

Kevin Pettican

Year of Call: 1994
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Commercial

Kevin Pettican is a commercial litigator with 30 years of experience in litigating and arbitrating business disputes before courts at all levels up to and including the Supreme Court, and before arbitral tribunals both in the UK and internationally.

Whilst Kevin particularly enjoys preparing for and conducting trials, he is a versatile advocate who is equally at home in the applications court, or argument a novel point of law before the Court of Appeal. In all his cases, Kevin seeks to adopt a persuasive and direct approach to advocacy, based on intensive prior preparation.

Reported cases

Deutsche Bank AG London v Comune di Busto Arsizio [2021] EWHC 2706 (Comm): Kevin was instructed (together with Paul Downes KC) by an Italian local authority in Commercial Court litigation concerning the enforceability of two interest rate swaps. This was the first case in which the English Commercial Court considered the effect of the decision of the Joint Divisions of the Italian Supreme Court in the Cattolica case (Case No. 8770/20220).

NaturaStudios Ltd v The New York Laser Clinic Ltd [2019] EWCA Civ 421: This was a dispute concerning the supply of laser equipment to the claimant. Kevin successfully appealed against a decision by the Deputy High Court Judge that permitted the claimant to substantially change its case shortly before trial. Kevin was able to secure from the Court of Appeal a substantial adjournment of the trial and, thereafter, appropriate case management directions.

Winter v Hockley Mint Ltd [2019] 1 WLR 1617: Kevin acted for an office equipment supplier in a substantial trial in the Chancery Division involving allegations of deceit and conspiracy in the context of office equipment leasing agreements. The allegations of wrongdoing against Kevin's client were dismissed at trial and a finding by the trial judge that Kevin's client was vicariously liable for the actions of one of the other defendants was set aside by the Court of Appeal. The Court of Appeal's decision in this case is a leading authority on the circumstances in which a principal will be liable for the fraud of his agent in a commercial context.

Dondore Incorporated v Fetaimia [2018] EWHC 1832 (Ch): This was a dispute over whether an oral agreement had been made (and performed) for the sale and purchase of the shares in a BVI company that owned a £2.5 million flat in Knightsbridge. Following a 5-day trial in the Chancery Division, the court found that Kevin's client had entered into an oral agreement with the claimant to purchase the shares in the BVI company that owned the flat, and that the purchase price had been paid to an African company controlled by the claimant.

The Ritz Hotel Casino Ltd v Al-Geabury [2015] EWHC 2294: Acting for the defendant in litigation with the Ritz Club arising from multi-million-pound gambling losses. The case gave rise to complex issues concerning the duties owed by a casino to a self-excluded customer under the Gambling Act 2005.

Szepietowski v The National Crime Agency [2014] 1 AC 338: A successful appeal to the Supreme Court (together with Romie Tager KC) in what is now the leading case on the equitable doctrine of marshalling. The case also raised complex issues of

construction arising from a settlement agreement entered between Kevin's client and the National Crime Agency.

Trident Australasia Pty Ltd v Versabuild LLC [2013] EWHC 4838: Security for costs in circumstances where there were no publicly available financial statements relating to the claimant. The issue arose in the context of a dispute between the partners to an international joint venture.

Street v Larkins [2013] EWHC 1408: A dispute between the members of an alleged family partnership arising from the sale and purchase of property in London over a number of years.

Re Giambrone LLP: Acting for various claimants in proceedings for professional negligence against a firm of Registered European Lawyers arising from losses suffered in relation to the purchase of off-plan holiday homes in Calabria, including making one of the first successful applications for summary judgment.

Academic qualifications

- BA (First Class Honours), Christ Church, University of Oxford
- Bachelor of Civil Law (BCL), Christ Church, University of Oxford
- BPTC, Inns of Court School of Law

Scholarships

- Major Scholarship, Inner Temple
- Duke of Edinburgh Scholarship, Inner Temple

Professional bodies

- Inner Temple

Direct Access

Kevin Pettican is qualified to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme.