

Success for Alexander Wright and Ed Jones in Tuke v Hood & Anor [2020] EWHC 2843 (Comm)

Alexander Wright and Ed Jones have successfully acted for Michael Tuke FREng against Derek Hood, the former owner and proprietor of JD Classics Limited (“JDC”), formerly one of the world’s leading classic car dealers.

Following the sale of his Orthopaedic business to Johnson & Johnson in 2009, Mr Tuke invested part of the proceeds in classic cars. He sought to do so through the agency of Mr Hood and his business, JDC.

In a previous judgment (Michael Antony Tuke v J.D. Classics Ltd. [2018] EWCH 755 (QB)) Lavender J. determined that JDC had been authorised by Mr. Tuke to act, and had agreed to act, as agent for Mr Tuke in negotiating and concluding the purchase and then sale of cars (which became necessary for Mr Tuke to buy back a part of his hip and knee business a few months later). JDC subsequently entered into administration and so Mr Tuke brought claims against Mr Hood personally in, inter alia, deceit and dishonest assistance.

Following a three-week trial in the Commercial Court *via* Skype for Business in July 2020, Mr Justice Jacobs found that Mr Tuke’s claims against Mr Hood were proven in respect of ten transactions involving nearly thirty classic cars, many of them extremely rare and sought after, including a Jaguar XKSS which the expert evidence suggested was worth £7,500,000 by the date of the trial. The Court has awarded Mr Tuke damages in excess of £13,000,000, with further sums to be assessed.

Jacobs J concluded that:

- For some four years Mr Hood continued correspondence with Mr Tuke which was littered with untrue, false and misleading statements (§28).
- Mr Hood had variously and deliberately deceived Mr Tuke as to the existence of independent ‘third party’ sellers, or buyers (whereas in fact Mr Hood or JDC owned the cars, or were buying them in their own right); as to the originality and provenance of an E Type Lightweight claimed to be worth £2,000,000 (which was, to Mr Hood’s knowledge, a replica); and as to Mr Hood’s views of the realistic market value of a large number of cars sold to or put into part exchanges with Mr Tuke.
- Mr Hood had fabricated documents in advance of the trial (particularly, a letter said to negate the existence of an agency relationship) in order to mislead the Court (§68), and had made deliberately misleading statements to the Court in earlier proceedings about documents in JDC’s possession (§31).

Mr Tuke was entitled to damages in the sum of £4,247,061.01 in relation to the primary losses sustained, as well as damages in the sum of £8,900,730 for loss of investment opportunity (reflecting the fact that Mr Tuke had in fact ‘called the market’ correctly, as the Judge recognised – §276).

A copy of the full judgment is available [here](#).