

Elizabeth Lindesay

Call: 2009

'Liz is one of the very best insurance and reinsurance barristers. Her attention to detail and thoroughness are phenomenal, and her drafting is impeccable. She is incredibly bright and has a searching, forensic approach which produces excellent results. She is a pleasure to work with.'

Insurance And Reinsurance, Legal 500 2026



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Elizabeth Lindesay's practice covers a wide range of commercial law, with particular emphasis on insurance and reinsurance, aviation, professional negligence and civil fraud. She acts both as an advocate and in an advisory role, both as sole counsel and as a junior, in court proceedings and in arbitration.

Some highlights include:

- ***Deslauriers v Guardian Asset Management Limited*** [2017] UKPC 34 in the Privy Council, acting on behalf of the successful Respondent lender, in an important case concerning the scope of a lender's duties to advise borrowers
- ***Dana Petroleum (E&P) Ltd v. Zurich Insurance PLC and Ors***, representing the oil and gas company in its £30 million claims against its insurers
- ***Ardila Investment NV v ENRC NV*** [2015] EWHC 2180; [2015] EWHC 1667, a US\$285 million SPA dispute involving allegations of fraud
- Defending aviation liability insurers against a US\$30 million claim
- ***AB Orlen Lietuva v Aon UK Ltd***, a US\$100 million professional negligence claim against the insurance brokers, involving a 4 week Commercial Court trial

Liz has a first class degree in Modern History and Modern Languages from Oxford University, in which she came top of the year. She studied law at City University, London, gaining a distinction and coming second in the year, and she has a master's degree in law from Harvard.

If you are interested in instructing Liz on any particular matter, please contact our clerks to discuss the requirements of the case and her availability.

Expertise

Aviation

Liz practises in various aspects of aviation, spanning contractual disputes to aviation insurance matters. Liz has recently worked on the following matters:

- Instructed as sole counsel to advise aviation insurers on coverage and notification issues in connection to US third party wrongful death claims;
- Instructed as junior counsel (led by Gavin Kealey QC) to advise all risks aviation reinsurers in connection to a coverage dispute with war risks reinsurers under AVS 103;
- Instructed as junior counsel (led by Gavin Kealey QC) on behalf of aviation insurers in connection to a US\$30 million claim by an insured manufacturer of aircraft components;
- **Corporate Oil & Gas Ltd v Marshall Aviation Services Ltd**: Liz represented Marshall in its dispute with Corporate Oil & Gas regarding repair work undertaken on and hangerage of an aircraft. The case involved difficult technical issues, as well as a complex accounting reconciliation exercise.

General Commercial Disputes

- Instructed as junior counsel, led by David Bailey QC, on behalf of the Respondents in a \$12 million LMAA arbitration. The reference involves multiple causes of action (including allegations of negligent misstatement during the course of charterparty negotiations and breach of an information technology contract) and raises complex issues of fact and technical expert evidence, including in the fields of IT and foreign law;
- **Kingspan Environmental Ltd. v Borealis A/S** [2012] EWHC 1147 (Comm): Liz was part of the counsel team which acted on behalf of Borealis, in its successful defence of a £100 million claim brought by Kingspan. The case raised issues of product liability, sale of goods and misrepresentation and involved a substantial Commercial Court trial lasting 3 months;
- **Lakatamia Shipping v Nobu Su & Ors** [2014] EWCA Civ 636: Liz was instructed in a long running dispute arising out of an agreement to enter into a series of forward freight agreements. She appeared as junior counsel at a number of interlocutory hearings connected to the freezing injunction in place, including in the Court of Appeal in February 2014;
- Appeared as sole counsel in county court trials and applications, including a case concerning the carriage of goods by air under the Montreal Convention;
- Settled pleadings in trade arbitrations, including under the rules of the International Cotton Association.

Insurance & Reinsurance

Liz has substantial experience in the field of insurance and reinsurance. She has worked on a number of high value disputes, across a wide range of sectors, from aviation to banking. Much of the insurance and reinsurance work Liz does takes place within the context of arbitration. A selection of cases which Liz has worked on are as follows:

- **Dana Petroleum (E&P) Ltd v. Zurich Insurance PLC and Ors**, instructed as junior counsel, led by Peter MacDonald Eggers QC, on behalf of the oil and gas company in its £30 million claims against underwriters under its offshore construction insurance policies in respect of damage to a hydraulic umbilical at its offshore facilities;
- Instructed as junior counsel (led by Gavin Kealey QC, Head of Chambers at 7KBW) on behalf of aviation insurers in connection

to a US\$30 million claim by an insured manufacturer of aircraft components. The case raised significant issues of foreign law. Liz was instructed for the duration of the case, drafting all the submissions, assisting with the preparation of evidence and appearing at a 5 day arbitration hearing;

- Instructed as sole counsel to advise aviation insurers on coverage and notification issues in connection to US third party wrongful death claims;
- Instructed as junior counsel (led by Gavin Kealey QC) to advise all risks aviation reinsurers in connection to a coverage dispute with war risks reinsurers under AVS 103;
- Instructed as junior counsel (led by Mark Templeman QC) on behalf of various reinsurers in respect of multi-million dollar reinsurance claims arising out of the 2007 Californian Wild Fires. Appeared in a 3 week arbitration in connection to one of the claims;
- Advised insurers in relation to a multi-million pound claim by an insured under a banking policy in respect to losses arising out of the securities fraud of an employee;
- Instructed as sole counsel to advise insurers in connection to a claim arising under an employers' liability and public liability policy, which raised issues of fraud;
- Instructed as junior counsel (led by Richard Waller) on behalf of Italian reinsureds in a claim against insurers and brokers under a bankers' blanket bond policy; settled pleadings and drafted a mediation position paper;
- Instructed to undertake document review in film financing litigation;
- Assisted as a pupil in a number of large scale insurance and reinsurance disputes involving coverage, non-disclosure and notification defences, including a £500 million pound claim against insurers and brokers, and claims arising out of the PA LMX litigation.

Jurisdiction/Conflicts of Laws

Many of the cases on which Liz works involve foreign parties and raise issues of foreign law and jurisdictional disputes. In particular:

- Liz was instructed as junior counsel (led by David Bailey QC) in the landmark "Front Comor" case, appearing for owners at the arbitration and subsequently at their successful appeal before Flaux J. in the Commercial Court: **West Tankers Inc v Allianz SpA & Anor** [2012] 2 All E.R. (Comm) 395. This is the leading case on the issue of the compatibility with EU law of an award of damages for breach of an arbitration agreement, the ECJ having previously ruled in the same case that an anti-suit injunction is not available as a remedy.

Professional Negligence

Liz has a burgeoning professional negligence practice and has recently been involved in the following cases:

- **AB Orlen Lietuva v Aon UK Ltd:** Instructed as junior to Gavin Kealey QC and Michael Holmes in a US\$100 million professional negligence claim brought Orlen, a petroleum refining company operating the only oil refinery in the Baltic States, against their insurance brokers, Aon. The claim alleged negligence by Aon in the placement of Orlen's business interruption cover. Liz assisted with the preparation of the case leading up to and including the 4 week trial;
- **Primary Capital Ltd & Ors v Ernst & Young LLP:** Represented the private equity firm, Primary Capital, in its £8.5 million claim

against E&Y for alleged negligence in the conduct of a financial due diligence engagement undertaken prior to Primary's acquisition of a financial and insolvency services business which subsequently became insolvent. Liz was instructed as junior counsel, led by Dominic Kendrick QC and James Brocklebank, and worked intensively on the case throughout its duration, drafting the pleadings, assisting with the preparation of witness and expert evidence and dealing with various interlocutory matters.

Shipping

Liz has experience of a wide range of shipping cases, acting for ship-owners, charterers and P&I clubs. A selection of the cases which Liz has worked on, include:

- Instructed as junior counsel, led by David Bailey QC, on behalf of the Respondents in a \$12 million LMAA arbitration. The reference involves multiple causes of action (including allegations of negligent misstatement during the course of charterparty negotiations and breach of an information technology contract) and raises complex issues of fact and technical expert evidence, including in the fields of IT and foreign law;
- Instructed on behalf of the purchaser under a contract for the construction of a super yacht;
- Acted as junior to Gavin Kealey QC in a 3 day arbitration, on behalf of the successful charterers in a multimillion dollar LMAA arbitration arising out of a long term contract of affreightment ("COA") between two international shipping companies. The case raised difficult questions of allegedly sham cargoes, liability, contract construction, and quantification of damages;
- Instructed on behalf of charterers in a multimillion dollar charterparty dispute arising out of the shipment of soybeans into China;
- Appeared as junior counsel (led by Richard Southern QC) in an arbitration involving a claim brought by owners against charters concerning the validity of two 7 year period time charters worth in excess of \$US30million each. The claim raised issues of agency and authority. Liz assisted in settling pleadings, drafting witness statements, preparation of cross-examination and written opening and closing submissions;
- Advised as sole counsel in a wide array of time and voyage charter and bills of lading disputes, including in respect of liability for cargo operations, unseaworthiness claims, the merits of a strike out application and the merits of a claim to set aside a settlement agreement on the grounds of economic duress;
- Advised as sole counsel in relation to a number of shipbuilding disputes, including claims for unpaid instalments upon termination and claims for permissible delay;
- Settled pleadings as sole counsel in time and voyage charter disputes, both in arbitration and commercial court proceedings, including an unsafe port claim;
- Instructed as junior counsel in a time charter arbitration (led by Timothy Saloman QC); assisted in the drafting of witness statements and submissions.

Civil Fraud

Liz has experience in the field of civil fraud, including:

- ***Ardila Investment NV v ENRC NV*** [2015] EWHC 2180 (Comm); [2015] EWHC 1667 (Comm): In this case involving two of the world's largest mining interests, Liz acted as junior counsel to Ardila, in its US\$285 million claim against ENRC under a share purchase agreement for the sale of Ardila's stake in a Brazilian mining project. The case involved serious allegations of fraud,

corruption and illegality against Liz's clients, Ardila/Zamin, and was described in the Independent newspaper as "*one of the most unusual and juicy cases seen in the capital for some time.*" Liz had substantial involvement in the case and appeared at a number of interlocutory hearings, both as junior and sole counsel, including a 3 day hearing to deal with applications for strike out/summary judgment and an anti-suit injunction.

Banking & Finance

- ***Deslauriers v Guardian Asset Management Limited*** [2017] UKPC 34, instructed as junior counsel, led by Gavin Kealey QC, on behalf of the successful Respondent, in two appeals to the Privy Council. The case concerned an alleged misrepresentation by the Respondent, in connection with a commercial loan transaction for TT\$18.6 million. The case raised important issues concerning the scope of duty of commercial lenders to advise borrowers. The case also represented an important decision in the field of trusts law in relation to voluntary settlements and declarations of trust, an area of the law on which there has been much academic comment but which has not fallen for consideration by an appellate court for some time.

Education

BA in History and Modern Languages (First class, top in the year), Pembroke College, University of Oxford (2002-2006).

Graduate Diploma in Law (Distinction, 2nd in the year), City University (2006-2007)

BVC (Outstanding), ICSL (2007-2008)

LL.M., Harvard (2008-9)

Scholarships and Prizes:

Domus Scholarship (2003) (Pembroke College)

David Karmel Scholarship (2006) (Gray's Inn)

Bedingfield Scholarship (2007) (Gray's Inn)

Everard Van Heyden Prize for performance on the BVC (2008) (ICSL)

Arden Scholarship (2009) (Gray's Inn)

Languages:

Italian

Other Experience:

Whilst on the BVC, Liz taught EC law to students on the GDL at City University.