

Michael Davie QC

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Michael Davie QC has a broad commercial practice.

He has particular specialisation in:

- Property Damage
- Insurance
- Commercial
- Professional Negligence

Property Damage

Michael has extensive experience of property damage claims. He is particularly experienced in fire damage claims and related business interruption, insurance and professional negligence aspects. His property damage experience also includes flood, spillage and construction related damage.

Featured Property Damage cases

Acting for developer and insurer in fire and defects contribution claim against professionals and sub-contractors in respect of passive fire precautions in 400+ residential properties raising issues anticipating Grenfell.

Advising insurers and property owners on Grenfell related matters.

Acted for maintenance management company in substantial multi-party claim relating to electrical fire affecting two large retail stores.

R&S Pilling (t/a Phoenix Engineering) v UK Insurance Ltd [2017] Q.B. 1357: Successfully acted for property insurer in Court of Appeal against motor insurer in dispute on whether motor policy responded to substantial fire damage to commercial premises caused during motor vehicle repair.

Stoke-on-Trent College v Pelican Rouge Coffee Solutions Group Ltd [2017] EWHC 2829 (TCC): Successfully acted for College against vending machine supplier in fire claim raising sale of goods; breach of statutory duty; electrical fire; causation.

Acted for a water company in respect of numerous claims arising out of damage to residential properties by landslip and contribution claim against contractors and sub-contractors. Successfully settled at 2 day mediation.

Acted for electricity distributor in a number of electrical fire claims against distributor and meter operator.

Acting for insurer in subrogated claim by main contractor against sub-contractor arising out of defective flooring claim in development project.

Acted at first instance and in Court of Appeal on behalf of insurers in fire claim brought against the estate of a party causing fire damage whilst suffering from paranoid schizophrenia; *Dunnage v Randall* [2016] Q.B. 639. Subsequently advised on similar mental incapacity cases in insurance context.

Acted in Commercial court trial on behalf of Claimant in claim against insurance broker arranging business interruption cover following fire damage to recycling plant.

Acted for insurer in defending substantial claim brought against adjacent occupier in respect of fire caused by trespassing third parties.

Acted for 40 claimants in respect of fire damage to residential block of flats allegedly caused by counterfeit downlighter.

Drake v Harbour [2008] 121 Con. L.R. 18: Acted for successful insurer at first instance and on appeal in case raising causation issues in fire claim.

Insurance & Reinsurance

Michael has considerable experience of advising on and appearing in insurance disputes relating to policy construction, non-disclosure, breach of warranty and fraud. He acts for a number of leading insurers.

Featured Insurance & Reinsurance cases

R&S Pilling (t/a Phoenix Engineering) v UK Insurance Ltd [2017] Q.B. 1357: Appearing at first instance in Mercantile Court and successfully in Court of Appeal in Part 8 proceedings concerning whether motor policy covered property damage claims arising out of motor repairs.

Advising property insurers on aggregation in respect of property damage at various facilities.

Acting for professional indemnity insurers on single claim/aggregation issues arising out of alleged negligent/fraudulent valuation for lenders of large number of residential properties.

Dunnage v Randall [2016] Q.B. 639: Acting on behalf of insurers on policy coverage dispute and meaning of accidental loss in respect of fire caused by mentally ill insured.

Acting for multinational IT concern on policy coverage issues following declinature on grounds of late notification of IT related claim.

Acting for insured in challenging declinature of cover on grounds of failure to take reasonable care in avoiding fire damage.

Acted for insurer in a Commercial Court claim arising out of a substantial fire at industrial premises involving alleged breach of waste warranty and condition requiring reasonable care and claims for property damage and business interruption losses.

Advising insurers on policy construction and quantum (material damage and business interruption losses) in respect of claim following destruction of commercial premises arising out of Buncefield explosion.

Acting for insurer in defence of policy on grounds of fraudulent exaggeration of claim and breach of warranty.

Commercial Litigation

Michael's commercial practice is broad-based and largely relates to commercial contracts and related disputes.

Featured Commercial Litigation cases

Conducted investigation and produced report on whistleblowing claims of mismanagement in a national organisation.

Acting in Commercial Court proceedings for American provider of software and data management services to the healthcare sector in dispute with Saudi Arabian hospital where contract governed by Saudi law.

Acted for waste management company in dispute concerning contractual construction of contractual limitation provision and tax warranties in a share purchase agreement.

Acted for waste management company resisting claim for rectification of a commercial document in TCC proceedings.

Acted for US cosmetics manufacturer against distributor in jurisdiction, termination and notice period dispute.

Advising business process outsource provider in claim brought by agent for agency commission.

Acted for substantial high street bookmaker seeking restitution of licence fees following change of law on database rights in dispute relating to football fixtures lists, match data, intellectual property rights and database rights.

Acted for large telecommunications company in contractual dispute concerning effect on contractual rights of change in law

Acted in multi-jurisdictional contractual dispute in the Chancery Division relating to the right to operate two television channels in Turkey.

Acted on behalf of purchaser in Commercial Court dispute relating to breach of warranty claims, time limits and

notification of claims under a share purchase agreement.

Professional Negligence

Michael has extensive experience of professional negligence cases across most of the main professions with particular focus on those involving insurance brokers, lawyers and surveyors.

Featured Professional Negligence cases

Acting in contribution claim against architect and employer's agent in relation to the specification and design of fire protection measures in a residential development with 400+ properties.

Acting on behalf of Claimant in claim against insurance broker for shortfall in insurance proceeds under a Business Interruption policy following a fire at a recycling plant.

Acted on behalf of an insurance broker in a claim for alleged under-insurance following a fire at a listed building and in subsequent arbitration obtaining contribution against property management company.

Acting for IT company in claim against insurance brokers following declinature of cover for late notification of claim.

Acting on behalf of insured in claim against insurance broker following declinature of a fire claim.

Defending loss of a chance claim against firm of solicitors alleged to have advised settlement at an undervalue of claim against client's previous solicitors who failed to issue medical negligence claim within time.

Defending claim against firm of solicitors alleged to have failed to advise clients that share purchase agreement had completed prior to abrupt deterioration in company's value.

Defending firm of solicitors in respect of alleged negligence in failing to alert client lender that loan monies were to be used partly to purchase property rather than solely to fund property development.

Jurisdiction & Choice of Law

Michael has advised and acted in a number of jurisdiction, choice of law and recognition disputes.

Featured Jurisdiction & Choice of Law cases

Advising on service of English proceedings out of the jurisdiction in Saudi Arabia.

Advising on staying proceedings in Turkey and issuing proceedings in England in dispute relating to MTV in Turkey.

Advising on issue of protective English proceedings where proceedings in Belgium anticipated in dispute between US cosmetic manufacturer and European distributor.

Acting for pension advisor in res judicata/abuse of process dispute arising out of successive claims in Scotland and England.

Advising English distributor on choice of law and on contesting jurisdiction in claim by French product supplier.

Acting for English solicitor in defending claim for fees by French lawyers.

Advising international petroleum company on amendments to choice of law and choice of jurisdiction clauses.

Acting for claimant in Commercial Court proceedings in obtaining permission to serve Japanese multinational out of the jurisdiction in respect of a claim under a guarantee provided in respect of a construction project in Dubai.

Advising on choice of law, jurisdiction and recognition in restitutionary dispute with German motor manufacturer relating to claim following contractual distribution of tax refund.

Memberships

- Commercial Bar Association
- Professional Negligence Bar Association
- Society of Computers and the Law
- Society of Construction Law
- TECBAR

Education

- DPhil (Oxon)
- LLB Hons

Recommendations

Michael is named in Thomson Reuters “What do clients want from the Bar” as a highly recommended barrister;

- “Unbelievable attention to detail, delivery of an argument coupled with genuine approachability.”