



serle court

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Thomas Elias

Year of Call: 2008

"Very bright, clear-thinking and tactically astute."

"Thomas radiates calm, and many a crisis passes unnoticed thanks to his grip on the situation."

"Thomas has a strikingly good eye for detail and his advocacy is perfectly judged – never overplaying a point but always pressing the point home until it lands."

The Legal 500

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Practice Overview

Thomas has a wide-ranging commercial chancery practice with particular expertise in company law, civil fraud, insolvency and intellectual property.

Notable recent matters include: being led in successfully resisting allegations of fraud in a 3 week Commercial Court trial (*Jaffé v Greybull Capital LLP* [2024] EWHC 2534 (Comm)); appearing in a design right case in the Court of Appeal relating to light-up snow globe gin liqueur bottles (led by [Michael Edenborough KC](#)) (*Marks & Spencer v Aldi Stores* [2024] EWCA Civ 178); successfully appealing a finding of dishonesty in a three day appeal in the Court of Appeal (*Floreat v Churchill* [2023] EWCA Civ 440) (leading [John Eldridge](#)); and successfully defending a claim to a property worth c. £8 million under s. 423 of the Insolvency Act 1986 (*Lemos v Church Bay* [2023] EWHC 2384 (Ch)) (leading [Andrew Gurr](#)). He has also appeared as part of a team in two appeals to the Privy Council from The Bahamas (*RDA Ltd v Christie* [2023] UKPC 2 and *Ngumi v AG Bahamas* [2023] UKPC 12).

Thomas is recognized in the Legal 500 as a leading practitioner in commercial litigation, company law, intellectual property and insolvency.

He is one of the editors of *Minority Shareholders: Law, Practice and Procedure* (Joffe et al, 7th edn, 2024) and a contributing editor of *CITMA's Contentious Trade Mark Registry Proceedings* (2nd edn, 2023).

Areas of Expertise

Civil Fraud

Thomas is regularly instructed in cases with allegations of fraud or dishonesty across the broad range of chancery and commercial litigation.

Current cases include:

Wirecard v Greybull Capital, a claim by the administrator of Wirecard against an investment advisor for fraudulent misrepresentation, seeking c. \$11 million (listed for a 3 week Commercial Court trial in 2024). Led by John Wardell KC.

Griffiths v Griffiths: two conjoined unfair prejudice petitions including allegations of misappropriation of assets, listed for a 12 day trial in 2025. Leading George Vare.

Borrelli v Otaibi. A major commercial court claim in which Thomas leads John Eldridge representing four of the intended 20+ defendants.

Recent cases include:

Lemos v Church Bay Trust Co & Ors [2023] EWHC 2384 (Ch). Instructed as leader at trial where he successfully acted for the defendants in an 8 day High Court (ChD) trial resisting a claim to a property worth c. £8 million brought by a creditor and trustees in bankruptcy under s. 423 Insolvency Act (transactions defrauding creditors). The trial involved allegations of forgery of a key letter and cross examination on matters going back to the 1970s. The trial judgment deals with an unusual issue regarding the effect of serving a Notice to Prove and the requirements for making allegations of forgery in cross-examination.

Also acted in relation to a joinder application in 2021 [2021] EWHC 1173 (Ch), [2021] BPIR 830, a decision discussed in *Muir Hunter on Personal Insolvency*.

An (unusual) written judgment on costs budgeting by ICC Judge Jones [2023] EWHC 157 (Ch) is mentioned in *Sealy and Milman on the Insolvency Legislation*.

Floreat Investment Management Limited v Churchill & Ors [2023] EWCA Civ 440. Acted for the successful appellants (leading John Eldridge) in a three day appeal in the Court of Appeal relating to allegations of dishonesty and breaches of fiduciary duty relating to commissions taken on a loan. Achieved the unusual feat of overturning a finding of dishonesty at first instance. Instructed for the appeal only after the clients completely changed their legal representation following the decision at first instance.

Demo One Limited v Parker (2022). Instructed by one of the defendants in a multi-party fraud claim alleging diversion of work, breaches of fiduciary duty, conspiracy and dishonest assistance. Settled.

Violet Capital v Hi55 Ventures (2020). Instructed by the principal defendants in a dispute between fintech entrepreneurs. The claims included allegations of misappropriation of corporate opportunities, unlawful means conspiracy, and also breach of confidence and intellectual property claims. Successfully resisted an interim injunction before Marcus Smith J in July 2020, and the claim was subsequently discontinued.

Notable previous cases include:

Prince Abdulaziz v Apex Global Management [2014] UKSC 64, [2014] 1 W.L.R. 4495. High-profile and wide-ranging litigation regarding unfair prejudice petitions. Appeared (with Daniel Lightman, now K.C.) for the successful respondents in the Supreme Court in October 2014.

Sukhoruchkin v van Bekestein (2014) a dispute arising out of the management and subsequent liquidation of an off-shore investment fund, in which permission was sought by shareholders in a holding company to bring a double derivative claim on behalf of the subsidiary. A freezing order was successfully set-aside at first instance but was reinstated by the Court of Appeal [2014] EWCA Civ 399 (instructed by Mishcon de Reya).

Monde v LeeLanes LLP (2013): a dispute arising out of agreements to provide a power station in Iraq, involving claims for breach of contract and unlawful means conspiracy and allegations of bribery and illegality (instructed by Withers).

Viken v Tiberius Investments & Capital (2012): claims regarding alleged misuse of investment monies in an off-shore investment fund (instructed by Peters & Peters). Included attending a hearing in the BVI Commercial Court to set aside a Statutory Demand *BVIHC* (COM) 57 OF 2012.

Architectural Association v Livett (2011): obtained a freezing injunction on behalf of claimant charity against its former finance director in relation to claims of equipment leasing fraud (instructed by Peters & Peters).

Cherney v Neuman [2011] EWHC 2156 (Ch): 12 day trial of claims for breach of fiduciary duty and negligence against a firm of solicitors (with Hugh Norbury, now KC) (instructed by Fladgate).

Company

Thomas has considerable experience in contested Company law matters, particularly unfair prejudice petitions, derivative claims and claims for breach of directors' duties. He also advises on matters such as directors' rights to access company documents, rectification of registers, and insolvency-related matters.

He is one of the editors of the forthcoming 7th edition of *Minority Shareholders: Law, Practice and Procedure* Joffe et al (2024).

Current cases include:

Griffiths v Griffiths, two conjoined unfair prejudice petitions brought by one sibling against another alleging (inter alia) that the respondent has been secretly extracting money from the companies (by way of excessive service fees). The value of the shares in issue is likely to be at least £15m. Applications to strike out the petitions were heard in December 2022 before Deputy ICCJ Curl KC: [2023] EWHC 175 (Ch).

Glenwood House Investments Limited (in liquidation): Instructed on behalf of the principal creditor bringing claims under ss. 212 and 423 of the Insolvency Act 1986 against the former directors (including professional, off-shore directors) in relation to an alleged unlawful dividend.

Advising a shareholder of her rights in the context of ongoing divorce proceedings in E&W and the availability of interim relief in the family division.

Advising on the rectification of the register of members of a company to protect a shareholder in the context of divorce proceedings in Jersey.

Recent cases include:

Re Finyx Consulting Limited (2023). Acted for the Respondents in an unfair prejudice petition involving the construction of a Shareholders' Agreement and whether the Respondents were entitled to purchase the Petitioners' shares upon their retirement. Settled (instructed by Wallace LLP).

Re Highbury Distribution Investments Limited (2022). Successfully applied to Court to rectify the register of members of the Company in circumstances where the only director, and the holder of the only voting shares, had died.

Re SCOM Limited (2021). Acted for the petitioner in an unfair prejudice petition relating to a joint venture for the provision of IT security systems. Settled 2021 (instructed by Russell Cooke LLP).

Re a company (2021). A dispute heard before an Expert. Successfully upheld the validity of the appointment of directors.

Re Linton Property Developments Limited (2021). Two conjoined unfair prejudice petitions regarding property development companies. A multi-million pound dispute between two branches of the same family involving off-shore entities and trusts, extensive and complex facts, and contentious issues of law regarding the scope of unfair prejudice petitions. Instructed with Daniel Lightman KC by Wallace LLP.

Notable previous cases include:

Re AMT Coffee Limited (2019-2020): Solely instructed (by Forsters LLP) to act for the first respondent in a multi-party 11 day High Court trial of an unfair prejudice petition regarding a family-owned coffee company: [2019] EWHC 46 (Ch); [2020] 2 BCLC 50. Issues included the standing of trustees of a will to bring a petition, excess remuneration, admissibility of expert evidence, and legal issues regarding the appropriateness of a minority discount. Spawned numerous satellite disputes, including:

Preliminary judgment on standing and vesting of property in personal representatives: [2018] EWHC 1562; [2018] WTLR 531

Judgment on determining excessive remuneration: [2019] EWHC 377 (Ch)

Judgment on further consequential: [2019] EWHC 378 (Ch).

Awan v Patel [2017] EWHC 1951 (Ch): Acted for the successful defendants in a 5 day trial in the Chancery Division in a matter involving interlocking issues of company and partnership law (instructed by DLS Law)

Re Galasys plc [2016] JRC 188: A multi-jurisdictional dispute over control of a (formerly) AIM-listed company. Instructed in relation to the proceedings in Jersey (by Collas Crill).

Prince Abdulaziz v Apex Global Management [2014] UKSC 64, [2014] 1 W.L.R. 4495. High-profile and wide-ranging litigation regarding unfair prejudice petitions. Appeared (with Daniel Lightman, now KC) for the successful respondents in the Supreme Court in October 2014.

Sukhoruchkin v van Bekestein (2014): a dispute arising out of the management and subsequent liquidation of an off-shore investment fund, in which permission was sought by shareholders in a holding company to bring a double derivative claim on behalf of the subsidiary. A freezing order was successfully set-aside at first instance but was reinstated by the Court of Appeal [2014] EWCA Civ 399 (instructed by Mishcon de Reya).

Abouraya v Sigmund [2014] EWHC 277 (Ch); [2015] B.C.C. 503: a claim to bring proceedings by way of double-derivative claim on behalf of a company against a director for breach of fiduciary and duty (with Daniel Lightman, now KC) (instructed by Asserson Law Offices).

Intellectual Property

Thomas is instructed in all aspects of “soft” IP: trade marks, passing off, copyright, design right and confidential information. He has appeared at all levels from the Trade Mark Registry to the Court of Appeal and (pre-Brexit) the European Court. Thomas has acted in high profile disputes (such as the caterpillar cake dispute between “Colin” (M&S) and “Cuthbert” (Aldi)) and has particular expertise in disputes regarding “get up” or packaging of goods.

As well as acting in traditional “pure” IP cases, Thomas has often been instructed in commercial or chancery cases which have an intellectual property element. Unlike many practitioners, he is happy and able to deal effectively with such cross-over cases, avoiding the need for clients to instruct additional specialist counsel.

Thomas is a contributing editor to the CITMA publication *Contentious Trade Mark Registry Proceedings* (1st edn 108; 2nd edn 2023).

Unfortunately, following Brexit, Thomas is no longer qualified to appear in the ECJ or General Court.

Current cases include:

Marks & Spencer plc v Aldi Stores Ltd. An appeal to the Court of Appeal in relation to registered designs in light-up, snow globe, gin liqueur bottles. Solely instructed a first instance in IPEC: trial judgment [2023] EWHC 178 (IPEC); [2023] FSR 17. Led by Michael Edenborough KC on appeal.

M L Technology Ltd and Anr v B.E.A.T. SAM. Act for claimants in this ongoing High Court claim for copyright infringement, TM infringement and passing off in the context of a contractual dispute for the sale and purchase of company shares. A multi-jurisdictional claim with defendants in France, Monaco and Switzerland and related proceedings in Switzerland. At an interim hearing [2023] EWHC 1660 (Ch) successfully resisted the Dfs’ application for a stay and for security for costs, and obtained an unless order that the Dfs be debarred from defending unless they filed defences within 28 days.

Instructed by the intended claimant (a multi-million international business) in a potential claim for trade mark infringement, passing off, breach of contract and tortious claims in a dispute arising out of the acquisition of a business. The sellers of the business have now set up in competition with the intended claimant.

Advising a potential defendant in relation to allegations of copyright infringement in typefaces.

Recent cases include:

Costa v DissociaDID Ltd [2022] EWHC 1934 (IPEC). Instructed for the defendants / counterclaimants shortly before

trial in a claim for copyright infringement in relation to scripts used in videos on the defendants' YouTube channel promoting understanding of Dissociative Identity Disorder (previously called multiple personality disorder). Both claim and counterclaim succeeded in part. Counterclaim succeeded in respect of (the relatively unusual tort of) causing loss by unlawful means – the claimant had made and persisted in representations to YouTube that he knew to be untrue to persuade YouTube to “take down” certain of the defendants' videos. Following trial obtained an “off-scale” costs order (unusual in IPEC) for unreasonable behaviour in respect of certain consequential matters.

IOSH Services v NCRQ (2022). Instructed by the claimant in a claim for trade mark infringement and passing off relating to the provision of health and safety training. The claimant is the trading subsidiary of the Institute of Occupational Safety and Health, a charitable body which is the largest health and safety organisation in the UK. The claim included issues regarding infringement by use of invisible meta tags on the defendant's website. Settled at an early stage.

Advising in a mixed commercial IT/IP claim regarding rights in software, requiring expertise in commercial disputes as well as in copyright.

Notable previous cases include:

Marks & Spencer v Aldi Stores Ltd - “Colin the Caterpillar” (2021). Instructed (with Michael Edenborough KC) on behalf of Aldi resisting claims that Aldi's “Cuthbert” caterpillar cake infringed trade marks and other rights in M&S's “Colin the Caterpillar” cake. Settled. In terms of public perception, one of the most high profile IP disputes of recent times.

Arla v JDS Foods Limited (2021). Acted for the defendant in a claim brought by the makers of LURPAK alleging trade mark and copyright infringement, and passing off, relating to the get up of the defendant's butter/spread product. Settled shortly before trial (instructed by Shakespeare Martineau).

Violet Capital v Hi55 Ventures (2020). Instructed by the principal defendants in a dispute between fintech entrepreneurs. The claims included allegations of misappropriation of corporate opportunities, unlawful means conspiracy, and also breach of confidence and intellectual property claims. Successfully resisted an interim injunction before Marcus Smith J in July 2020, and the claim was subsequently discontinued.

Pelikan v EUIPO (NBA Properties Inc. intervening) T-112/17 (2018). Sole instruction for the Intervener in an appeal before the General Court in May 2018. Subsequently advised on recovering costs

Glencairn v Dartington Crystal (2018). Acted for Dartington in a registered design case about a whisky glass. Successfully resisted an interim injunction in March 2018 and the matter subsequently settled before trial

Advising on copyright enforcement in Jersey and the Isle of Man in relation to sports broadcasts (2018).

Advising on copyright and database right in relation to sports broadcasts in Mauritius (2017).

M.I. Industries, Inc. v EUIPO (Natural Instinct Ltd intervening) T-30/16. Solely instructed in a successful appeal to the General Court in a trade mark matter regarding proof of use (instructed by Lucas & Co).

Gama Healthcare v Pal International [2016] EWHC 75 (IPEC). Successfully acted for the defendant in a claim for passing off based on packaging of medical wipes (with Roger Wyand K.C.) (instructed by Spearing Waite).

The Ukulele Orchestra of Great Britain v Clausen & another [2015] E.T.M.R. 40, [2015] EWHC 1772 (IPEC). Acted for the defendants in a claim for passing off, trade mark infringement and infringement of copyright in dramatic works, and successfully invalidated the claimant's Community trade mark. Also resisted an early application for an interim injunction [2014] EWHC 3789 (IPEC) (instructed by Fladgate LLP). Received considerable press coverage because of the unusual nature of the dispute.

Moroccanoil Israel Ltd v Aldi Stores [2014] EWHC 1686 (IPEC) - successfully defended Aldi in a passing-off action based on packaging "get-up" (with Michael Edenborough K.C.) (instructed by Freeths).

Aveda Corp v Dabur India Ltd [2013] E.T.M.R. 33 – appeal to the High Court from the Trade Mark Registry involving the issue of the correct analysis of composite trade marks (instructed by Cresco Legal).

Kavaklidere-Europe v OHIM [2012] E.T.M.R. 45 - Acted with Michael Edenborough KC in proceedings in the General Court of the European Union on behalf of Yakult Honsha Kabushiki Kaisha successfully opposing the registration as a Community Trade Mark of a word mark similar to the client's mark "YAKULT".

Smart Technologies v OHIM [2012] E.T.M.R. 49 - Appeared with Michael Edenborough KC on an appeal to the Court of Justice of the European Union on a trade mark matter regarding the registrability of slogans as Community Trade Marks.

Pass J Holdings Ltd v Spencer, Trade Marks Registry (Appointed Person), [2012] R.P.C. 16 Appeal, inter alia, on the basis that the original decision was vitiated by serious errors arising from the Hearing Officer cutting and pasting from an unrelated earlier decision.

Harrison v Harrison [2010] FSR 25, 604, one of few reported cases on the moral rights of derogatory treatment and false attribution.

Evans (t/a Firecraft) v Focal Point Fires Plc [2010] E.T.M.R. 29; [2010] R.P.C. 15, summary judgment on a passing off claim based on an estoppel arising from an invalidation decision of the trade mark Registry.

Commercial Litigation

Thomas is regularly instructed in cases in the Commercial Court, as well as business disputes in the Chancery Division.

Current cases include:

Wirecard v Greybull Capital, a claim by the administrator of Wirecard against an investment advisor for fraudulent misrepresentation, seeking c. \$11 million (listed for a 3 week Commercial Court trial in 2024). Led by John Wardell KC.

Borrelli v Otaibi. A major commercial court claim in which Thomas leads John Eldridge representing four of the intended 20+ defendants.

Griffiths v Griffiths: two conjoined unfair prejudice petitions including allegations of misappropriation of assets, listed for a 12 day trial in 2025. Leading George Vare.

Recent cases include:

Floreast Investment Management Limited v Churchill & Ors [2023] EWCA Civ 440. Acted for the successful appellants (leading John Eldridge) in a three day appeal in the Court of Appeal relating to allegations of dishonesty and breaches of fiduciary duty relating to commissions taken on a loan. Achieved the unusual feat of overturning a finding of dishonesty at first instance. Instructed for the appeal only after the clients completely changed their legal representation following the decision at first instance.

Lemos v Church Bay Trust Co & Ors [2023] EWHC 2384 (Ch). Instructed as leader at trial where he successfully acted for the defendants in an 8 day High Court (ChD) trial resisting a claim to a property worth c. £8 million brought

by a creditor and trustees in bankruptcy under s. 423 Insolvency Act (transactions defrauding creditors). The trial involved allegations of forgery of a key letter and cross examination on matters going back to the 1970s. The trial judgment deals with an unusual issue regarding the effect of serving a Notice to Prove and the requirements for making allegations of forgery in cross-examination.

Atlantic Capes Fisheries, Inc v Ocean Fleet Seafood & Ors (2023). A claim for \$2.6 million plus interest against a company arising out of the international supply of scallops, and connected claims under guarantees given by its two directors. Judgment given in January 2023.

Notable previous cases include:

Demo One Limited v Parker (2022). Instructed by one of the defendants in a multi-party fraud claim alleging diversion of work, breaches of fiduciary duty, conspiracy and dishonest assistance. Settled.

Medina Dairy v First Circle (2021). Instructed by the defendant in a commercial court claim for breach of contract and a dispute over contractual construction. Also advised further potential defendants in relation to threatened claims for c. £15m for unlawful means conspiracy and procuring a breach of contract. Following pre-action correspondence this was dropped by the claimant (instructed by Forsters LLP).

Violet Capital v Hi55 Ventures (2020). Instructed by the principal defendants in a dispute between fintech entrepreneurs. The claims included allegations of misappropriation of corporate opportunities, unlawful means conspiracy, and also breach of confidence and intellectual property claims. Successfully resisted an interim injunction before Marcus Smith J in July 2020, and the claim was subsequently discontinued (instructed by Freeths LLP).

Monterrey v Fraser (2018). Acted for a Mauritius trust company (instruction by Withers) in a claim principally between joint venture partners and property developers. Trial was adjourned on day 1 due to the incapacity of one of the co-defendants. Settled before the substantive trial was re-listed.

Kiwak v Reiner [2017] EWHC 2018 (Ch). Acted for claimants in a 5 day High Court trial regarding a joint venture/partnership dispute in relation to development property (instructed by Asserson Law Offices).

Woodfine v Russo. Partnership dispute regarding development properties (instructed by DLS Law).

Lotigol v Christoforou. Acted for a claimant property investor seeking to recover a secret profit obtained by his agent in breach of duty in engineering back-to-back property sales. Involved claims for breach of duty, deceit and knowing receipt. Now settled (instructed by Olephant).

Erith Holdings Limited & Ors v Ronald William Murphy [2017] EWHC 1364 (TCC): successfully acted for the defendant in a 3 day trial in the Technology & Construction Court, resisting claims for monies said to be due under a contract of indemnity.

Office Depot Inc v Office Depot (Israel) (2013): instructed as sole counsel in a dispute in the High Court regarding monies due under a contract of sale of a subsidiary company in Israel, with counterclaims of misrepresentation, involving jurisdiction issues in light of related proceedings in Israel (instructed by Meyer Brown)

Water's Edge v Laing (2013): several interlocking claims in the Bahamas brought in relation to an alleged property joint venture.

Insolvency

Thomas acts for clients on the full range of insolvency issues. He started his insolvency practice with the usual range of bankruptcies and winding up hearings, but was also on a panel dealing with directors' disqualification matters for the SoS.

He has continued to act in a wide range of insolvency matters and recently succeeded in a s. 423 High Court claim worth c. £8m (against a silk). As well as being instructed in litigation he also advises on the detail of insolvency practice and procedure such proving or disputing claims and the removal of insolvency practitioners.

Current cases include:

Glenwood House Investments Ltd (In liquidation). Acting for the principal creditor in the liquidation. Advising on and drafting s. 423 proceedings and a s. 212 claim against the former directors, including obtaining permission to serve out on directors resident out of the jurisdiction in Jersey.

Bhatia v Purkiss (as liquidator of JD Group Ltd). An involved dispute between the liquidator of JD Group Ltd and Mrs Bhatia involving several insolvency related proceedings and issues, including a charging order; a Part 7 claim to rectify a TR1 to show that Mrs Bhatia is the sole beneficial owner of the property charged; an application for possession and sale; and a claim (served in draft) against Mrs Bhatia as a former director of JD Group under s. 212 IA 1986.

Ongoing disputes arising out of the *Lemos* litigation, notably in relation to the enforcement of a cross-undertaking given to secure an asset restraint order.

Recent cases include:

Lemos v Church Bay Trust Co & Ors [2023] EWHC 2384 (Ch). Instructed as leader at trial where he successfully acted for the defendants in an 8 day High Court (ChD) trial resisting a claim to a property worth c. £8 million brought by a creditor and trustees in bankruptcy under s. 423 Insolvency Act (transactions defrauding creditors). The trial involved allegations of forgery of a key letter and cross examination on matters going back to the 1970s. The trial judgment deals with an unusual issue regarding the effect of serving a Notice to Prove and the requirements for making allegations of forgery in cross-examination.

Also acted in relation to a joinder application in 2021 [2021] EWHC 1173 (Ch), [2021] BPIR 830, a decision discussed in *Muir Hunter on Personal Insolvency*.

An (unusual) written judgment on costs budgeting by ICC Judge Jones [2023] EWHC 157 (Ch) is mentioned in *Sealy and Milman on the Insolvency Legislation*.

Re Park Chinois Limited. Advising in relation to and obtaining a validation order for a company which runs a well-known restaurant in Mayfair.

Notable previous cases include:

El Realisations (2014) Limited (in liquidation) v Luger (2020). Acted for claimant company in liquidation against one of its directors, a former England rugby player, for breach of duty. Turned on the liability of an inactive director for failing to take action to monitor the other director and prevent misconduct by that other director. Settled. (Instructed by Fladgate LLP)

Alistair McCallum-Toppin in bankruptcy (2020). Acted for the debtor in a bankruptcy petition following unfair prejudice proceedings. Issue of principle whether an order for an interim payment on account of a share purchase order (where the creditor retained the shares until full payment was made) was legally capable of founding a petition

debt. (Instructed by Forsters LLP).

Premium Media Ltd (2020). Advising a 50% shareholder in a company how best to resist a winding up petition instigated by the other 50% shareholder, including analysis of possible unfair prejudice petitions and derivative claims. Instructed by Boodle Hatfield LLP.

Tiberius Investments & Capital Limited v Viken Securities Inc. BVIHC (COM) 57 OF 2012: instructed for a hearing in the BVI Commercial Court to set aside a Statutory Demand (instructed by Peters & Peters).

Pace Europe Ltd v Dunham [2012] EWHC 852 (Ch); [2012] BPIR 836: an appeal to the High Court against an order setting aside a statutory demand as it was based on an order of a United States court for multiple damages.

International and Offshore

Thomas is regularly instructed in matters in The Bahamas, including two cases which recently ended up in the Privy Council. He has acted in contentious disputes involving trusts in Jersey and Mauritius, and has appeared in the BVI.

Thomas was called to the bar of the Eastern Caribbean Supreme Court in 2013 and has appeared in the BVI commercial court.

Significant matters include:

Ngumi v Attorney General of The Bahamas [2023] UKPC 12. Acted as part of a team for the appellant in a claim for damages for unlawful detention. Succeeded in part. The Privy Council explained the proper construction of convoluted provisions in the Immigration Act of The Bahamas and set out the basis on which unlawful immigrants could be lawfully detained, and reviewed the principles on which damages should be awarded as compensation for lengthy periods of unlawful detention.

Responsible Development for Abaco v Christie & Ors [2023] UKPC 2, [2023] 4 WLR 47. Acted as part of a team for the appellant company in an appeal against what it said were oppressive orders for security for costs. The Privy Council addressed the question of security for costs in the context of public interest environmental judicial review claims, including claims for security for costs by developers who had sought to be joined to the proceedings.

Assisting Callenders & Co in The Bahamas in numerous cases relating to claims for damages for unlawful detention of asylum seekers and judicial review of immigration decisions.

Assisting Callenders & Co in The Bahamas in numerous claims arising out of and relating to the tax exemptions and other privileges conferred by the Hawksbill Creek Agreement (the document on which Freeport, Grand Bahama, was founded and developed).

Monterrey v Fraser (2018). Acted for a Mauritius trust company (instruction by Withers) in a claim principally between joint venture partners and property developers. Trial was adjourned on day 1 due to the incapacity of one of the co-defendants. Settled before the substantive trial was re-listed..

Advice on copyright enforcement in Jersey and the Isle of Man in relation to sports broadcasts (2018).

Advice on an insurance dispute in the Turks and Caicos islands (instructed by Karam Missick) (2018).

Advice on copyright and database right in relation to sports broadcasts in Mauritius (2017).

Re Galasys plc: [2016] JRC 188: A multi-jurisdictional dispute over control of a (formerly) AIM-listed company. Instructed in relation to the proceedings in Jersey by Collas Crill.

Acted for a Jersey Trustee in relation to allegations of negligence in managing an investment fund (with Dakis Hagen, now KC) (instructed by Voisin).

Tiberius Investments & Capital Limited v Viken Securities Inc. BVIHC (COM) 57 OF 2012: hearing in the BVI Commercial Court; an insolvency issue in the context of a multi-million dollar hedge fund dispute (instructed by Peters & Peters).

Partnership and LLP

Thomas deals with partnership matters often in the context of wider joint venture or company disputes.

Cases with a particularly strong partnership element include:

Kiwak v Reiner [2017] EWHC 2018 (Ch). Acted for claimants in a 5 day High Court trial regarding a joint venture/partnership dispute in relation to development property (instructed by Asserson Law Offices).

Woodfine v Russo. Partnership dispute regarding development properties (instructed by DLS Law).

Recommendations

Commercial Litigation (*Legal 500*)

Company and Partnership (*Legal 500*)

Insolvency (*Legal 500*)

Intellectual Property (*Legal 500*)

Quotes

"Thomas is astonishingly clever. He also has terrific judgement and appears to command enormous respect from the judiciary." (The Legal 500, 2025)

"Thomas is astonishingly clever and has terrific judgement." (The Legal 500, 2025)

"Thomas is strong of mind and willing to make the difficult arguments in his client's best interests. He provides the advice that matters at an early stage, cuts through issues, and is a quick thinker on his feet." (The Legal 500, 2025)

"Thomas has a strikingly good eye for detail and his advocacy is perfectly judged, never overplaying a point but always pressing the point home until it lands." (The Legal 500, 2024)

"Thomas undergoes very thorough preparation, with a keen eye for detail and analysing the matter to find the best way to present the case. He is a strong advocate who is not intimidated by more senior opponents." (The Legal 500, 2024)

"Thomas radiates calm, and many a crisis passes unnoticed thanks to his grip on the situation." (The Legal 500, 2024)

"He is the perfect foil for a silk, who prefers to concentrate on the big picture, but is strategically very capable himself." (The Legal 500, 2024)

"He's a real expert on company law. He's very user-friendly, bright and pleasant to deal with." (The Legal 500, 2023)

"As a senior junior, Thomas is almost without peer as an advocate. He is thoroughly unflappable, and is talented at turning around a sceptical tribunal." (The Legal 500, 2023)

"Very bright, clear-thinking and tactically astute." (The Legal 500, 2021)

"His other areas of Chancery expertise add materially to the breadth and depth of the advice that he gives on IP issues." (The Legal 500, 2021)

"An excellent barrister with an eagle eye for the detail." (The Legal 500, 2020)

Publications

One of the editors of *Minority Shareholders: Law, Practice and Procedure* (Joffe et al, 7th edn, due February 2024)
Contributing editor of *CITMA's Contentious Trade Mark Registry Proceedings* (2nd edn, 2023).

In the Press

Mentioned in ['M&S settles lawsuit with Aldi over Colin the Caterpillar cake'](#) Retail Gazette

Education & Qualifications

Kings College, Cambridge: BA (English)

Double first class honours; MPhil; PhD (16th century music and literature) City University: GDL (distinction)

Inns of Court School of Law: BVC (outstanding). Scarman Scholarship (1st overall in BVC at ICSL).

Appointments

Called to the Bar of the Eastern Caribbean Supreme Court (BVI) (2013)

Memberships

Member of the Chancery Bar Association, COMBAR and the IP Bar Association
