



## Kate Gardiner

Call 2022

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Kate is developing a broad practice across all of Chambers' main areas, with a particular focus on commercial litigation, group actions, product liability, insurance, and financial services.

Kate's recent cases include appearing in the Court of Appeal in an appeal against a planning decision (led by Patrick Green KC), and instructions in a sports regulatory dispute (led by Adam Heppinstall KC).

Before joining Chambers, Kate completed pupillage at a leading commercial set, where she gained experience in commercial litigation, professional negligence, construction, and insurance. She also worked on public law cases including advising government departments. Kate was a Lord Denning and Lord Brougham scholar, and prior to her legal studies Kate undertook an internship at UNHCR, the UN Refugee Agency.

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## Commercial

Kate has significant experience of major commercial litigation, and has a particular interest in disputes related to energy, commodities, construction, sports, and technology.

Examples of Kate's current and recent work include:

- Acting as sole counsel in contractual disputes in both interlocutory and final hearings, including on behalf of a Big Six energy supplier;
- Varied research on two high profile claims under s90A of FSMA (including one of The Lawyer's Top 20 Cases of 2024) (as a pupil);
- Drafting Particulars of Claim for a claim worth £60 million arising from the commercial development of

- an African gas field (as a pupil);
- Drafting a skeleton argument in relation to a commercial dispute over a \$30 million debt (as a pupil);
- Advice in a dispute worth £15 million arising from PPE procurement (as a pupil);
- Advice and skeleton arguments in a multi-million-pound dispute relating to a joint venture agreement in an African gold mine (as a pupil); and
- Advice on breach of contract and fiduciary duty relating to football player ownership (as a pupil).

## Group Actions

As a pupil, Kate gained experience in various group actions, including:

- A large-scale environmental nuisance claim;
- The second wave of the NOx emissions cases;
- A financial mis-selling group action (one of The Lawyer's Top 20 Cases of 2024);
- A proposed group action arising from a terrorist attack; and
- Two group action claims under s90A of FSMA.

## Public and Environmental Law

Kate has growing experience in public law. Examples of her recent work include:

- Acting for the claimant/appellant in an appeal against a planning decision in the Court of Appeal (led by Patrick Green KC) (*Wathen-Fayed v Secretary of State for Levelling Up, Housing and Communities* [2024] EWCA Civ 507).
- Research on multiple matters before the Investigatory Powers Tribunal (as a pupil);
- Varied advice for government departments, ranging from disputes concerning PPE procurement to professional negligence (as a pupil); and
- Research for a four-day inquest into the death of a British citizen overseas (as a pupil).

Kate has a particular interest in environmental law, having studied Geography at university. During pupillage she worked on a large-scale environmental nuisance claim, and the second wave of the NOx emissions cases.

## Representative Cases

- *Wathen-Fayed v Secretary of State for Levelling Up, Housing and Communities* [2024] EWCA Civ 507

## Insurance

Kate has significant experience in relation to insurance disputes and is well-positioned to advise in such cases. Examples of her recent work include:

- Advice on limitation in a claim against insurers arising from a terrorist attack (as a pupil);
- Advice on aggregation in a business interruption claim under a composite policy, in light of the Supreme Court's decision in *FCA v Arch Insurance (UK) Ltd* [2021] UKSC 1 (as a pupil);
- Advice on coverage disputes, including instances of property damage (as a pupil);
- Advice on notification disputes, including drafting declinature letters (as a pupil);
- Advice on whether a hotel company's damage waiver constituted an unregulated insurance policy (as a pupil); and
- Advice on a complex insurance sub-broker's negligence dispute (as a pupil).

## Company, Insolvency and Bankruptcy

Kate is developing a practice in banking and insolvency, most recently acting to resist a bankruptcy order in the amount of £1.2 million.

During pupillage, Kate gained experience in claims under the Insolvency Act 1986, directors' duties, and derivative claims. She also drafted written submissions on behalf of a Respondent for proceedings before the Takeover Panel Hearings Committee.

## Consumer Finance

Kate has experience of consumer finance disputes of all kinds, including PPI, solar panels, and motor finance.

## Professional Negligence and Professional Discipline

Kate has significant experience in matters of professional negligence and is developing experience in regulatory disputes. Examples of her recent work include:

- Current instructions in a regulatory dispute involving a national sports authority (led by Adam Heppinstall KC);
- Written submissions on behalf of a Respondent for proceedings before the Takeover Panel Hearings Committee (as a pupil);
- Advice and pleadings in varied cases of solicitors' negligence in the context of conveyancing (including large-scale commercial property), judicial review, and divorce (as a pupil);
- Advice and pleadings in varied cases involving construction and architecture. Kate is well placed to advise on construction matters; and
- Advice and pleadings in varied cases against accountants and financial advisors.

## Memberships

- COMBAR

## Education

### Education

- BVS, City University – Distinction
- GDL, City University – Distinction
- BA (Hons) Geography, University of Oxford (Hertford College) – First Class (2<sup>nd</sup> in year)

### Scholarships and Prizes

- 1<sup>st</sup> Place – Littleton Chambers Sports Law Essay Prize 2023
- Lord Denning Scholarship, Lincoln's Inn
- Lord Brougham Scholarship, Lincoln's Inn
- Gibbs Prize (*proxime accessit*) for Geography, University of Oxford
- Highly commended in the Royal Geographical Society DARG Dissertation Prize (top three dissertations in country)
- Hertford College Final Honour School Prize
- Hertford College Academic Scholarship