Norwich Pharmacal Orders

Authors:

Charles Dougherty QC
cdougherty@2tg.co.uk
+44 (0)20 7822 1262

Emily Saunderson
esaunderson@2tg.co.uk
+44 (0)20 7822 1253

Introduction

The aim of this handout is to provide a practical guide to obtaining pre-action disclosure orders. The guide deals principally with *Norwich Pharmacal* orders, however, other forms of pre-action and third party disclosure orders are available and they are referred to at the end of this guide.

Norwich Pharmacal Orders – the jurisdiction

In *Norwich Pharmacal v Customs and Excise Commissioners* [1974] AC 133, the House of Lords recognised the equitable jurisdiction which enables the court to require a respondent who is "mixed up" in wrongdoing to provide "full information". A *Norwich Pharmacal* order may provide for disclosure to identify the wrongdoer or to trace and/or preserve assets.

The court's power to make a *Norwich Pharmacal* order, as opposed to an order for disclosure against a non-party under Civil Procedure Rule 31.17 or an order for pre-action disclosure pursuant to CPR 31.16, is preserved by CPR 31.18.

A *Norwich Pharmacal* order is available where the applicant can show that:

- There has arguably been wrongdoing;
- There is a real prospect that the respondent is "*mixed up*" in the wrongdoing;
- There is a real prospect that the respondent has relevant information which can be the subject of a *Norwich Pharmacal* order; and
- Such an order is a "*necessary and proportionate response in all the circumstances*".

See generally: *Norwich Pharmacal v Customs & Excise* [1974] AC 133 (especially Lord Reid at 175B-C; Lord Morris at 178H-179A; Lord Cross at 199F-G; Lord Kilbrandon at 205H-206B); the House of Lords in *Ashworth Hospital Authority v MGN Limited* [2002] 1 WLR 2033 (especially Lord Woolf CJ at [25]-[36], [53], and [57]); and the Supreme Court in *Rugby Football Union v Consolidated Information Services Limited* [2013] 1 All ER 928 (particularly Lord Kerr at [14]-[18]).

Wrongdoing

A *Norwich Pharmacal* order is available before and after judgment against a respondent who is "mixed up" in the wrongful acts of another (whether innocently or not), see *Norwich Pharmacal* at 175B-C, and *R (Omar) v Secretary of State for Foreign and Commonwealth Affairs* [2013] EWCA Civ 118 at [36]-[40].

The applicant must establish that there has arguably been wrongdoing: see *Rugby Football Union v Consolidated Information Services Limited* at [14]. The test as to what constitutes an arguable case was considered by Tugendhat J in *United Company Rusal Plc v HSBC Bank Plc* [2011] EWHC 404 (QB) at [50]-[52], in respect of an application for *Norwich Pharmacal* relief in aid of foreign proceedings. Tugendhat J suggested that an appropriate test was whether factors existed which allowed the court to take jurisdiction or whether the applicant had a much better argument than the respondent [52]. In most cases, this issue is unlikely to arise because the applicant usually has a strong case that it has been the victim of wrongdoing.

The wrongful acts which form the basis of the order may be the commission or a tort, a breach of contract, or other civil wrong, including equitable wrongdoing; or it may be a criminal act (see *Ashworth v MGN* at [26], [34] and [53]).

The wrongdoing may also consist of a judgment creditor attempting to make himself judgment proof by putting his assets out of reach (*Mercantile Group AG v Aiyela* [1994] QB 366).

It is not necessary for the applicant to establish that a wrong has in fact been committed, but there must be a reasonable basis for asserting that the applicant has been the victim of wrongdoing. The courts have made *Norwich Pharmacal* orders to help a party discover whether or not a wrong has actually been committed (see, for example, Sir Richard Scott V-C in *P v T Limited* [1997] 4 All ER 200 at 208h-209b; and *Carlton v VCI* [2003] EWHC 616 (Ch)).

It is also not necessary that the applicant intends to bring legal proceedings in respect of the arguable wrong; any form of redress, such as disciplinary action or the dismissal of an employee will suffice (see *Rugby Football Union v Consolidated Information Services Limited* at [15]).

Respondent "mixed up"

The applicant must show that there is a real prospect that the respondent is mixed up in, has facilitated, or is involved in the wrongdoing. A respondent can be mixed up in wrongdoing innocently. There is no requirement that the respondent even be aware of the wrongdoing (see *Norwich Pharmacal* at 188 per Viscount Dilhorne).

Whether a party is mixed up in the wrongdoing is clearly fact sensitive and depends on the nature of the wrong and the respondent's conduct.

The requirement of involvement in the wrongdoing is important because it distinguishes the respondent from a mere onlooker or witness, against whom disclosure will usually not be ordered (see Lord Reid in *Norwich Pharmacal* at 173H-174E). The need for involvement provides a justification for the intrusion upon the respondent who is not the wrongdoer that an order for disclosure necessarily entails (see Lord Woolf CJ in *Ashworth Hospital v MGN* at [35]).

The "mere witness" rule prevents a party from obtaining disclosure against a person who would in due course be compellable to give information either by oral testimony as a witness, or ordered to produce documents pursuant to a witness summons (see Hoffmann LJ in *Mercantile Group Europe AG v Aiyela* [1994] QBR 366 at 374C-D).

A *Norwich Pharmacal* application, where a respondent is involved in the wrongdoing, does not offend the "mere witness" rule when the applicant would not be in a position to issue proceedings against the wrongdoer in the absence of the disclosure sought because without the disclosure, there would be no trial and so no witnesses would be compellable.

There is some scope for dispute as to the extent to which "facilitation" as opposed to "involvement" in the wrongdoing is required. In *R (Omar and others) v The Secretary of State for Foreign and Commonwealth Affairs* [2013] EWCA Civ 118, Maurice Kay LJ noted at [38] that there would be cases where there was a real difference between involvement or participation on one hand and facilitation on the other hand. For example, a person present and involved may be attempting to discourage or prevent the wrongdoing. The Court of Appeal in that case held in that it was wrong to conclude that an applicant for *Norwich Pharmacal* relief must establish facilitation, although the details on the facts of that case were contained in a closed judgment (see Maurice Kay LJ at [40]), so there may be scope for further argument on this issue.

In *NML Capital Limited v Chapman Freeman Holdings Limited* [2013] EWCA Civ 589, the Court of Appeal held that the third party must be involved in the furtherance of the transaction identified as the relevant wrongdoing (see Tomlinson LJ at [25]). In that case, it was held that a third party merely trading with a judgment debtor after judgment had been entered did not give rise to a sufficient connection with the judgment debtor's wrongdoing so as to justify disclosure against the third party.

However, in *Various Claimants v Newsgroup Newspapers Limited and the Commissioner of Police for the Metropolis* [2013] EWHC 2119 (Ch), Mann J's analysis focussed not on whether the third party against which disclosure was sought (the Commissioner of Police for the Metropolis) participated in, facilitated or was involved in the actual wrongdoing, but whether its engagement with the wrong made it more than a mere witness. On the unusual facts of that case, Mann J held that the respondent should give disclosure of evidence it

had collected to potential victims of telephone hacking by journalists.

Mere receipt of confidential documents or information *may* be enough to establish the respondent's involvement in the wrongdoing, depending upon the nature of the wrong and its purpose (see King J in *Campaign Against Arms Trade v BAE Systems plc* [2007] EWHC 330 (QB) at [13]).

Internet service providers and operators of websites may be subject to *Norwich Pharmacal* applications on the basis that they have been mixed up in wrongdoing where their customers have engaged in illegal file-sharing or breaches of contract (see, for example, *Golden Eye (International) Limited v Telefónica UK Limited* [2012] EWCA Civ 1740, and *Rugby Football Union v Consolidated Information Services Limited*).

A telephone company may be mixed up in wrongdoing where the wrongdoer has used the telephone in the course of the wrongdoing (*Coca Cola v British Telecom* [1999] FSR 518).

Importantly, *Norwich Pharmacal* relief was extended in *Bankers Trust v Shapira* [1980] 1 WLR 1274 to allow applicants to pursue disclosure against banks and other financial institutions in aid of tracing claims. Where a bank or financial institution is holding or has transferred assets on behalf of a party who is alleged to have obtained those assets as a result of fraud, the court may order disclosure to assist the applicant find or recover its assets (see *Bankers Trust v Shapira* [1980] 1 WLR 1274 per Lord Denning MR at 1281G-1282E, and Hoffmann J in *Arab Monetary Fund v Hashim* (No 5) [1992] 2 All ER 911).

Information which can be subject of a Norwich Pharmacal order

The test for whether information may be the subject of a *Norwich Pharmacal* order has become broader over time.

At first, the only information deemed relevant was the identity of the wrongdoer or information that helped to identify the wrongdoer. The type of information this encompasses has developed so that now it may, for example, include email routing and address data to assist in identifying the sender of an email (see *Campaign Against the Arms Trade v BAE Systems Plc* [2007] EWHC 330 (QB) at [95]-[96]). It may also include the IP address of a registered user of a website (see *G and G v Wikimedia Foundation Inc* [2009] EWHC 3148 (QB)).

Where *Norwich Pharmacal* relief is sought to allow assets to be traced and/or preserved or in support of a proprietary claim, the disclosure ordered may be extensive. For example, it may include copies of relevant correspondence, debit vouchers, transfer applications, and internal memoranda (see *Bankers Trust v Shapira* at 1283D).

The jurisdiction also allows applicants to receive disclosure of a crucial (and specific) piece of information without which liability could not be alleged (*Axa v Natwest* [1998] PNLR 433; *Carlton v VCI* [2003] EWHC 616 (Ch)); and, as is mentioned above, disclosure as to whether a wrong has been committed at all (*P v T* [1997] 1 WLR 1309).

A *Norwich Pharmacal* order is not as wide as standard disclosure

The court has a general discretion as to what relief should be ordered. Relief will often be by way of disclosure of documents, in which case, the court will usually seek to limit disclosure to specific documents or classes of documents – it will not order standard disclosure. However, the court may, also or alternatively, order the relevant individual to provide a statement or affidavit containing the information. This will be particularly appropriate where documents have been destroyed (see, for example, *X Ltd v Morgan-Grampian (Publishers) Ltd* [1991] 1 AC 1, HL).

Significantly, a *Norwich Pharmacal* order may allow an applicant to obtain disclosure from a third party in circumstances where if the order was made against the wrongdoer he might be able to claim privilege against self-incrimination. This is because privilege against self-incrimination must be claimed personally; it cannot be claimed by a third party on behalf of a wrongdoer.

Necessary and proportionate response

The court retains a discretion over whether to grant a *Norwich Pharmacal* order, and it will only exercise that discretion where it is a "*necessary and proportionate response in all the circumstances*" (per Lord Woolf CJ in *Ashworth Hospital Authority v MGN Limited* [2002] 1 WLR 2033 at [36] and [57]).

In *Rugby Football Union v Consolidated Information Services Ltd* [2013] 1 All ER 928 at [17], Lord Kerr in the Supreme Court listed ten factors identified by the authorities which may be relevant to the exercise of the discretion. Not all of the factors listed will be relevant to all cases, but they are:

(i) The strength of the possible cause of action contemplated by the applicant for the order.

(ii) The strong public interest in allowing an applicant to vindicate his legal rights.

(iii) Whether making the order will deter similar wrongdoing in the future.

(iv) Whether the information could be obtained from another source.

(v) Whether the respondent knew or ought to have known that he was facilitating arguable wrongdoing.

(vi) Whether the order might reveal the names of innocent persons as well as wrongdoers, and if so whether such innocent persons will suffer harm as a result.

(vii) The degree of confidentiality of the information sought.

(viii) The privacy rights under article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") of the individuals whose identity is to be disclosed.

(ix) The rights and freedoms under the EU data protection regime of the individuals whose identity is to be disclosed.

(x) The public interest in maintaining the confidentiality of journalistic sources, as recognised in section 10 of the Contempt of Court Act 1981 and article 10 of the Convention.

One of the above factors upon which the court is likely to focus in most cases is whether there are other practicable means of obtaining the relevant information (see Lightman J in *Mitsui & Co Ltd v Nexen Petroleum UK Ltd* [2005] EWHC 625 (Ch) at paragraph 24). But the Court will not impose too high a hurdle in this regard. What is practicable will be determined in the light of the resources of the applicant, the urgency of the need for the information, and any public interest in the information being obtained.

The test of necessity does not require the remedy to be one of last resort (see *Rugby Football Union v Consolidated Information Services Ltd* at [16]). However, if the information which is the subject of the application can be obtained by a different route, an applicant would be well-advised to explain in its evidence in support of the application what efforts have been made to obtain the information by alternative means and/or why it is not feasible to get disclosure other than by way of the *Norwich Pharmacal* jurisdiction.

The court will also have in mind any public interest which militates against disclosure (*Campaign Against Arms Trade v BAE Systems plc* [2007] EWHC 330 (QB)).

In applications against banks and professional advisors, the court will probably consider specifically the potential detriment to the person against whom the order is sought, in terms of the cost of complying with the order (against which the respondent is usually indemnified by the applicant) and any potential invasion of privacy and/or any breach of obligations of confidence to others (see Hoffmann J in *Arab Monetary Find v Hashim (No 5)* [1992] 2 All ER 911 at 919j, and Sir Anthony Clarke MR in *Koo Golden East v Bank of Nova Scotia* [2008] QB 717 at [49]).

Limitations

Where the respondent is a person responsible for a publication, he will not be required to disclose the source of the information unless it is necessary in the interests of national security, the interests of justice or for the prevention of crime: see section 10 of the Contempt of Court Act 1981.

However, the *Norwich Pharmacal* jurisdiction is compatible with section 10, and article 10 of the Convention as long as it is only used to obtain disclosure of a journalist's source where it is a necessary and proportionate response in the circumstances. For example, in *Ashworth Hospital Authority*, the House of Lords upheld an order for disclosure against a newspaper group in respect of its sources in circumstances where verbatim extracts from a patient's medical records had been published.

Section 25(7) Civil Jurisdiction and Judgments Act 1982 (as amended by the Civil Jurisdiction and Judgments Act 1982 (Interim Relief) Order 1997) provides that interim relief including provision of evidence cannot be obtained in support of foreign proceedings. The extent to which this covers *Norwich Pharmacal* applications is arguable, depending on the use to which the information sought is to be put. For example, it is arguable that a *Norwich Pharmacal* application is not an application for evidence: see the Court of Appeal's decision in *Republic of Haiti v Duvalier*, 7th June 1988 (unreported).

Further, in *R (Omar) v The Secretary of State for Foreign and Commonwealth Affairs* [2013] EWCA Civ 118, the Court of Appeal held that the *Norwich Pharmacal* jurisdiction was not available where a statutory regime covered the same ground. This cast doubt on the Divisional Court's decision in *R (Mohamed) v The Secretary of State for Foreign and Commonwealth Affairs* [2009] 1 WLR 2579 where a *Norwich Pharmacal* order was made in the context of proceedings in the US.

Omar involved a *Norwich Pharmacal* application by individuals facing charges of murder and other offences in connection with terrorist bombings in Uganda. They said the UK government had material which would help show they had been subject to torture and other cruel and inhuman treatment by the Ugandan authorities. The Court of Appeal held that the provisions of the *Crime (International Co-operation) Act 2003* were in play, so *Norwich Pharmacal* did not run (see Maurice Kay LJ at [25]).

Given the dicta in *Omar*, it appears that the *Norwich Pharmacal* jurisdiction may also be excluded in claims involving civil wrongs in other jurisdictions where the *Evidence (Proceedings in Other Jurisdictions) Act 1975* applies (see Maurice Kay LJ in *Omar* at [10]-[11], [25]-[27]), although the Court of Appeal did not decide this point.

However, where evidence has properly been obtained as a result of a *Norwich Pharmacal* order, the court may give permission for the evidence to be used in proceedings overseas. The court will consider whether it is appropriate for the applicant to be permitted to use the documents for that purpose. In this regard, the court will consider whether allowing such use would be oppressive to the respondent or any other party.

Applications

On notice or without notice

An application for *Norwich Pharmacal* relief should normally be made on notice to the respondent unless there is a need for the proceedings to be kept secret

from the respondent (rather than from the suspected wrongdoer).

Even where the respondent is not involved in the wrongdoing, there may be a real risk that he will inform the wrongdoer of the application. The respondent may even believe that he has a duty to do so. In those circumstances it may be justifiable not to inform the respondent. An alternative is to first obtain a without notice gagging order against the respondent preventing him from informing the alleged wrongdoer of the application.

If there is extreme urgency (but no need for secrecy), informal notice should still be given to the respondent if possible, see CPR 23 APD 4.2.

Full and frank disclosure

Where the application is made without notice, the applicant has a duty to make full and frank disclosure of matters which might count against him on the application. Even where the respondent has notice of the application, there is an obligation of full and frank disclosure insofar as the order affects third parties (including the alleged wrongdoer).

In complying with the duty of full and frank disclosure:

- Consider the impact of the order on the respondent and any third party (including the alleged wrongdoer). For example, is disclosure likely to cause the respondent or third party any financial or other loss, or is there a risk that it will include personal data of innocent third parties?
- Consider the nature of the information that you are seeking. The more confidential the information that is sought the more cogent the evidence necessary for the order.
- Could the information be obtained in another way? In particular, could the information be obtained directly from the alleged wrongdoer?
- Take full instructions and ask the client if there is anything that he thinks might be damaging to his case.
- Consider the defences which may be open to the alleged wrongdoer or the respondent.
- Examine the documents as carefully as time will allow. Are there any which are inconsistent with the applicant's case?
- Consider whether the applicant has acted in the past in a way that is inconsistent with his current case.
- Consider whether there is any information about the alleged wrongdoer's character that would militate against any alleged dishonesty? For example, previous investigations in which he has been exonerated or apparent cooperation with investigations.
- Consider whether the respondent may be able rely on the privilege against self-incrimination.

Do not be afraid to put your client's rebuttal. The disclosure must be fair but does not have to be unopposed.

Practical steps to obtaining the order

Claim form / application notice

If there are existing proceedings, the respondent should be joined as a party to the claim "*for the purposes of disclosure pursuant to the principle set out in Norwich Pharmacal v Customs & Excise [1974] AC 133*". The claim or application should then set out the basis of the jurisdiction, namely wrongdoing, involvement, and the information sought.

If there are no existing proceedings, a Part 7 or Part 8 claim form should be issued with the respondent as a Defendant. Normally, where it is intended to issue proceedings against the wrongdoer in the near future, it will be more practical to issue the claim as a Part 7 claim. In cases of extreme urgency the claim form can be in draft. If the application is, or is thought likely to be, uncontested, the court may entertain an application under CPR 23 supported by evidence (see Chancery Guide paragraph 4.2).

Evidence

The witness statement in support of the application should state:

- The relevant factual background, including the cause of action (or potential cause of action) against the wrongdoer.
- Full particulars of any allegation of dishonesty (whether against the respondent or against the wrongdoer).
- The evidence that the respondent has been involved with, facilitated or mixed up in the wrongdoing.
- The relevant information the respondent is believed to have.
- The reason why the disclosure is necessary. In a publication case, the reason why it is necessary in the interest of national security, the interests of justice or for the prevention of crime.
- Any other factors which would support the court exercising its discretion favourably.
- If applicable, the reason why the application is without notice, such as secrecy, and/or urgency.
- Any facts which need to be set out to satisfy the obligation of full and frank disclosure. Simply including a prejudicial document in an exhibit will not usually be enough. Unless it is expressly drawn to the judge's attention either by the advocate or in the body of the affidavit, it will be treated as not having been disclosed (*Siporex Trade SA v Comdel Commodities* [1986] 2

Lloyd's Rep 428, 437). The safest course is to include it in the affidavit.

Draft order

The terms and scope of the draft order will depend on the facts of the case.

The scope of the order, however, should not be wider than necessary to achieve the aim of the order. The terms should be clear and precise so as to make clear to the respondent what he has to disclose.

The draft order should include a cross-undertaking as to damages (*Bankers Trust v Shapira* [1980] 1 WLR 1274 at 1282E).

Add-ons to the order

Gagging orders restraining those served from informing third parties of the proceedings or of the fact that an order has been made may be appropriate. Such orders are often made to give the applicant time to use the information obtained to identify and secure assets or preserve evidence or property elsewhere and/or pursue further wrongdoers. A suggested wording is as follows:

"*Except for the purpose of obtaining legal advice, the respondent must not directly or indirectly inform anyone, in particular xyz, of the application or this order or warn anyone that proceedings have been or may be brought against him by the applicant until [date] without the consent in writing of the applicant's solicitors or the permission of the court.*"

Consideration should also be given, where appropriate, to orders:

- That the hearing be held in private
- Sealing the court record
- For permission to delay serving any documents that would otherwise disclose the existence of the application or order
- That the parties be referred to by cipher.

The hearing

Consider whether the hearing should be in private.

Even if the case is urgent, if possible, send papers to the court in advance.

Confirm that the judge has read the statement and skeleton.

After taking the judge through the jurisdictional requirements of the *Norwich Pharmacal* order and demonstrating that these have been met, the focus of the advocate should be firmly on persuading the judge that, as a matter of discretion, the order is appropriate. The advocate must present the case fairly and ensure that any full and frank disclosure has been made.

Make sure (especially if the hearing is without notice) that there is someone at the hearing to take a full note of what is said. Where the hearing is without notice, a copy of the note will need to be provided to the respondent after the hearing.

Be prepared to politely decline suggestions from the judge on a without notice hearing if they appear to be oppressive to the respondent. If the applicant accepts such suggestions, he will not be able to blame the judge (*Bank of Scotland v A Ltd* [2001] 1 WLR 751).

The price of disclosure

An applicant will normally be expected to indemnify the respondent in respect of his costs, unless he is himself a wrongdoer or has acted unreasonably. These costs can subsequently be recovered against the wrongdoer (*Totalise Plc v The Motley Fool Ltd* [2002] 1 WLR 1233, 1240 – 1241).

The documents obtained will be subject to an implied undertaking that, without the permission of the Court, they will not be used for any purpose other than in the proceedings in question. If the applicant wishes to use the documents for other purposes (including proceedings abroad), he must obtain the court's permission. Such an application for permission should normally be made on notice.

Consider whether any further undertaking is necessary as a result of the risk of damage to the applicant or suspected fraudster or the special confidentiality of the documents.

Consider the alternatives

Search order

A search order can be obtained in support of a *Norwich Pharmacal* order under section 7 of the Civil Procedure Act 1997, even though there is no substantive cause of action against the respondent. The key factor is to show that without a search order there is a real possibility that the respondent will hide or destroy relevant documents.

For more information on obtaining search orders, please see our handout "A Practical Guide to Search Orders".

Equitable jurisdiction to safeguard trust assets

The court has an equitable jurisdiction to safeguard trust assets. The court can exercise this jurisdiction to order a third party to disclose information about the whereabouts of trust assets and about the identity of trustees. This is a different jurisdiction from the one dealt with in *Norwich Pharmacal*, albeit they will often overlap (see *Murphy v Murphy* [1999] 1 WLR 282, 290 – 291). Importantly, there is no need to show that the respondent is mixed up in any wrongdoing.

Pre-action disclosure orders

Where the respondent is the wrongdoer and the application can be made on notice, consider a pre-action disclosure order against the wrongdoer under CPR Rule 31.16.

Such an order will only be of assistance where secrecy is not essential.

Non-party disclosure orders

An application for disclosure may be made against a non-party pursuant to CPR 31.17. The applicant must show that the documents sought are likely to support his case or adversely affect the case of another party to the proceedings. In this context, documents are "likely" to support or adversely affect a party's case if they "might well" do so (*Three Rivers District Council v Governor and Company of the Bank of England (No 4)* [2003] 1 WLR 210).

For such an application, the main proceedings must have been issued against the wrongdoer, albeit they do not need to have been served. A non-party disclosure order can therefore be made without notice to the wrongdoer, although this is unusual.

Bankers' Books Evidence Act 1879

The court may make an order under section 7 of the Bankers' Books Evidence Act 1879 that a party to proceedings is allowed to inspect and take copies of a banker's books for the purposes of the proceedings. In general, it is necessary that the entries relate to the Defendant's assets and that the Defendant could be ordered to disclose information about them (*A v C* [1981] Q.B. 956, 960).

Disclaimer

2 Temple Gardens
London EC4Y 9AY
Tel: + 44 (0)20 7822 1200
Fax: + 44 (0)20 7822 1300
LDE Chancery Lane 134
email: clerks@2tg.co.uk

About the authors

Charles Dougherty QC BA (Oxon) BCL (Oxon)

Call: 1997 cdougherty@2tg.co.uk +44 (0)20 7822 1262
QC: 2013

Charles specialises in commercial law, in particular commercial fraud, insurance & reinsurance and conflict of laws. He is a former law lecturer and management consultant.

He has vast experience of dealing with high-value fraud claims, in particular claims with a multi-jurisdictional element, and of obtaining (or resisting) freezing and search orders and other interim relief, including *Norwich Pharmacal* orders.

Charles is an assistant editor of European Civil Practice (Sweet & Maxwell, 2nd ed.) and he has lectured extensively on commercial fraud, insurance and the conflict of laws.

He is recommended in Chambers & Partners as a leading junior for civil fraud, commercial litigation, insurance, professional negligence, product liability and travel and in the Legal 500 as a leading junior for civil fraud, insurance, commercial litigation, product liability and professional negligence. Charles was named '*Insurance Junior of the Year*' at the 2012 Chambers Bar Awards.

"Intellectually brilliant,"; "wins plaudits from all quarters for his 'lateral thinking and impressive performances in court'"; "market observers were effusive in their praise. Rated 'a fantastic advocate', he 'is logical and persuasive' and presents complex matters to the court in an easy-to-digest way. "; "gives exceptionally good advice"; "Provides rapid turnaround and very pragmatic advice"; "approachable and down to earth".

Chambers UK

Emily Saunderson BA (Hons)

Call: 2005 esaunderson@2tg.co.uk +44 (0)20 7822 1253

Emily was called to the Bar in 2005 having graduated with a first class honours degree in philosophy from Southampton University and having spent six years as a journalist covering the financial derivatives markets.

Emily practises in commercial law, specialising in banking and finance; commercial fraud; company law; and insolvency.

Emily has experience of obtaining interim relief including freezing orders and *Norwich Pharmacal* orders in support of both domestic and foreign proceedings.

Recent cases include: *Sgrò v Gioviale* (2013), an application for a freezing order in support of Italian proceedings; *IG Markets Ltd v McKenna* (2011- 2013), a €4m debt claim involving allegations of forgery which involved several applications for third party disclosure, and freezing orders against multiple parties; *Stokors v IG Markets Ltd v Craigcrook Management Services Ltd* [2013] EWHC 631 (Comm), a €100m claim in dishonest assistance and knowing receipt against leading UK financial institution, and a Third Party claim in negligence against a compliance consultant.

Full CVs are available at: www.2tg.co.uk