



Shaen Catherwood
Year of Call: 2000



Shaen's principal areas of practice are commercial law, international commercial arbitration (particularly concerning the energy and petrochemicals industries), insurance and telecommunications. He is experienced in obtaining and resisting injunctions and other emergency relief. He acts for a wide range of clients including international energy companies, UK public companies, insurers, and individuals.

Recent notable cases include:

- *Evolution (Shinfield) LLP & Ors v. British Telecommunications Plc* [2019] UKUT 127 (LC). The right to require removal of electronic communications apparatus from neighbouring land under Paragraph 38 of the Electronic Communications Code does not apply to prospective or future means of access. Shaen acted successfully for BT in this matter.
- *EE Ltd & Hutchison 3G UK Ltd v. Trustees of the Meyrick 1968 Combined Trust* (ongoing). Major dispute under the new Electronic Communications Code concerning a site provider's proposal to seek removal of the claimants' mast and construct its own network of masts. Shaen acts for the claimants and is led by Graham Read QC.
- *Mining Company v. Electricity Utility* (ongoing). Arbitration concerning a dispute over an agreement concerning tariff migration. Shaen is instructed for the respondent.
- *Advice on JOA pre-emption rights* (2018). Shaen provided advice on the interpretation of pre-emption rights under an oil and gas joint operating agreement.
- *Construction company v. Insurers* (2018). Shaen acted for a construction company in relation to its claim to be indemnified under a Contractors All Risk insurance policy in connection with a £100m project. The matter settled satisfactorily.
- *Miah v. Hoque & Ors*, Lawtel, 24/05/2018. A former member of a mosque sought an injunction in the High Court that he be readmitted to worship during Ramadan. Shaen acted for the executive committee in successfully resisting the application.
- *Petroleum Transport Company v. National Petroleum Company* (2018). Shaen advised in a dispute concerning the termination of a petroleum transportation contract.
- *Regus Management (UK) Ltd v. Licensee* (2018). Acted for oil company and its 100% shareholder in seeking to set aside service and default judgment for over £5m. The case involved complex issues concerning the application of the CPR and the principles of service out of the jurisdiction.
- *Walsall Housing Group Ltd v. British Telecommunications Plc* (2017). Acted for BT in seeking to resist an injunction requiring BT to remove apparatus from land. The matter was settled by consent order.
- *Philp v. Cook* [2017] EWHC 3023 (QB). The purchaser of a company who had not given compliant contractual notice of breach of warranty could not rely on the alleged breach for the purposes of a set-off. May J so held, in applying *Aries Tanker Corp. v. Total Transport Ltd* [1977] 1 WLR 185 to wording commonly found in share purchase agreements. Shaen acted for the successful appellants.

- *Share purchaser v. Share vendors* (2018). Acting for share purchaser in proceedings in the Patents Court. Shaen was engaged to assist particularly with claims relating to restrictive covenants, fiduciary duties, duties of confidence, the procurement of breaches, and quantum. The matter was to be tried over 20 days in 2018 but settled before trial.
- *Bank v. Individual* (Ongoing). Acting for individual in relation to proceedings brought by bank to enforce foreign judgment in England
- *Oil E&D Project* (2017). Providing advice in relation to a heavily delayed exploration and development project
- *Share purchaser v. Share vendor* (2017). Advising share purchaser in relation to a claim for breach of warranty in relation to the purchase of shares in a company operating in the pharmaceutical sector
- *Share purchaser v. Share vendor* (2017). Advice relating to issues consequential upon a share purchase agreement in the solar energy sector
- *A v. B* [2017] QB (Knowles J). Shaen appeared successfully for the respondent in resisting an application to set aside an order permitting service by an alternative method on lawyers in India of an order giving permission to enforce an English arbitration award as a judgment
- *Mining Company v. Electricity Utility* (2016). Acted successfully for the respondent, a national electricity utility, in an arbitration concerning the interrelationship between regulatory directions and private contractual rights. The claimant withdrew following receipt of the respondent's pre-hearing brief (drafted by Shaen). Shaen was led by Colin Edelman QC
- *Oil Major v. Oil Companies* (2016). Acted successfully in arbitral proceedings for a national oil company in a claim against various oil companies for the recovery of monies misapplied under a commercial trust. Shaen had previously acted for the same client in a related arbitration in which his client successfully resisted a claim for US\$35million. He was led by Antony Zaccaroli QC
- *Hospital Owner v. Hospital Management Company* (2015). Shaen acted successfully in a claim brought by the owner of a leading hospital against the hospital's former management company. The claim concerned unlawful commissions taken by senior management staff in respect of procurement contracts and involved detailed forensic investigations and extensive and complex pleading by Shaen of the statement of claim. The case was settled advantageously after receipt of the statement of claim
- *Electricity Company v. Oil and Gas Company* (2015). Shaen acted for the respondent in respect of the enforcement of a foreign arbitral award by the claimant in the English High Court. Shaen advised, drafted numerous documents and was closely involved in procedural decisions. The case was settled before the first hearing. Shaen was led by Lord Gribner QC
- *Friendly Pensions Ltd v. Austin* (2015), High Court (Chancery Division). Shaen acted for the claimant company which was seeking to restrain a former director from interfering in the company's email system and website. Shaen successfully obtained a without notice injunction (from Birss J) and then, upon the defendant giving full undertakings, Shaen obtained an order (from Mann J) that the defendant pay the claimant's costs to date on the indemnity basis
- With Graham Read QC, advising a large telecommunications company on proposed changes to the Electronic Communications Code, which governs the rights of telecoms operators, landowners and others in respect of the installation of electronic communications apparatus
- *Electricity Utility v. Manufacturer* (2014). Shaen successfully acted for a national electricity utility in this UNCITRAL arbitration, concerning the supply and installation of transformers in a hydro-electric dam. In December 2014 the tribunal awarded Shaen's client over 20 million euros which was the full sum claimed plus interest. At the full hearing of the matter he was led by Colin Edelman QC. Shaen advised throughout the dispute and was responsible for all pleadings
- *Director/shareholder v. Company* (2014-15). Shaen advised a director and shareholder in a dispute with his

company (and his fellow directors / shareholders). The case involved considerations of employment and company law and was resolved satisfactorily

- *Oil Major v. Oil Major* (ongoing). Acting for an international oil major in relation to a high profile dispute concerning the termination of a farm-out agreement
- *Oil Major v. Government and others*. Advised a national oil company in relation to contractual issues arising from a troubled gas exploration and development project
- *Lindsay v. LSE* [2014] IRLR 218. Successfully acted for the LSE before the Court of Appeal in resisting an appeal concerning allegations of racial harassment, race discrimination, and victimisation. [2014] Acted successfully for the LSE at the remitted hearing of the victimisation claim, which was dismissed by the same tribunal that had previously upheld the complaint
- *Euromark Ltd v. Smash Enterprises Pty Ltd* [2013] EWHC 1627 (QB). Acted for the Claimant in an application to set aside service out of the jurisdiction.
- *Hunter v. McCarrick* [2013] ICR 235; [2013] IRLR 26. No service provision change under TUPE where there is a change of client as well as a change of contractor. Shaen successfully acted for the appellant before the Court of Appeal
- *Cavenagh v. William Evans Ltd* [2012] ICR 1231; [2012] IRLR 679; (2012) 156(23) S.J.L.B.; [2012] 5 Costs LR 835. Payment in lieu of notice must be made notwithstanding prior misconduct. Shaen appeared in the Court of Appeal for the successful appellant
- *Tiffin v. Lester Aldridge LLP* [2012] 2 All ER 1113; [2012] 1 WLR 1887; [2012] ICR 647; [2012] IRLR 391. Fixed share partner is not an employee. This is now the leading case on the application of s.4(4) of the Limited Liability Partnerships Act 2000. Shaen appeared for the Appellant in the Court of Appeal
- *Government v. Oil Companies* (2010). Acted for three national oil companies in defending a US\$1.276 billion claim in an arbitration concerning rights to an oil transportation system (led by Colin Edelman QC). Claim settled following full hearing in 2010

Recommendations

Specialises in disputes relating to the installation or removal of telecoms apparatus. He is regularly instructed to act for leading telecoms operators in cases that require a strong understanding both of the ECC and of real estate issues. Catherwood has acted in several test cases relating to the updated ECC and draws praise from interviewees for his knowledge of the code. He is also well regarded for his experience in representing service providers in relation to commercial disputes. **"A hands-on lawyer with a great work ethic, who is a favourite with network operators, especially in respect of Ofcom, CAT and regulatory matters."** Acted for EE in relation to a lease renewal under the Landlord and Tenant Act 1954. The lease concerned the installation of a telecoms mast, and the case was significant as it concerns the new Electronic Communications Code's impact on the Landlord and Tenant Act 1954 - *Telecommunications, Chambers UK Bar 2021*

'Shaen is attentive and very commercial. He is quick and always available - an asset to our team and our go-to barrister on telecoms.' - *IT and Telecommunications (Excluding Regulatory), Legal 500 2021*

"He takes into account the commercial considerations of the clients and always offers practical, pragmatic options, as well as good knowledge of the black letter law." **"He has a calm view, is very good with clients and is very likeable and reasonable."** Assisted EE and Three with a dispute relating to their need to maintain apparatus on the roof of a building in London. - *Telecommunications, Chambers UK Bar 2020*

'His technical knowledge of the telecoms sector is very impressive.' - *IT and Telecommunications (Excluding Regulatory), Legal 500 2020*

"Has solid knowledge about the telecoms code, and is, in addition, a good real estate litigator." **"He knows the law inside-out and makes it his business to get to know the client, so I can instruct him with minimal**

effort." "He is very patient and nothing is too much trouble." Defended EE and H3G in a claim brought by Snow Hill Birmingham Developments relating to the removal of telecoms apparatus from private land. - *Telecommunications, Chambers UK Bar 2019*

'He is very knowledgeable in telecoms work and very commercial in his approach.' - *IT and Telecommunications (Excluding Regulatory), Legal 500 2019*

"Very approachable and easy to communicate with." - *IT and Telecoms (excluding regulatory), Legal 500 2017*

"Well known for telecoms disputes." - *Legal 500 2016*

"He is commended by clients for his 'highly responsive' approach to advisory work." - *Who's Who Legal 2016*

Arbitration

Shaen has extensive experience in the field of international arbitration:

- *Mining Company v. Electricity Utility* (2018). Arbitration concerning a dispute over an agreement concerning tariff migration. Shaen is instructed for the respondent
- *A v. B* [2017] QB (Knowles J). Shaen appeared successfully for the respondent in resisting an application to set aside an order permitting service by an alternative method on lawyers in India of an order giving permission to enforce an English arbitration award as a judgment
- *Mining Company v. Electricity Utility* (2016). Acted successfully for the respondent, a national electricity utility, in an arbitration concerning the interrelationship between regulatory directions and private contractual rights. The claimant withdrew following receipt of the respondent's pre-hearing brief (drafted by Shaen). Shaen was led by Colin Edelman QC
- *Oil Major v. Oil Companies* (2016). Acted successfully in arbitral proceedings for a national oil company in a claim against various oil companies for the recovery of monies misapplied under a commercial trust. Shaen had previously acted for the same client in a related arbitration in which his client successfully resisted a claim for US\$35million. He was led by Antony Zacaroli QC
- *Hospital Owner v. Hospital Management Company* (2015). Shaen acted successfully in a claim brought by the owner of a leading hospital against the hospital's former management company. The claim concerned unlawful commissions taken by senior management staff in respect of procurement contracts and involved detailed forensic investigations and extensive and complex pleading by Shaen of the statement of claim. The case was settled advantageously after receipt of the statement of claim
- *Electricity Company v. Oil and Gas Company* (2015). Shaen acted for the respondent in respect of the enforcement of a foreign arbitral award by the claimant in the English High Court. Shaen advised, drafted numerous documents and was closely involved in procedural decisions. The case was settled before the first hearing. Shaen was led by Lord Grabiner QC
- *Electricity Utility v. Manufacturer* (2014). Shaen successfully acted for a national electricity utility in this UNCITRAL arbitration, concerning the supply and installation of transformers in a hydro-electric dam. In December 2014 the tribunal awarded Shaen's client over 20 million euros which was the full sum claimed plus interest. At the full hearing of the matter he was led by Colin Edelman QC. Shaen advised throughout the dispute and was responsible for all pleadings

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- *Oil Major v. Oil Major* (2014). Acting for an international oil major in relation to a high profile dispute concerning the termination of a farm-out agreement
 - *Oil Major v. Government and others*. Advised a national oil company in relation to contractual issues arising from a troubled gas exploration and development project
 - Acted for an international oil and gas company in defending an arbitral claim for breach of a farm-in agreement concerning an off-shore drilling project
 - Acted for three national oil companies in defending a US\$1.276 billion claim in an arbitration concerning rights to an oil transportation system (led by Colin Edelman QC). Claim settled following full hearing in 2010
 - Acted for a national electricity company in a US\$50 million claim in an arbitration concerning alleged exclusive rights of power supply (led by Colin Edelman QC)
 - Acted, successfully, in an expert determination concerning a petrochemical construction project
 - Advising on issues arising from international supply agreements

Energy & Natural Resources

Shaen has developed particular experience in disputes involving the energy and petrochemical industries, including:

- *Advice on JOA pre-emption rights* (2018). Shaen provided advice on the interpretation of pre-emption rights under an oil and gas joint operating agreement
- *Petroleum Transport Company v. National Petroleum Company* (2018). Shaen advised in a dispute concerning the termination of a petroleum transportation contract
- *Oil E&D Project* (2017). Provision of advice concerning a heavily delayed exploration and development project
- *A v. B* [2017] QB (Knowles J). Shaen appeared successfully for the respondent in resisting an application to set aside an order permitting service by an alternative method on lawyers in India of an order giving permission to enforce an English arbitration award as a judgment
- *Share purchaser v. Share vendor* (2017). Advice relating to issues consequential upon a share purchase agreement in the solar energy sector
- *Mining Company v. Electricity Utility* (2016). Acted successfully for the respondent, a national electricity utility, in an arbitration concerning the interrelationship between regulatory directions and private contractual rights. The claimant withdrew following receipt of the respondent's pre-hearing brief (drafted by Shaen). Shaen was led by Colin Edelman QC
- *Oil Major v. Oil Companies* (2016). Acted successfully in arbitral proceedings for a national oil company in a claim against various oil companies for the recovery of monies misapplied under a commercial trust. Shaen had previously acted for the same client in a related arbitration in which his client successfully resisted a claim for US\$35million. He was led by Antony Zacaroli QC
- *Electricity Company v. Oil and Gas Company* (2015). Shaen acted for the respondent in respect of the enforcement of a foreign arbitral award by the claimant in the English High Court. Shaen advised, drafted numerous documents and was closely involved in procedural decisions. The case was settled before the first hearing. Shaen was led by Lord Grabiner QC

- *Electricity Utility v. Manufacturer* (2014). Shaen successfully acted for a national electricity utility in this UNCITRAL arbitration, concerning the supply and installation of transformers in a hydro-electric dam. In December 2014 the tribunal awarded Shaen's client over 20 million euros which was the full sum claimed plus interest. At the full hearing of the matter he was led by Colin Edelman QC. Shaen advised throughout the dispute and was responsible for all pleadings
- *Oil Major v. Oil Major* (2014). Acting for an international oil major in relation to a high profile dispute concerning the termination of a farm-out agreement
- *Oil Major v. Government and others*. Advised a national oil company in relation to contractual issues arising from a troubled gas exploration and development project
- Acted for an international oil and gas company in defending an arbitral claim for breach of a farm-in agreement concerning an off-shore drilling project
- Acted for three national oil companies in defending a US\$1.276 billion claim in an arbitration concerning rights to an oil transportation system (led by Colin Edelman QC). Claim settled following full hearing in 2010
- Acted for a national electricity company in a US\$50 million claim in an arbitration concerning alleged exclusive rights of power supply (led by Colin Edelman QC)
- Acted, successfully, in an expert determination concerning a petrochemical construction project
- Advising on issues arising from international supply agreements

Commercial Litigation and Disputes

For energy and telecommunications work see separate headings

Recent examples of Shaen's general commercial practice are:

- *Mining Company v. Electricity Utility* (2018). Arbitration concerning a dispute over an agreement concerning tariff migration. Shaen is instructed for the respondent.
- *Shareholder v. Company* (ongoing). Advising shareholder in respect of potential claim for unfair prejudice.
- *Petroleum Transport Company v. National Petroleum Company* [2018]. Shaen advised in a dispute concerning the termination of a petroleum transportation contract.
- *Regus Management (UK) Ltd v. Licensee* (2018). Acted for oil company and its 100% shareholder in seeking to set aside service and default judgment for over £5m. The case involved complex issues concerning the application of the CPR and the principles of service out of the jurisdiction.
- *Philp v. Cook* [2017] EWHC 3023 (QB). The purchaser of a company who had not given compliant contractual notice of breach of warranty could not rely on the alleged breach for the purposes of a set-off. May J so held, in applying *Aries Tanker Corp. v. Total Transport Ltd* [1977] 1 WLR 185 to wording commonly found in share purchase agreements. Shaen acted for the successful appellant vendor.
- *Share purchaser v. Share vendors* (Ongoing). Acting for share purchaser in proceedings in the Patents Court. Shaen has been engaged to deal particularly with claims relating to restrictive covenants, fiduciary duties, duties of confidence, and the procurement of breaches. The matter will be tried over 20 days in 2018
- *Bank v. Individual* (Ongoing). Acting for individual in relation to proceedings brought by bank to enforce foreign judgment in England

- *Share purchaser v. Share vendor* (2017). Advising share purchaser in relation to a claim for breach of warranty in relation to the purchase of shares in a company operating in the pharmaceutical sector
- *Share purchaser v. Share vendor* (2017). Advice relating to issues consequential upon a share purchase agreement in the energy sector
- *Friendly Pensions Ltd v. Austin* (2015). High Court (Chancery Division). Shaen acted for the claimant company which was seeking to restrain a former director from interfering in the company's email system and website. Shaen successfully obtained a without notice injunction (from Birss J) and then, upon the defendant giving full undertakings, Shaen obtained an order (from Mann J) that the defendant pay the claimant's costs to date on the indemnity basis
- *Director/shareholder v. Company* (2014-15). Shaen advised a director and shareholder in a dispute with his company (and his fellow directors / shareholders). The case involved considerations of employment and company law and was resolved satisfactorily
- *Euromark Ltd v. Smash Enterprises Pty Ltd* [2013] EWHC 1627 (QB). Acted for the Claimant in an application to set aside service out of the jurisdiction
- *Pritchard v Merchant House Financial Services Ltd* (2013). Acted for the claimants in a High Court action to recover sums payable under a settlement agreement. The case included allegations of fraudulent misrepresentation, breach of fiduciary duties and alleged diversion of commissions.
- Acted for a distributor in connection with alleged breach by a supplier under an international distribution agreement. Shaen recently obtained permission to serve out of the jurisdiction notwithstanding the existence of an exclusive jurisdiction clause in favour of Australia
- Recently acted in claim concerning alleged breach of an international sale agreement for supply of aluminium (2012). Claim settled satisfactorily
- Advised in relation to alleged breach of an international supply agreement (2012)
- Acted for the purchaser in a claim for breach of a share purchase agreement (2011)
- Acted for a distributor of food storage housewares in claim brought in the High Court against a former employee (for breach of contract, breach of fiduciary duty and conspiracy) and against a former supplier (for breach of contract, procuring a breach, and conspiracy). The claim was successfully settled before trial with a substantial payment made to the distributor (2010)
- Acted for a contractor in an action for alleged fraud and breach of fiduciary duty threatened against him by his former client (an international oil company). The matter was settled on satisfactory terms (2009)
- Acted for shareholders against an employed company director in relation to a potential derivative action and/or claim of unfair prejudice. The director resigned upon receipt of the letter before action and the dispute was brought to a satisfactory conclusion (2009)

Telecommunications & IT

Shaen has extensive experience in telecommunications disputes and is listed in both Chambers and Partners and Legal 500 in this category. He is currently acting in numerous cases under the new Electronic Communications Code and is familiar with litigating such disputes in the Upper Tribunal (Lands Chambers). He has also advised extensively on the construction of the new Code.

He also advises and acts in commercial disputes, including contractual disputes.

He is frequently instructed by both EE, Hutchison 3G and BT, amongst others.

Recent cases include:

- *Evolution (Shinfield) LLP & Ors v. British Telecommunications Plc* [2019] UKUT 127 (LC). The right to require removal of electronic communications apparatus from neighbouring land under Paragraph 38 of the Electronic Communications Code does not apply to prospective or future means of access. Shaen acted successfully for BT in this matter.
- *EE Ltd & Hutchison 3G UK Ltd v. Trustees of the Meyrick 1968 Combined Trust* (ongoing). Major dispute under the new Electronic Communications Code concerning a site provider's proposal to seek removal of the claimants' mast and construct its own network of masts. Shaen acts for the claimants and is led by Graham Read QC.
- *Walsall Housing Group Ltd v. British Telecommunications Plc* (2017). Acted for BT in seeking to resist an injunction requiring BT to remove apparatus from land. The matter was settled by consent order.
- *Share Purchaser v. Share Vendor* (2017/8). Shaen advised and acted for a share purchaser in a dispute concerning microchips used in mobile telephones. Shaen was engaged to assist particularly with claims relating to breaches of restrictive covenants, fiduciary duties, duties of confidence, the procurement of breaches, and quantum. The matter was to be tried over 20 days in 2018 but settled before trial.

He has advised a telecommunications operator in relation to its potential liabilities in respect of call traffic generated through third party fraud.

He has also advised in relation to a potential contractual claim concerning call plans.

He appeared, successfully, for BT in *Toneylogo Ltd v. British Telecommunications plc* (HC QB Birmingham Mercantile Ct, 1.2.05), LTL 9/2/2005 led by Graham Read QC. The claim concerned artificial inflation of traffic, self-dialling, conspiracy, and procurement of breach of contract.

Employment

Shaen undertakes representation and advisory work in all areas of employment law and related fields including discrimination, unfair dismissal (including redundancy), and TUPE. Clients that he has acted on behalf of include British Airways, BP, Alcoa Group, Coca-Cola, and The LSE. He appears in both the employment tribunals, the Employment Appeal Tribunal and the Court of Appeal.

Recent cases have included:

- *Conry v Worcestershire Hospital Acute NHS Trust*, UKEAT/0093/17/LA. Tribunal erred in failing to consider key issues in constructive unfair dismissal and disability-related harassment claims. Shaen appeared for the successful appellant.
- *Former MD v. Employer* (2017). Advised and settled proceedings in claim involving insolvency and TUPE
- *Soh v. Imperial College* (2016). Whistleblowing / unfair dismissal. Appeared for the appellant in the Employment Appeal Tribunal. Appeal successful in relation to the tribunal's failure correctly to apply statutory test for whistleblowing
- *Director/shareholder v. Company* (2014-15). Shaen advised a director and shareholder in a dispute with his company (and his fellow directors / shareholders). The case involved considerations of employment and company law and was resolved satisfactorily
- *Lindsay v. LSE* [2014] IRLR 218. Successfully acted for the LSE before the Court of Appeal in resisting an appeal concerning allegations of racial harassment, race discrimination, and victimisation. [2014] Acted

successfully for the LSE at the remitted hearing of the victimisation claim, which was dismissed by the same tribunal that had previously upheld the complaint

- *Hunter v. McCarrick* [2013] ICR 235; [2013] IRLR 26.
No service provision change under TUPE where there is a change of client as well as a change of contractor. Shaen successfully acted for the appellant before the Court of Appeal.
- *Cavenagh v. William Evans Ltd*
; [2012] ICR 1231; [2012] IRLR 679; (2012) 156(23) S.J.L.B.; [2012] 5 Costs LR 835. Payment in lieu of notice must be made notwithstanding prior misconduct. Shaen appeared in the Court of Appeal for the successful appellant
- *Asif v Elmbridge Borough Council* [2012] UKEAT/0395/11/DM. Appeared for the Appellant in case concerning unfair selection for redundancy and the making of concessions before a tribunal
- *Tiffin v. Lester Aldridge LLP* [2012] IRLR 391. Fixed share partner is not an employee. This is now the leading case on the application of s.4(4) of the Limited Liability Partnerships Act 2000. Shaen appeared for the Appellant in the Court of Appeal
- Advised a charity on issues concerning employee PHI cover
- *Castelino v. British Airways* [2010]. Acted for BA in successfully defending claims of discrimination on grounds of age, race and sex, and victimisation. A costs application, in which he also acted, was successful, resulting in an order for assessment in the County Court, capped at £50,000 [2011]
- *Kovats v. LLP*
[2009] ICR 1140. Member of a limited liability partnership was not its employee: interpretation of s.4(4) of the Limited Liability Partnerships Act 2000. Acted for the LLP in successfully resisting the appeal.
- *New ISG Ltd v. Vernon & Ors*
[2008] IRLR 115; [2008] ICR 319; The Times 12/12/2007. TUPE: post-transfer objection was valid where there is no consultation. Acted for two of the defendants in successfully resisting application for injunctive relief
- *Caswell & Ors v. ipTEST Ltd* [2007]. Successfully resisted claims that employees of insolvent company transferred to phoenix company under TUPE

Restrictive Covenants & Injunctions

- *Miah v. Hoque & Ors*, Lawtel, 24/05/2018. A former member of a mosque sought an injunction in the High Court that he be readmitted to worship during Ramadan. Shaen acted for the executive committee in successfully resisting the application.
- *Walsall Housing Group Ltd v. British Telecommunications Plc* (2017). Acted for BT in seeking to resist an injunction requiring BT to remove apparatus from land. The matter was settled by consent order.
- *Share purchaser v. Share vendors* (Ongoing). Acting for share purchaser in proceedings in the Patents Court. Shaen has been engaged to deal particularly with claims relating to restrictive covenants, fiduciary duties, duties of confidence, and the procurement of breaches. The matter will be tried over 20 days in 2018
- *Friendly Pensions Ltd v. Austin* (2015), High Court (Chancery Division). Shaen acted for the claimant company which was seeking to restrain a former director from interfering in the company's email system and website. Shaen successfully obtained a without notice injunction (from Birss J) and then, upon the defendant giving full undertakings, Shaen obtained an order (from Mann J) that the defendant pay the claimant's costs to date on the indemnity basis

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- *Temple Legal Protection Ltd v Lent* (2014) (High Court, Chancery Division). Acted for the Defendant in relation to a claim for springboard relief in relation to alleged misuse of confidential information. Proceedings settled.
 - *Employer v. Former Employees* (2014). Advising employees in relation to threatened application for injunctive relief.
 - *Employer v. Former Employees* (2013). Advised company in relation to employees' apparent breaches of post-termination restrictions and misuse of confidential information.
 - *Earthworks Environment & Resources Ltd v. Beale* (2013). Currently acting for claimant company in High Court injunctive proceedings against former employee.
 - *Seaco SRL and another v. Buss Capital GMBH & Co KG and others* (2012). Acting for a departing employee in High Court litigation concerning allegations of misuse of confidential information, breach of contractual and fiduciary duty and conspiracy. Case settled.
 - Recently acted for building suppliers in restraining departing employee from joining competitor. The matter concluded satisfactorily upon the former employee agreeing to abide by the contractual restriction (2012)
 - Recently advised as to the scope of restrictive covenants in a solicitors' members agreement (2011)
 - Successfully acted for IT company in restraining departing employee from joining competitor: undertakings given without proceedings being issue (2011)
 - *Santia Consulting Ltd v. Simmons and Ors* [2011]. Acted for respondents in relation to application for springboard injunction and other relief
 - *SFIA Limited v. Fisher* [2011]. Acted for claimant in action for breach of restrictive covenants and breach of confidentiality. Undertakings given and speedy trial ordered
 - *New ISG Ltd v. Vernon & Ors* [2008] IRLR 115; [2008] ICR 319; *The Times* 12/12/2007. TUPE: post-transfer objection was valid where there is no consultation. Acted for two of the defendants in successfully resisting application for injunctive relief

Additional Information

Before being called to the Bar, Shaen worked in publishing. He edited magazines including *Diplomat* and *Foreign Service* and was Publisher at Diplomatist Associates Limited. He has practical experience in company management, financial planning, buying, marketing and employee relations (including recruitment, remuneration and disciplinary matters).

Memberships and Associations

COMBAR, ELBA, ELA

Awards and Scholarships

Only Bar Finals Student graded 'Outstanding' in 2000

Certificate of Honour from Bar Council

Cloisters Award for Top Student, College of Law

Bedingfield Scholarship, Gray's Inn

Education

City University: Diploma in Law (Commendation)

New College, Oxford: BA in English Literature (First Class)