

Nick Kaplan

Year of Call: 2013

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Construction and engineering

Nick is familiar with all standard forms of construction contract and regularly advises employers, contractors and subcontractors in relation to disputes that arise under them. Nick also has extensive experience in advising clients in relation to large-scale maintenance and supply contracts, particularly in the social housing sector.

Nick has particular experience running, and drafting submissions in, construction adjudications ranging from low-value to multi-million pound disputes. Nick both brings and defends adjudications and is well versed in the particular strategic and legal challenges that the adjudication process gives rise to. He has both brought and defended a number of challenges to adjudicators' decisions in the courts, and has advised and acted for adjudicators looking to recover their fees.

Recent Cases

- Nick is currently instructed by the Government of Montserrat in a high value arbitration concerning allegations of repudiatory breach of a construction contract and associated claims and counterclaims.
- In *Hog Construction Ltd and Hog Group Limited v Michael Paul Langridge* (2018) EWHC 2889 (TCC) Nick successfully acted for the claimants in a Part 8 claim seeking declarations that the defendant was not entitled to adjudicate against either of the two claimants.
- Nick is currently instructed by a well-known adjudicator looking to recover his fees and expenses following a series of contested adjudications.
- Nick was involved with the preliminary 'desk-top' investigations into the fire at Grenfell, consequently he is familiar with the particular challenges faced by building owners and contractors in relation to fire-safety regulations, cladding and construction defects.
- Nick referred an adjudication in relation to a contractors application for a 700+ day extension of time, successfully arguing that on proper assessment of the EOT claim the contractor was entitled to no extension of time.
- Nick successfully defended a client in a prolonged £12 million adjudication arising under a large maintenance and supply contract which covered thousands of properties across the country. After several rounds of submissions, the Referring Party was awarded just 5% of the sums it had claimed. Nick subsequently advised on the settlement negotiations between the parties.
- Nick advised and represented a well-known adjudicator in a successful summary judgment application for the recovery of the adjudicator's fees. Summary Judgement was granted and the adjudicator's fees and his expenses in pursuing them were recovered.
- In *The Vinden Partnership Ltd v ORCA LGS Solutions and Others* (2017) EWHC B24 (TCC), Nick advised and represented the well-known adjudicator Peter Vinden in a successful summary judgement application for the recovery of Mr Vinden's fees.
- Nick resisted enforcement of an adjudicators' decision, successfully arguing that the adjudicator had lacked jurisdiction

to determine the dispute..

Articles

3PB's Nick Kaplan reviews the decision in Grove Developments: for the Adjudication Society in an article called "Unloosening or tightening the Construction Act's Gordian Knot?"

In Grove Developments, two of the construction world's most esteemed Judges have, in their departing decisions before moving on to pastures new, now attempted to loosen the Gordian Knot created by the amended Construction Act and Edwards-Stuart J's decision in ISG.

This article seeks to assess the degree to which the decisions in Grove have loosened that knot, or merely entangled us in other, related, difficulties. Further, it looks briefly at the recent decision of Stuart-Smith J in Davenport Builders which may, to mix my classical metaphors, indicate a way to chart a course between the Scylla of ISG and the Charybdis of Grove.

[View Article](#)

Nicholas Kaplan analyses the decision in Grove Developments v S&T: will Smash and Grab now Crash and Burn?

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Recommendations

"A most impressive Counsel. I was particularly taken by his grasp of the issues involved and the manner in which our case was conducted." - Client

"Nick remained poised and collected throughout, and was able to stay on track despite the interventions of both the defendant and the Judge. I really appreciated the forethought he had put in to the presentation of the argument. Win or lose he could not have given more." - Client

"Nick was a tremendous help to us with drafting our business terms and conditions. He explained potential issues in a clear and concise manner and helped us come up with effective solutions. All in all, Nick was a great resource for us." - Client

Academic qualifications

- The University of Oxford - Politics, Philosophy and Economics - First Class
- Graduate Diploma in Law - City Law School - Distinction
- BPTC - BPP - Very Competent

Scholarships

- Astbury Scholarship - Middle Temple
- Michell Scholarship - Queen's College Oxford

Professional bodies

Oil and Gas Arbitration Club

Direct Access

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