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# Thomas Pausey

Barrister

Call 2020



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## Scope of Practice

• Arbitration • Banking and Finance • Commercial Litigation • Civil Fraud • Company and Insolvency • Jurisdiction and Conflict of Laws • Injunctions

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## Overview

Thomas is developing a broad commercial practice covering all areas of Chambers' work. Thomas' practice extends across the full range of commercial arbitration and litigation, including disputes in the fields of energy and natural resources, banking and finance, and company and insolvency.

During the first two years of his practice, Thomas has been instructed in several arbitrations under the LCIA, ICC, and UNCITRAL Rules. Thomas has also been instructed as junior counsel in a number of High Court proceedings in the Commercial Court and Chancery Division, including:

- *BM Brazil I Fundo v Sibanye-Stillwater*
- *Mackie Motors v RCI Financial Services* (see [2022] EWHC 1942, [2022] EWHC 2336, and [2023] EWCA Civ 476)
- *Globeleq v Clean Energy Holdings*
- *Headley v John Wiley & Sons*
- *Golubovich v Golubovich and Mirinskaya* (see [2021] EWHC 2099 and [2022] EWHC 1605)
- *iSCF Capital v Khaleefa Al-Muhairi and Saeed Al-Qebaisi*

Thomas has also appeared as sole counsel in proceedings in the High Court and the County Court.

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# Examples of Recent Cases

## Arbitration

- **LCIA Arbitration**  
Led by David Wolfson KC and Sebastian Isaac KC. Acting for a lender, owned by a Middle Eastern businessman, in a claim for repayment under a loan agreement.
- **ICC Arbitration**  
Led by David Wolfson KC, Laurence Emmett KC, and Nehali Shah. Acting in a dispute between two major oil and gas companies in respect of their rights to the sale and purchase of LNG under a long-term contract.
- **UNCITRAL Arbitration**  
Led by Laurence Rabinowitz KC and Niranjana Venkatesan. Acted for an oil and gas company in a claim for misrepresentation and breach of warranty arising out of an acquisition of North Sea assets.
- **LCIA Arbitration**  
Led by Sa'ad Hossain KC. Acting for an oil and gas E&P company defending a claim brought by their joint venture partner in respect of the financing of a Georgian mining prospect.
- **LCIA Arbitration**  
Led by Sa'ad Hossain KC. Acted for a judgment creditor defending a claim pursued by its litigation funder. This included acting successfully in an application for strict witness protection measures for witnesses facing threats to their safety and in resisting late applications to amend the claim.
- **ICC Arbitration**  
Led by James MacDonald KC. Acted for an aircraft leasing company in a claim to recover unpaid rent due under a lease.

## Commercial Litigation

- **BM Brazil 1 Fundo v Sibanye-Stillwater**  
Led by Sonia Tolaney KC and James McDonald KC. Acting for Sibanye-Stillwater defending a claim brought by funds owned by Appian Capital in respect of the termination of two SPAs under which Sibanye-Stillwater was to acquire Brazilian nickel and copper mines for over \$1bn. The dispute centres on whether a geotechnical event at one of the mines had a material adverse effect entitling Sibanye-Stillwater to terminate.
- **Mackie Motors v RCIFS** (see [2022] EWHC 1942, [2022] EWHC 2336, and [2023] EWCA Civ 476)  
Led by David Cavender KC. Acted in a claim brought by a Scottish car dealership against the financing arm of the leading car manufacturers Renault and Nissan.
- **Headley v John Wiley & Sons**  
Led by Camilla Bingham KC. Acted for the former CEO of the mthree group in a claim against Wiley arising out of Wiley's acquisition of the mthree group.
- **Globeleq v Clean Energy Holdings**  
Led by Camilla Bingham KC. Acted in a claim brought by an African power producer in respect of the exercise of a put option under a JVA relating to Nigerian power assets.
- **iSCF Capital v Khaleefa Al-Muhairi and Saeed Al-Qebaisi**

Led by Camilla Bingham KC. Acted in a claim against two Abu Dhabi-based billionaires on guarantees they had given in respect of a contract entered into by one of their companies.

- **IBM UK**

Led by Laurence Emmett KC. Acted on behalf of a former executive of IBM UK in relation to missing pension contributions.

- **Motor Fuel Group**

Acted for the UK's largest independent operator of petrol stations defending a claim for fees in respect of a trespass enforcement service.

- **Energie-Pensions-Management**

Acted for a pension management company in defending a claim relating to the calculation of retirement benefits under an employment contract.

- **Gambling**

Advised an individual who had suffered substantial betting losses on a potential claim for breach of duty of care against a well-known betting company.

## Banking and Finance

- **Secret Commissions**

Led by Sonia Tolaney KC. Advised a credit broker on its potential liability to customers in respect of commissions received from lenders.

- **UK Fintech Company**

Advised a leading UK fintech company in relation to a potential claim arising out of mistaken payments from a bank account.

- **Tennor**

Acted for an asset manager responding to applications for third party debt and charging orders over monies owed to and assets held for companies related to Lars Windhorst.

- **Pension Scheme**

Acted for pension trustees in respect of sums fraudulently withdrawn from a pension scheme in an APP fraud.

- **Barclays Bank**

Advised individual on potential claims against Barclays in respect of an APP fraud.

- **iSCF Capital v Khaleefa Al-Muhairi and Saeed Al-Qebaisi**

Led by Camilla Bingham KC. Acted in a claim against two Abu Dhabi-based billionaires on guarantees they had given in respect of a contract entered into by one of their companies.

- **Copy Trading**

Advised on the regulatory implications, and potential for civil liability, arising out of a proposed copy trading arrangement.

## Company and Insolvency

- **The Parkmead Group**

Led by Sa'ad Hossain KC. Advised a UK oil and gas company on restoration of a dissolved company to the

register.

- **Re Harlequin Developments Ltd**

Drafted and presented a winding up petition, securing a winding up order following a County Court hearing.

- **Re RI Kent Ltd**

Acted for a joinery company on its response to a s127 application and the prospects of seeking a validation order

- **iSCF Capital v Khaleefa Al-Muhairi and Saeed Al-Qebaisi**

Led by Camilla Bingham KC. Acted in a claim against two Abu Dhabi-based billionaires on guarantees they had given in respect of a contract entered into by one of their companies. Both Defendants subsequently entered bankruptcy in the UAE, giving rise to issues as to the operation of the Cross-Border Insolvency Regulations.

## Energy and Natural Resources

- **BM Brazil 1 Fundo v Sibanye-Stillwater**

Led by Sonia Tolaney KC and James McDonald KC. Acting for Sibanye-Stillwater defending a claim brought by funds owned by Appian Capital in respect of the termination of two SPAs under which Sibanye-Stillwater was to acquire two Brazilian nickel and copper mines for over \$1bn. The dispute centres on whether a geotechnical event at one of the mines had a material adverse effect entitling Sibanye-Stillwater to terminate.

- **North Sea Oil and Gas Companies**

Led by Sa'ad Hossain KC. Advising owners of a satellite North Sea field on potential claims against the operator and owners of a hub field in respect of potential early decommissioning of the hub.

- **ICC Arbitration**

Led by David Wolfson KC, Laurence Emmett KC, and Nehali Shah. Acting in a dispute between two major oil and gas companies in respect of their rights to the sale and purchase of LNG under a long-term contract.

- **UNCITRAL Arbitration**

Led by Laurence Rabinowitz KC and Niranjana Venkatesan. Acted for a North Sea oil and gas company in a claim for misrepresentation and breach of warranty arising out of an acquisition of North Sea assets.

- **CNRL**

Led by Sa'ad Hossain KC. Advised and prepared a global oil and gas company on its response to an injunction application and potential expedited trial in relation to its contractual obligations in respect of North Sea assets.

- **LCIA Arbitration**

Led by Sa'ad Hossain KC. Acting for an oil and gas E&P company defending a claim brought by their joint venture partner in respect of the financing of a Georgian mining prospect.

- **Globeleq**

Led by Camilla Bingham KC. Acted in a claim brought by an African power producer in respect of the exercise of a put option under a JVA relating to Nigerian power assets.

- **The Parkmead Group**

Led by Sa'ad Hossain KC. Advised a UK oil and gas company on potential claims in relation to the decommissioning of North Sea assets.

## Jurisdiction and Conflict of Laws

- **Golubovich v Mirimskaya [2022] EWHC 1605**  
Led by Laurence Emmett KC. Acted in a jurisdiction challenge, including on appeal to the High Court, which related to a Part 20 claim brought by a former husband against his former wife, the main claim having been brought by their daughter against her father. The claims relate to the ownership of various artworks purchased prior to their divorce.
- **PTA Application**  
Advised a state organisation on an application for permission to appeal against a judgment declining jurisdiction on forum non conveniens grounds.

## Injunctions

- **CNRL**  
Led by Sa'ad Hossain KC. Advised and prepared a global oil and gas company on its response to an injunction application in relation to its contractual obligations in respect of North Sea assets.
- **Worldwide Freezing Order (confidential)**  
Assisted Richard Mott with an application for a WFO supporting the enforcement of DIAC arbitration awards against an international businessman charged with fraud across multiple jurisdictions (confidential).

## Advocacy

- **Network Rail**  
Acted for Network Rail in a County Court trial of a claim for damage caused to a railway bridge by a negligent driver.
- **Overbury Estates**  
Secured summary judgment in the County Court for payment in respect of refurbishment works completed on a property appearing on the BBC show "Homes Under the Hammer".
- **Freeths LLP**  
Secured summary judgment in the County Court for unpaid fees.
- **Re RI Kent Ltd**  
Secured an adjournment in the High Court of a s127 application.
- **Anglian Windows**  
Appeared on behalf of Anglian Windows in a County Court trial of a claim relating to a window installation.
- **Rollerdor**  
Appeared on behalf of Rollerdor in a County Court trial of a claim relating to a garage door.

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## Education

- City Law School, Bar Professional Training Course (Outstanding) [2019-2020]

- University of Oxford, Bachelor of Civil Law (Distinction) [2018-2019]
  - University of Oxford, BA Jurisprudence (First, ranked fourth in year) [2015-2018]
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## Academic Achievements

- Prince of Wales Scholarship, Gray's Inn [2019]
  - Mr and Mrs Kenny Lam's Graduate Scholarship in Law, St Catherine's College [2018]
  - Foundation Graduate Scholarship, St Catherine's College [2018]
  - Graduate Assistance Fund Scholarship for the BCL, Faculty of Law, University of Oxford [2018]
  - Quadrant Chambers Prize for the best paper in International Trade, University of Oxford [2018]
  - Gibbs Book Prize for performance in Contract, Tort, Trusts, and Land Law papers, University of Oxford [2018]
  - Bailey Debating Prize, St Catherine's College [2017]
  - David Blank Scholarship, St Catherine's College [2016]
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## Awards



# Contact Clerks



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