



Pépin Aslett

Head of Commercial

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Year of Call: 1996

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

Well-respected junior acting on a broad scope of commercial disputes, including finance, contractual, company and fraud claims. He often represents multiple parties, and he is also qualified in the Bar of Bermuda.

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**

Pépin has an established reputation as a Senior Junior specialising in commercial and chancery litigation 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 QCs, 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 practiced as an Attorney for three years.

Praised for being "extremely bright and an exceptional advocate", 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

Legal Directory Recommendations

“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

Banking, Finance and Insolvency

Cases

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 QC.

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

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

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 QC and David Berkley QC 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 Claughton (CA) [2007] EWCA Civ 559: led by Clive Freedman QC 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
- Data Protection/Privacy

Cases

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 QC.

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 in December 2016.

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.

Regularly instructed in relation to data protection and privacy issues:

- Advised a non-departmental public body on response to 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 in error.
- Currently acting for an individual in relation to a data protection claim against a major non-departmental public body.

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: Securing 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

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

Claim in the Supreme Court of 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.