

Elena Casale

Call: 2025



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Elena Casale practises across the full span of commercial disputes, including technology, construction, competition, civil fraud, shipping, sanctions, financial services, cryptocurrency, insurance, and reinsurance.

Before coming to the Bar, Elena was a judicial assistant to Lord Justice Dingemans in the Court of Appeal. Elena worked on and observed a number of significant appeals, spanning public, commercial, competition, and shipping law cases, including *BSV Claims v Bittylicious*, a collective proceedings appeal against major crypto exchanges said to be worth up to £9 billion. While working at the Court of Appeal, Elena was awarded a Ministry of Justice Reward and Recognition Award for exceptional personal achievement in assisting the Court of Appeal judges. Prior to pupillage, Elena also worked on a variety of commercial matters as a paralegal at a disputes-only law firm.

Elena has a longstanding specialism in the law relating to emerging technologies, having worked for a Westminster civil society organisation on data protection and civil liberties issues, and taught on a Master's course on Internet Technologies and Regulation at the University of Oxford. Elena has published on the subject of emerging technologies, including as part of a research group for Harvard's Berkman Klein Center for Internet & Society.

Elena holds a first-class honours degree in English Language and Literature from the University of Oxford; a distinction in the law conversion course at BPP Law School; and a Bar Course diploma from the Inns of Court College of Advocacy, for which she was awarded the Lord Mansfield scholarship (the top scholarship offered by Lincoln's Inn for the bar course).

Elena has experience in:

- Commercial Litigation
- International Arbitration
- Technology, Telecoms and FinTech
- Construction
- Competition
- Shipping
- Sanctions

Expertise

Commercial Litigation

Elena has experience across a range of complex multi-jurisdictional and high value commercial claims in the Commercial Court, DIFC Court, and the Technology and Construction Court:

Cases

- Instructed as junior counsel (with Laurence Page) on seven applications before the DIFC Court for recognition and enforcement of multiple foreign court judgments (worth approximately USD 7 million in aggregate) and a worldwide freezing injunction. The matter involved complex cross-border jurisdiction issues, including the first known application of a bilateral judicial assistance treaty.
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- *Svella Connect Limited v Virgin Media Limited*: a High Court claim concerning allegations of breach of contract, fraudulent misrepresentation, causing loss by unlawful means, intimidation and breach of an implied duty of good faith (as a pupil, assisting Sanjay Patel KC and Daniel Churcher).
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- Acting (unled) for an international medical device manufacturer in multi-party litigation concerning the supply and financing of specialist equipment, involving allegations of misrepresentation and breach of contract.
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- A multi-day trial before the DIFC courts, concerning two consolidated claims arising from a joint venture for the manufacture and distribution of luxury yachts. The dispute concerned a loan agreement and the validity of the joint venture's termination (as a pupil, assisting Laurence Page).
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- A breach of contract claim in the London Circuit Commercial Court concerning a placement broker's entitlement to placement fees for introducing investors to a fund (as a pupil, assisting Laurence Page).
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- A debt claim for repayment of a loan of circa US \$400,000, raising issues of interest accrual, an alleged tri-partite set-off arrangement and implied contractual terms (as a pupil, assisting Laurence Page).
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- *Renaissance Securities (Cyprus) Ltd v Chlodwig Enterprises Ltd* [2023] EWHC 2816 (Comm) and [2023] EWHC 3160 (Comm): a successful application for anti-suit and anti-anti-suit injunctions aimed at restraining Russian court proceedings launched in breach of London-seated LCIA arbitration agreements (as a paralegal).

- As junior counsel (with Matthew Thorne), advising in relation to ATE insurance policies, addressing complex claims for indemnity, restitution of premiums, and allegations of agency, misrepresentation, and unfair contract terms.

International Arbitration

Elena has experience of arbitration under the ICC Rules. She also has (unled) experience seeking a stay in favour of arbitration, and has experience seeking anti-suit and anti-anti-suit injunctions in aid of arbitral proceedings:

Cases

- Acting (unled) for an international medical device manufacturer seeking a stay on the basis of an arbitration clause, in ongoing multi-party commercial litigation concerning the supply and financing of specialist equipment, including allegations of misrepresentation and inducement.
- *ICC arbitration* (energy sector): an ICC arbitration arising out of an EPC contract for a power plant project, involving claims exceeding USD 500 million in aggregate, dealing with issues of milestone payments, extensions of time, liquidated damages for delay and performance, defects, and performance bonds and customs-related counterclaims (as a pupil, assisting Daniel Churcher).
- *Renaissance Securities (Cyprus) Ltd v Chlodwig Enterprises Ltd* [2023] EWHC 2816 (Comm) and [2023] EWHC 3160 (Comm): a successful application for anti-suit and anti-anti-suit injunctions aimed at restraining Russian court proceedings launched in breach of London-seated LCIA arbitration agreements, stemming from investments and assets frozen due to the application of sanctions (as a paralegal at CANDEY).

Construction & Engineering

Elena has experience of construction disputes in both litigation and arbitration, including High Court proceedings concerning fire-safety and building defects and a large-scale ICC arbitration arising out of an energy infrastructure project.

Cases

- A multi-defendant High Court claim concerning alleged fire-safety and construction defects relating to modular construction methods, including disputed questions of design, inspection and construction-management responsibility (as a pupil, assisting Daniel Churcher on matters relating to case management in the run-up to trial).

- *ICC arbitration*: an ICC arbitration involving claims exceeding USD 500 million in aggregate, dealing with issues of milestone payments, extensions of time, liquidated damages for delay and performance, defects, and performance bonds and customs-related counterclaims (as a pupil, assisting Daniel Churcher).

Technology, Telecoms and Fintech

Elena has experience in disputes arising out of technology, including claims concerning the performance of AI systems, data protection, payments technology, privacy and IP disputes involving AI-generated content. Elena has a particular interest in disputes arising out of technology and has explored the interaction between law and emerging technologies through teaching, policy work, and publications, including at the Oxford Internet Institute and Harvard's Berkman Klein Center.

Cases

- *Prismall v Google UK Ltd and DeepMind Technologies Ltd*[2024] EWCA Civ 1516, a representative action brought on behalf of approximately 1.6 million individuals regarding the transfer of medical records (as a judicial assistant).
- A dispute relating to a potential breach of contract and misrepresentation claim against a software provider relating to the performance of an AI contract analytics module (as a pupil, assisting Laura Wright).
- Advising a technology company in relation to a claim against an overseas payments-technology counterparty for breach of contractual obligations relating to system configuration, with losses estimated in excess of €1,000,000 (as a pupil, assisting Laura Wright).
- A dispute between a technology company and a sports organisation for unpaid invoices (as a pupil, assisting Laura Wright).
- A High Court case encompassing claims of libel, defamation, misuse of private information, data protection and misfeasance in public office (as a pupil, assisting Laura Wright and James Purchas).
- A High Court copyright infringement and breach of contract claim concerning alleged unauthorised use of licenced training materials (as a pupil, assisting Laura Wright).
- An Intellectual Property Enterprise court claim for a declaration of breach of a settlement agreement and specific

performance of an order requiring transfer of registered trade marks and domain names, with a related jurisdictional challenge (as a pupil, assisting Laura Wright).

- A High Court trademark infringement claim concerning the presentation of AI-generated sponsored search results and marketplace listings (as a pupil, assisting Laura Wright).

Shipping

Cases

- Assisting with the skeleton argument for a DIFC trial relating to a ship sale financing agreement, and shipbuilding joint venture agreement (as a pupil, assisting Laurence Page).

Competition

Elena has experience in competition law and has assisted on a number of high-value collective claims:

Cases

- Advised in relation to a potential collective action before the Competition Appeal Tribunal, addressing follow-on liability for alleged cartel conduct under the Competition Act 1998. Assessed legal viability and fundability of competing economic harm and quantum methodologies (as a pupil, assisting Laurence Page and Matthew Lavy KC).
- *Boyle v Govia Thameslink Railway Limited*: collective proceedings alleging abuse of dominance in rail fare-setting, following certification in 2022 (as a pupil, assisting Laurence Page).
- *BSV Claims v Bittylicious* [2025] EWCA Civ 661, an appeal against the Competition Appeal Tribunal's decision to strike-out parts of a collective proceedings claim brought against major crypto exchanges said to be worth up to £9 billion (as a judicial assistant).

Sanctions

Elena has experience of disputes arising out of sanctions regimes, both in relation to challenges to designation and in

commercial proceedings shaped by the effect of sanctions on cross-border enforcement:

Cases

- *Khan v Secretary of State for Foreign, Commonwealth and Development Affairs* [2025] EWCA Civ 41: the first case to reach a substantive appeal in the Court of Appeal in relation to someone designated solely on the basis of the association provisions in the Russian sanctions regime relating to the war in Ukraine (as a judicial assistant).
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- *Renaissance Securities (Cyprus) Ltd v Chlodwig Enterprises Ltd* [2023] EWHC 2816 (Comm) and [2023] EWHC 3160 (Comm): a successful application for anti-suit and anti-anti-suit injunctions aimed at restraining Russian court proceedings launched in breach of London-seated LCIA arbitration agreements, stemming from investments and assets frozen due to the application of sanctions (as a paralegal).
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Publications

- 'Around the Black Box: Applying the Carltona Principle to Challenge Machine Learning Algorithms in Public Sector Decision-Making' (LSE Law Review, March 2022)
- 'Big Brother Watch's written evidence for the Digital, Culture, Media and Sport Committee inquiry into Connected tech: smart or sinister?' (Digital, Culture, Media and Sport Committee, July 2022)
- 'A Fit Subject of Legislation? The Contemporary Relevance of the Cruelty to Animals Bill 1809' (UK Journal of Animal Law)

Education

- University of Oxford – BA, English Language and Literature (First Class)
- BPP – PGDL LLM (Distinction, 4th in cohort)
- Inns of Court College of Advocacy, Bar Course (Merit), having been awarded the Lord Mansfield Scholarship by Lincoln's Inn (2022) (the Inn's top Bar course scholarship)

Languages

- English (native)
- Italian (native)

- French (advanced)