courts in Bermuda, where he practised as an Attorney for three years.

Pépin heads up the Commercial Group in Chambers, and is regularly quoted in the press in relation to aspects of his expertise.

Memberships

- Northern Circuit
- Business & Property Courts Forum Committee

Publications

- *You can't be serious: assessing triviality in data breach claims.* Communications Law: Comms. L. 2023, 28(1), 9-15
- *The destruction of commercial documents.* Company Lawyer: Comp. Law. 2003, 24(12), 357-361
- *Cross-border asset protection: an offshore perspective.* Journal of Financial Crime: J.F.C. 2003, 10(3), 229-245

Legal Directory Recommendations

Strengths: *"I regard Pépin very highly. He has a phenomenal ability to deal with property and insolvency cases and produces very detailed skeleton arguments. He is very sensible and bright and doesn't take bad points."* *"He is a very sharp advocate and a very proficient senior junior. He is hugely confident and formidable in court."* **Chambers UK Bar 2022 (Commercial Dispute Resolution)**

"Recommended Expert" **Legal 500 2022**

Strengths: *"His knowledge is encyclopedic."* *"Absolutely excellent: very thorough, totally unflappable and a very tough opponent."* *"His attention to detail stands out. He is good at thinking ahead of the game and leaves no stone unturned."* **Chambers UK Bar 2021 (Banking & Finance)**

Strengths: *"He has a good command of the law and great attention to detail, and his skeleton arguments are very persuasive and concise."* *"He is an articulate and experienced senior junior. He has great tactical skills and good commercial judgement."* *"He is very knowledgeable, thorough and authoritative."* **Chambers UK Bar 2021 (Commercial Dispute Resolution)**

"He is a formidable advocate and very skilled on his feet. His professionalism is second to none and having worked very closely with Pépin on heavy matters his ability to understand every detail of a complex case is very impressive." **Legal 500 2021 (Commercial Litigation)**

Strengths: *"An exceptional junior advocate."* **Chambers UK Bar 2020 (Banking & Finance)**

Strengths: *"He's a smooth and polished advocate."* *"He's skilled, personable and dedicated to achieving the best result possible."* **Chambers UK Bar 2020 (Commercial Dispute Resolution)**

“Technically superb and a great advocate.” **Legal 500 2020**

“He is a joy to work with – he is very thorough and very, very good at the paperwork.” **Chambers & Partners 2019**

“Extremely bright and an exceptional advocate.” **Legal 500 2019**

Strengths: *“He is a good draftsman and has a very good eye for detail.” “He has very good technical knowledge and an ability to adapt that knowledge to specific cases.”* **Chambers & Partners 2018**

“An experienced and forceful advocate.” **Legal 500 2017**

“Recommended for commercial and traditional Chancery matters.” – **Legal 500 2016**

“In conference, he has an excellent manner with clients.” – **Legal 500 2015**

Pépin has previously been described by the Legal 500 as having *“an excellent legal brain”, “an excellent eye for fine detail”* and being *“a star in the making; very bright and clear on paper as well as being a clever advocate.”*

EXPERTISE

Data and Information Law

Cases

JD Sports Data Breach: acting for multiple claimants in an action against JD Sports following a cyber-attack in early 2023 affecting circa 10 million individuals.

Dixons Carphone (DSG Retail Limited) Data Breach: acting for hundreds of claimants in a multi-party action against DSG relating to a major data breach of Curries PC World and Dixons Travel affecting over 5.6 million payment processing card details.

Tesco Equal Pay Litigation: advice in connection with subject access requests made by litigants concerning the equal pay litigation against Tesco.

Major Airline Data Breach: advice to ATE insurers in respect of a data breach by a major airline affecting 9 million individuals.

Bounty Data Breach: advice in relation to advancing multi-party claims against Bounty (UK) Limited following the ICO’s finding that Bounty had shared the personal data of over 14 million individuals.

Amersi v CMEC UK Ltd and Leslie: acted for former MP, Charlotte Leslie and the Conservative Middle East Council in defending a high profile claim brought by Mohammed Amersi in relation to a data subject request.

Loqbox Data Breach: acted for multiple claimants in an intended claim against the credit score builder, Loqbox Savings Limited, following a cyber-attack in which personal data was accessed.

Optionis Group Data Breach: acted for claimants in relation to claim against Optionis Group following a cyber-attack leading to tens of thousands of contractors' personal data being leaked on to the dark web.

DivideBuy Data Breach: acted for around 1,000 claimants in a claim against interest free credit provider, DivideBuy, following a data breach.

Equiniti Data Breach: advice and representation for over 470 police officers whose pension statements were sent to out of date addresses in error.

Advised a non-departmental public body on their response to the Information Commissioners' Office following data protection and freedom of information requests.

Advised a firm of solicitors following their professional advisers divulging private and confidential financial information online in error.

Acted for an individual in relation to a long-running data protection claim against CAFCASS.

Banking, Finance and Insolvency

Cases

Numerous claims against financial advisers under the Financial Services and Markets Act 2000 for substantial losses due to advice given.

Watchstone (formerly Quindell) Litigation: multi-million pound securities fraud litigation on behalf of hundreds of investors against an AIM listed company. Led by Philip Marshall KC.

Acted on behalf of multiple claimants in pension mis-selling claims relating to investments in tree plantations in Cambodia and Costa Rica.

Bevin v Datum Finance Ltd [2011] EWHC 3542 (Ch) (Peter Smith J): acted in the leading case on burden of proof in unfair relationship claims in the Consumer Credit Act 1974 (as amended).

Acted for multiple claimants in claims against a bank concerning breach of contract claims in relation to interest rates.

Hodgson v Lipson [2009] EWHC 3111 (QB): acted for a lender in respect of a disputed debt of £36m on the issue of certainty of contractual obligations.

K Ltd v National Westminster Bank plc (HM Revenue & Customs and the Serious Organised Crime Agency intervening) [2007] 1 WLR 311: led in the Court of Appeal by Barbara Dohmann KC and David Berkley KC in a leading case on the meaning of 'suspicion' in s 328(1) Proceeds of Crime Act 2002 and whether evidence to be provided by Bank as to 'suspicion'.

Tatch & Anor v Cloughton (CA) [2007] EWCA Civ 559: led by Clive Freedman KC in the Court of Appeal in a case on jurisdiction in insolvency appeals where a High Court Judge sits in the County Court.

Bradburn v Kaye [2006] BPIR 605 (Ch): acted for debtor on an appeal against a bankruptcy order due to a failed IVA.

Company and Commercial

- Contract
- Company
- Commercial Fraud/Asset Recovery

Cases

Advice and representation on a £3m misfeasance claim against a former director following the sale of a property.

Acting for a sub-contractor in a multi-million pound dispute concerning the laying of high voltage cables at a Scottish windfarm.

Advice and representation for the supplier of a Covid-19 “smart mask” in a multi-million pound manufacturing dispute.

Multiple Claimants v WSL and Ors [2018]: substantial action by group of disappointed international investors against solicitors for multi-million pound losses following loss of deposits after failure of a Nevis insurer.

Watchstone (formerly Quindell) Litigation [2017-]: multi-million pound securities fraud litigation on behalf of hundreds of investors against an AIM listed company. Led by Philip Marshall KC.

Regularly acts in relation to shareholders’ petitions. The last one involved a company with assets worth £15m-£22m and settled half way through an eight-day trial.

Quilter v Hodson Developments Ltd [2016] EWCA Civ 1125: whether, following misrepresentation inducing a contract a vendor or purchaser should benefit from a later increase in value.

Dickinson v UK Acorn Finance Ltd [2015] EWCA Civ 1194; [2014] EWHC 3856 (Ch): whether it was an abuse of process to raise issues under the Financial Services and Markets Act 2000 rendering a loan unenforceable.

Acted for the market leader in the sale and distribution of electronic cigarettes in a breach of trademark and passing off claim in the High Court, including various domain name issues.

Advised significant biscuit manufacturer/supplier on competition law issues.

Obtained summary judgment in the Technology and Construction Court in a product liability claim against a pet food manufacturer for alleged loss of several pedigree animals.

Acted on behalf of international hydraulic pipework supplier in a supply of goods claim concerning alleged metallurgical failure of a hose assembly causing significant losses.

Acted for a director on an appeal to the Court of Appeal against a finding of breach of fiduciary duty on the basis that there was no causation of loss.

Re Idessa (UK) Ltd [2011] EWHC 804 (Ch); [2011] B.P.I.R. 957: Secured judgment of over £1.4m at trial against a director and de facto director guilty of misfeasance and wrongful trading.

Mehta v J P Fernandes S.A [2006] 1 WLR 1543: Acted in the leading case on e-mail signatures in guarantee cases.

Advising insurer on grounds to avoid and/or repudiate a D&O policy following a BIS and SFO investigation and the failure to disclose prior litigation.

BLOCKCHAIN TECHNOLOGY

Pépin has a particular interest in the difficult and complicated issues surrounding the use of smart contracts on a blockchain and how any disputes that do arise may be resolved.

GROUP LITIGATION/PROCEDURAL LAW

Particular expertise providing advice and representation in relation to complex disputes involving multiple parties and actions subject to a Group Litigation Order.

CASES

See the various data breach cases above.

The Sonae Group Litigation [2015] EWHC 2265 (QB): 18-day trial of 20 test cases (over 18,000 claimants in total) for damage caused following a serious fire. Led by Michael Redfern QC and Nick Bacon QC on costs points.

Dickinson v UK Acorn Finance Ltd [2015] EWCA Civ 1194; [2014] EWHC 3856 (Ch): whether it was an abuse of process to raise issues under the Financial Services and Markets Act 2000 rendering a loan unenforceable.

Acting for multiple claimants in claims against a bank concerning breach of contract claims in relation to interest rates.

Nolan v Davenport [2006] EWHC 2025 (QB): application to strike out an application to set aside judgment brought very late in the day.

BF & M Litigation: acted (as an attorney) in Bermuda for 17/1000 shareholder defendants sued by the

liquidators in Bermuda Fire & Marine Insurance Company Limited (in Liquidation) and Others v BF & M Limited and Others, a multi-million dollar reinsurance insolvency case following the collapse of BF & M owing \$450m, ultimately settled mid-trial for \$35m.

Property and Private Client

Cases

West v Sunset Close Management Ltd: Seven day trial before the Chief Justice in the Supreme Court of Gibraltar (followed by a two-day appeal to the Court of Appeal for Gibraltar) relating to the enforcement of breaches of covenants in a residential lease.

Recently acted for a public figure claimant in a substantial claim against a developer for defective property works to a multi-million pound residential property.

Presently defending an architect's negligence claim in respect of a £3.6m private residence.

Dignan v Watt [2016] EWCA Civ 235: appeal following trial as to whether an estoppel operates in relation to a predecessor in title.

Oakglade Investments v Dhand [2012] EWCA Civ 286: readiness to complete upon serving a notice to complete. Led in the CA by Christopher Nugee QC.

Acted for multiple claimants in the TCC in an action for recovery of land deposits in relation to substantial delays in the construction of a city centre development.