



Ashley's practice encompasses Commercial and Insurance law as well as Civil Liability.

Ashley's broad commercial law practice sees him instructed in claims in the areas of Banking, Property, Construction, Aviation, as well as Domestic and International Commercial law. His international work sees litigation/disputes concerning America, Dubai, Eastern Europe, and Ireland which have involved jurisdictional issues, as well as asset tracing and enforcement. Ashley has also acted for a Company based in the BVI and is currently acting for a Bharani bank based in Dubai.

Ashley has experience of Intellectual Property matters and has appeared in the IPEC. Recent cases have seen Ashley appearing before the presiding judge of the IPEC acting against a technology manufacturer in a passing off action as well as succeeding in defending a summary judgment application. He has also advised a national manufacturer in respect of quantum arising out of a dispute over trademark.

Ashley is well versed in obtaining interim injunctions, especially freezing injunctions at late notice. He acts for Trust Companies, SPVs, as well as Construction Contractors in this regard. He has also advised in respect of Norwich Pharmacal orders.

In his Insurance and Civil Liability practice Ashley has vast experience of professional negligence claims especially in the areas of medical law as well as general injury work. He accepts instructions from Claimants as well as Defendant bodies such as the NHS.

Recent Publications:

PLC Dispute Resolution Blogpost (October 2020)- Does legal advice privilege extend to foreign non-regulated or non-registered in-house lawyers?

Professional Negligence Journal (2020)- Co-authored Review of the Year Chapter, Bloomsbury Press.

PRACTICE AREAS

- Commercial
- Property and Construction
- Clinical Negligence

- Personal Injury
 - Inquests and Inquiries
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PRACTICE AREAS

COMMERCIAL

Ashley deals with a broad range of commercial matters including various claims on behalf of finance companies in respect of hire purchase agreements and consequential insolvency proceedings, breaches of contract, fraud, breaches of fiduciary duty, intellectual property disputes, and has been to trial on banking disputes concerning allegations of breach of fiduciary duty and retaining secret profits. Some examples of his recent commercial work are as follows:

- Appearing on behalf of a Bharani Bank based in Dubai in respect of obtaining enforcement orders against a former managing director of a football club before the head of the Commercial Court (2021)
- Acting for a City Firm, on behalf of the trustees in bankruptcy, in a private examination of an undischarged bankrupt. The private examination was brought to ascertain the whereabouts of many hundreds of millions of pounds, dollars, and euros that were alleged to have been sequestered. (2021)
- Acting in an aviation dispute concerning a failure to properly assess the condition of an aircraft against the surveyor. Involved jurisdictional considerations concerning Germany and Scotland (2020-2021)
- Acting on behalf a national law firm in respect of a partnership dispute (2021)
- JJ v Various Companies and Individuals- (Commercial Court) (2019- ongoing). Advising in a complex breach of contract claim against various companies and individuals. The Claimant is a UNHW US Citizen. The claim involves multiple jurisdictions including America, Bulgaria, Serbia, and Ireland. Advised in respect of obtaining a freezing injunction (successfully obtained), the potential for a Norwich Pharmacal order, and various jurisdictional issues. The claim is ongoing.
- DI v Chamberlains UK and ors. (Commercial Court). Acted at the interim stage for a company based in the BVI in respect of an accountancy/auditors Professional Negligence claim. The claim concerned an alleged failure of the auditors to properly account for the difference in currency exchange rates. The key issue on liability was the use of the currency adjustment factor and a fixed currency exchange rate when determining the cost of sales in USD.
- KRO v Headliner (Franchisee of Holiday Inn) (Commercial Court). Acted for the Claimant before Mr Justice Bryan in the CMC in respect of a contractual claim that included allegations of dishonesty and fraudulent accounting.

PROPERTY AND CONSTRUCTION

Prior to coming to the bar to practice Ashley worked in a property litigation department of a law firm and dealt with many commercial/residential property disputes, as well as construction disputes. Ashley's past experience is especially useful in commercial chancery cases where enforcement of judgment debts arises both nationally and internationally.

Ashley has acted in a wide range of land disputes over the years including cases concerning breach of restrictive

covenants, trusts of land etc. Ashley has appeared in the Lands Tribunal.

Examples of recent cases Ashley has been involved in within the Property and Construction sectors are as follows:

- Acted on behalf of a Defendant in a construction trial. The trial dealt with issues such as whether a final account was required to be produced by a developer following a fixed fee agreement when variations to the original contract were agreed, and whether a surcharge fee amounted to penalty interest. (2021)
- Acting for a local authority in respect of a large commercial/residential development (more than 100 apartments) concerning cladding issues and final compliance certificates in accordance with the building regulations.
- Acted on behalf a construction company at a freezing injunction application and the consequential litigation (before Mr Justice Mann (ChD) (2020). The case concerns claims in tort against the individual directors following liquidation of the companies. Case ongoing.
- Acted on behalf of a Trust Company in respect of a £1.2 million claim following a failure to complete. (ChD) 2021. Successfully obtained a freezing injunction before Mr Justice Fancourt.
- Has been instructed by various Trust Companies and SPVs in respect of breaches of contract (share purchase agreements) and has advised on and appeared in the Chancery Division in respect of freezing injunctions and the consequential claims.
- Acted for a construction developer in respect of a claim for breach of contract involving a *quantum meruit* assessment and disputes concerning breach of fiduciary duty arising under a joint venture agreement.
- A claim in the Lands Tribunal arising out of a dispute as to a trust in land.
- Acting for Essex County Council in respect of advising as to a right of way over local authority property.

CLINICAL NEGLIGENCE

Ashley is a busy clinical negligence practitioner and acts for national firms in this area. He has experience in clinical negligence cases ranging from obstetrics cases to failing to diagnose cancer. He is often involved with clinical negligence cases from their outset and is regularly instructed to attend inquests where there is an underlying clinical negligence issue.

Ashley has a special interest in cases involving head and spinal injuries concerning children and adults. He has been involved in numerous high value cases within this area and regularly appears against leading counsel both in Court and at joint settlement meetings.

SELECTED CASES

- **H v RF Trust 2019 (QB)**
Complex High value birth injury claim concerning a private surgeon failing to perform a trial of instruments in the delivery suite. Appeared alone as a junior against leading counsel at various applications, and was led on the settlement. Claim settled for £5m.
- **R v CUH Trust (2019)**
High value delay in diagnosis of breast cancer claim. Led at JSM award included provisional damages.

- **ML v ES (2018)**

Appeared for the family of a lady that was negligently treated by mental health services, which led to her committing suicide. Appeared alone at the inquest, and the subsequent litigation in the High Court. The claim settled in the sum of circa £500k as approved in the QB.

- **N v KH Trust (2018) (QB)**

Successful Claimant Liability trial at the High Court. The case settled on day two of the trial following leading counsel's opening submissions. Before Mrs Justice Lambert.

- **KH v LH Trust (2017 – 2018) (QB)**

Appeared against two QCs at a multi-week inquest into the death of a man that had been restrained by security staff causing him to remain in a coma for 9 years before his death. Claim settled at a JSM for circa £250k.

- **Macaulay v (1) Dr Karim & (2) Croydon Health Services [2017] EWCH 1795 (QB)**

Successful liability trial before Mr Justice Foskett. Led at trial. Case concerning a failure to properly identify and treat an infection, which led to multiple amputations. Quantum ongoing. The complexity of the case led the judge to remark 'the resolution of the factual and medical issues in this case has been as difficult an exercise as I can recall in quite a few years of dealing with cases of this nature'.

PERSONAL INJURY

Ashley has an exclusively multi-track personal injury practice and acts for both Claimants and Defendants at this level. In the County Court Ashley has appeared in many multi-day trials.

Ashley has appeared against a number of silks both at court and in JSM's, and has been involved in cases where the value of claims has exceeded £1m.

SELECTED CASES

- **KU v Police Force (2019) (QB)**

Ongoing high value claim concerning a Police vehicle colliding with a pedestrian causing catastrophic injuries.

- **H v Stoke on Trent CC (2019)**

2 day occupiers liability trial before HHJ Rawlings.

- **CM v HA (2019)**

Ongoing employers liability claim. The Claimant, having been crushed whilst at work, suffered complex catastrophic injuries to his arm.

- **Poddington v MOJ (2018)**

Successfully acted on a multi-week stress at work trial on behalf of a former prison officer.

- **Cotton v Heatex (2014)**

4 day High Court trial (QB) led by Steven Ford QC. Accident at work claim involving various allegations of fraud, extensive surveillance and 7 experts. (HHJ Main QC).

- **Johnson v H (2014) (QB)**

Appeal to King J following circuit judge's decision to refuse relief from sanctions for the late service of witness statements. Appeal granted in full with costs as the Defendant changed its previous stance of neutrality prior to the appeal to outright opposition at the appeal. Claim ongoing.

INQUESTS AND INQUIRIES

Ashley has appeared in many high profile inquests that have been reported in the national and local media. He has appeared on numerous cases against silks. His speciality is appearing in inquests where there is suspected underlying clinical negligence. Ashley often deals with Human Rights issues in this context.

SELECTED CASES

- **KF v A Trust & A Local Authority (2019)**
Acting in a multi-week inquest on behalf of the family (and the individual) that was accused of murdering his neighbour. KF was found not guilty at his criminal trial by reason of insanity, but the inquest explored the alleged failure into mental health services treatment of KF.
- **KH v L NHS (2018)**
Acting in a week long inquest into the death of a man that was restrained by security services at a hospital. The deceased was in a coma for 9 years following the incident. The inquest found multiple failures on the part of the Trust. Appeared as sole junior counsel against two QCs.
- **ML v E NHS Trust (2018)**
Multi day jury inquest investigating the suicide of a lady that was found to have been failed by the clinical treating team.
- **Inquest into death of Seth Dixon (2016)**
SF was run over, and later died, whilst crossing the road on his way home following him delivering a letter for his mother. The driver of the vehicle was found to have been using a mobile phone during the collision. The Coroner found that the use of the mobile phone during the incident contributed to Seth's death.
- **Inquest into death of RE (2016)**
An Article 2, 5 days jury inquest into the alleged failure by a Hospital Trust to properly monitor RE, which was found to have more than minimally contributed to his death.
- **Inquest into death of DF (2016)**
3 day Jamieson inquest into the death of an 18 hour old baby. The Coroner found multiple failings on behalf of the Trust which amounted to neglect.
- **Inquest into the death of SA (2016)**
4 day jury inquest into the death of a psychiatric patient on section 17 leave.

QUALIFICATIONS

LLB (HONS)

LONDON

MANCHESTER

SINGAPORE

KUALA LUMPUR

BARRISTERS · ARBITRATORS · MEDIATORS

81 Chancery Lane,
London
WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

82 King Street,
Manchester
M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

Maxwell Chambers,
28 Maxwell Road,
04-03 & 04-04, Maxwell Chamber
Suites
Singapore 069120
Tel: +65 6320 9272

#02-9, Bangunan Sulaiman,
Jalan Sultan Hishamuddin,
50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085

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