



Kate Vaughan-Neil

Call 1994

Kate Vaughan-Neil has a commercial practice, with particular emphasis on professional negligence disputes across all disciplines.

Her practice also includes employment, commercial and construction/engineering litigation. In the last five years, it has also included the provision of advice and analysis to HSBC in relation to consequential loss claims arising out of the FCA Review into mis-sold interest rate hedging products, and this work is continuing, together with acting for HSBC in relation to complaints to the Financial Ombudsman Service arising out of or connection with such consequential loss claims.

Kate is also an active member of the independent panel reviewing and determining appeals brought by RBS customers arising out of the FCA Review into RBS's Global Restructuring Group.

Kate is qualified to undertake Public Access work.

Professional Negligence

Kate has a broad and well established professional negligence practice, which covers most of the main professions, with particular emphasis on those involving solicitors, architects and engineers, but also including, surveyors, barristers and financial advisers. She is recommended in Chambers & Partners 2016 directory as *"very considered; immediately seeing the potential counter-arguments and how they could affect the strategy."*

Featured Professional Negligence cases

Acting for solicitors in a growing number of claims arising out of alleged fraud/negligence in conveyancing transactions.

Acting for solicitors in claim arising out of alleged negligent conduct of an appeal to the Employment Appeal Tribunal.

Acting for claimants in one or more potential claims against solicitors arising out of alleged negligent advice/conduct of litigation against the background of the sale of a tree surgery business.

Acting for lender in claim against solicitors arising out of alleged negligence in reporting to the lender on title.

Kate has also recently acted in a claim (now settled) against a barrister arising out of an intellectual property claim which the barrister had pursued to trial on the basis of an allegedly defective statement of case.

Acting for engineers in claim arising out of alleged defecting design and installation of glazing system at commercial premises in London.

Acting for engineers in claim arising out of alleged negligent advice regarding remediation of site for proposed development.

Acting for M&E engineers in claim arising out of sewage leak following completion of a commercial/residential development.

Acting for M & E engineers in claim arising out of alleged negligent design/installation of fire stopping at commercial premises damaged by fire.

Acting for architects in claim arising out of alleged negligent design regarding sound transmission in residential apartment block.

Acting for architects in claim arising out of alleged negligent design of dental practice.

Acting for individuals in claim against architect arising out of alleged defective design of extension.

Acting for developers in claim arising out of leak following completion of residential development.

Acting for contractor in claim arising out of alleged negligent construction of retirement home.

Acting for major construction company in claim against M&E sub-contractor arising out of water damage to a hospital operating theatre.

Acting for employer's agent in claim arising out of the temporary halt to construction of substantial commercial premises in Nottingham by reason of the absence of planning permission. Particular point of interest in relation to question whether employer's agent owes a duty of care to tendering contractor. Case was successfully appealed to the Court of Appeal.

Acting for and against financial advisers, principally in relation to alleged mis-selling of pensions.

Acting for financial advisers in a claim arising out of alleged negligent advice regarding a number of investments made by an off shore trust company and a private individual.

Kate has also acted in a number of negligent valuation cases against surveyors. These include not only cases in which substantive negligence claims have been pursued, but also recently a case in which she acted for the defendants successfully resisting a two day application to set aside an order extending time for service of a claim form.

Commercial Litigation

Kate has extensive experience of a great variety of commercial disputes, including those involving allegations of fraud.

Featured Commercial Litigation cases

Acting for Azerbaijani travel agency in a claim arising out of a failure to provide aircraft under a charter agreement (in which fraud allegations were prominent).

Acting for adhesives manufacturer in sale of goods/misrepresentation claim.

Acting for commercial bailee in claim arising out of theft of a number of high value cars.

Acting for supplier of medical equipment in sale of goods claim.

Acting on behalf of insurers in subrogated claim arising out of the destruction by fire of a thatched cottage.

Advising major brewery as to its obligations under a lease.

Acting for double glazing company in claim arising out of costs of compulsory relocation due to the London Olympics.

Acting for engineering company in claim for monies alleged to be due under contract for supply and manufacture of steel.

Acting for manufacturer of generators in claim arising out of alleged defective cooling units.

Employment

Kate has considerable experience of employment disputes, including acting for employers in unfair/constructive dismissal claims brought in the employment tribunal, as well as acting for and against employers in claims brought in the High Court, both for bonuses/holiday pay and for alleged breach of restrictive covenants.

Featured Employment cases

Acting for major retailer in relation to a series of unfair dismissal claims brought by former employees.

Acting for employees in relation to claims for injunctive relief arising out of alleged breach of restrictive covenants.

Acting for major company in relation to a claim for injunctive relief arising out of alleged breach of restrictive covenants by an outgoing employee.

Acting for individual in relation to a bonus claim against an investment bank.

Acting for individual in relation to a claim for bonus/holiday pay against a former employer.

Advising major company regarding redundancy/unfair dismissal implications of intended dismissal of employees.

Advising company as to meaning/implications of a restrictive covenant in contract of employment of one of its employees.

Advising major oil company as to enforceability of relocation clauses in a series of international employment contracts.

Construction & Engineering

Kate's practice in construction and engineering disputes encompasses claims relating to employers, contractors, architects, engineers and surveyors. Her experience includes litigation in the Technology and Construction Court, adjudication and mediation.

Featured Construction & Engineering cases

Acting for engineer in claim arising out of alleged defective construction of student accommodation blocks at an English university.

Acting for contractor in claim arising out of subsidence occurring at a factory in South Wales during the course of land reclamation work being undertaken on adjoining land.

Acting for contractor in claim arising out of destruction of claimant's property by fire during the course of renovation works. Preliminary issue taken to the Court of Appeal regarding question whether contractor's standard terms and conditions could successfully be relied upon as an exemption clause.

Acting for engineer in claim arising out of alleged defective design of air conditioning system at commercial premises in London.

Acting for individual in application for summary enforcement of an adjudication decision.

Advising major construction company regarding interrelationship between a series of individual employment contracts and the Construction Industry Joint Council Working Rule Agreement.

Other

Kate also has experience in the following areas:

- Banking: has advised banks in relation in particular to pre-action disclosure applications in the context of mis-selling claims. Further, as stated above;
 - she is now very experienced in both the substance and procedure of claims for consequential loss brought

- within the FCA Review into the mis-selling of interest rate hedging products;
- she has growing experience of related complaints to the Financial Ombudsman Service, and formulating responses to such complaints;
- she is an active member of the independent panel reviewing and determining appeals brought by RBS customers arising out of the FCA's Review into RBS's Global Restructuring Group.
- Information technology: has acted in a number of claims against manufacturers and suppliers of alleged defective computer software.
- Financial services: in addition to the claims against financial advisers referred to above, she also acted for Equitable Life in relation to a variety of matters arising out of the cessation of new business and was extensively involved in the drafting of documentation regarding the setting up of a new fund for intermediaries.
- Aviation: has acted in a number of Warsaw Convention claims, as well as claims relating to aircraft leasing agreements.

Appointments

- Trained mediator

Education

- MA (Oxon) Jurisprudence
- LLM (Cantab)

Languages

- French (working knowledge)