



Ognjen Miletic

# Contents

Group Actions .....	1
Representative Cases .....	2
Product Liability .....	2
Commercial .....	3
Representative Cases .....	3
Health & Safety .....	3
Insolvency & Companies Law .....	4
Trusts .....	4
Property .....	5
Representative Cases .....	5
Personal Injury .....	5
Education .....	5



## Ognjen Miletic

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Ognjen Miletic's practice has an emphasis on commercial work and group litigation. He also focuses on product liability, property, insolvency and company law.

Ognjen was instructed as junior counsel for the Claimants in the Post Office Group Litigation, during which successful judgments were obtained in relation to important issues of admissibility of evidence ([2018] EWHC 2698 (QB)), contract law ([2019] EWHC 606 (QB)), applications for recusal ([2019] EWHC 871 (QB)), costs orders in Group Litigation ([2019] EWHC 1373 (QB)) and expert evidence in an IT trial ([2019] EWHC 3408 (QB)).

BBC ran a Panorama programme on the underlying subject matter of this group action. The case was also listed by The Lawyer as one of the 'Top 20 Cases of 2018', with Civil Litigation Brief announcing it as the publication's civil litigation case of the year in 2019.

Ognjen is also currently instructed on multiple group actions, most of which involve environmental and international mass tort claims. One of these matters was heard by the Supreme Court in January of 2019 on the issue of jurisdiction (*Lungowe v Vedanta*), while another concluded successfully in the summer of 2019 with the Supreme Court refusing permission to appeal the decision of the Court of Appeal (*AAA v Unilever*).

In terms of his commercial work, Ognjen was recently instructed as junior counsel for the Part 20 Defendant in a matter in the Commercial Court, with a claim value of over US\$60million. The international nature of this case was demonstrated by the parties arguing in respect of the application of six different governing laws.

## Group Actions

Ognjen is currently instructed on multiple group actions, most of which involve environmental and international mass tort claims (originating in countries including Nigeria, Zambia and Kenya). Two of these actions have reached the Court of Appeal on the issue of jurisdiction, with one having been heard in July (*Lungowe v Vedanta*) and the other due to be heard in early 2018 (*AAA v Unilever*).

In *Lungowe v Vedanta*, the claims are brought in respect of alleged emanations of pollution from copper mines in Zambia, while *AAA v Unilever* concerns allegations of post-election violence brought by workers and

visitors to a tea plantation in Kenya.

Ognjen is also instructed in *Berebon v SPDC*, a claim brought by thousands of Nigerian claimants in the Technology and Construction Court in respect of two oil spills in the Niger Delta.

Further, Ognjen is instructed in a domestic group action against the Post Office (*Bates v Post Office*), in respect of which a Group Litigation Order was made earlier this year. In this action, the group, which largely is largely comprised of Subpostmasters, claim against Post Office in relation to shortfalls appearing in branch accounts following the introduction of a computer system for processing transactions known as 'Horizon'. BBC ran a Panorama programme on the subject matter of this action.

## Representative Cases

- *AAA v Unilever [2017] EWHC 371 (QB)*  
Ruling on jurisdiction in a claim brought by workers and visitors to a tea plantation in Kenya; claims brought against the local Kenyan subsidiary and the English parent company.
- *Post Office Group Litigation (2018/19)*  
Acting for over 500 Claimants in claim against Post Office relating to its point of sale and accounting IT systems.  
The case is identified by *The Lawyer* as one of its Top 20 cases for 2018.

## Product Liability

Ognjen has experience of a wide range of product liability claims. As described above, Ognjen has been instructed in a number of group actions in which there have been allegations relating to the emanation of pollution and effectiveness of products implemented to prevent such pollution.

Ognjen is currently instructed as junior counsel for the Part 20 Defendant in a complex and technical aviation matter in the Commercial Court, with a claim value of over US\$60million. The underlying claim arises from a fire that took place on board a parked 787 passenger aircraft at London Heathrow on 12 July 2013. The fire originated in the Emergency Locator Transmitter (ELT), and the operator of the aircraft has brought a claim against the supplier of the ELT, as well as the party contracted to manufacture the ELT and the manufacturer of the battery that powered the ELT. The Part 20 Defendant is the alleged supplier of the Positive Temperature Coefficient (PTC) which was incorporated in the battery. The technical nature of this claim is demonstrated by the number of expert disciplines (12) that have currently been ordered by the Commercial Court.

Ognjen is also instructed by a high-profile dairy production business in the context of a dispute between it and an insurer with regards coverage in relation to an incident of milk contamination. There is a particular dispute in this case as to the definition of "damage", the incorporation of products and the interpretation of *Bacardi-Martini Beverages Limited v Thomas Hardy Packaging Limited*.

## Commercial

Ognjen is currently instructed as junior counsel for the Part 20 Defendant in a complex aviation matter in the Commercial Court, with a claim value of over US\$60million. The underlying claim arises from a fire that took place on board a parked 787 passenger aircraft at London Heathrow on 12 July 2013. The fire originated in the Emergency Locator Transmitter (ELT), and the operator of the aircraft has brought a claim against the supplier of the ELT, as well as the party contracted to manufacture the ELT and the manufacturer of the battery that powered the ELT. The Part 20 Defendant is the alleged supplier of the Positive Temperature Coefficient (PTC) which was incorporated in the battery.

Ognjen has been involved in a number of commercial cases and has experience in drafting pleadings and preparing written advice for claims involving breach of contract, interpretation of contractual construction, contractual liens and sale of goods and services. Ognjen has assisted in the obtaining of a freezing injunction for £2,500,000 in the Chancery Division and has also assisted in obtaining the successful discharge of a freezing injunction for £20,000,000 in the Family Division.

Ognjen has provided an advice and drafted pleadings in a commercial case in this jurisdiction relating to a debt that allegedly accrued in the United Arab Emirates. This matter involved consideration of the applicability of Article 6 of the Rome I Regulation, as well as consideration of expert evidence on U.A.E. law.

## Representative Cases

- *Post Office Group Litigation (2018/19)*

Acting for over 500 Claimants in claim against Post Office relating to its point of sale and accounting IT systems.

The case is identified by *The Lawyer* as one of its Top 20 cases for 2018.

## Health & Safety

Ognjen has been instructed in several large international group actions that have involved health and safety issues. These cases, (all presently at the jurisdictional stage and either heard by the Court of Appeal, or due to be heard by the Court of Appeal), involve a focus on the emanation of groupwide policies on health and safety from a holding company and the implementation of those policies at a local subsidiary level. As well as encompassing an examination of whether holding companies assume a duty of care in relation to health and safety issues, and the scope of any duties found, these cases also look at questions of breach. One such case is *AAA v Unilever* [2017] EWHC 371 (QB), which concerns allegations of post-election violence inflicted upon workers and visitors to a tea plantation in Kenya.

Ognjen has recently advised a large multinational food company on its obligations under various food safety regulations. This advice involved a detailed analysis of the origin and scope of these obligations, as well as the penalties in place for failure to comply. The advice culminated in various recommendations for future compliance.

Ognjen has also assisted senior counsel in the preparation of complex advices regarding potential health and

safety prosecutions in relation to alleged breaches of various legislation, including the Health and Safety Act 1974, the Highways Act 1980, and the Regulatory Reform (Fire Safety) Order 2005. This advice involved consideration of the merits of the prosecution case, basis of plea and evidence.

Ognjen has appeared on multiple occasions in the Crown Court on health and safety matters. Recently, he appeared in a pre-trial review representing one of five defendants.

## Insolvency & Companies Law

Ognjen has gained a great deal of experience in insolvency law, appearing in the Chancery Division and county courts on many occasions in bankruptcy and winding-up proceedings on behalf of creditors, shareholders and debtors. In one such action he dealt with an issue of subsisting jurisdiction under the Consumer Credit Act 1974 in the context of a bankruptcy petition.

In particular, Ognjen has experience in shareholder disputes, having been instructed to draft advices and petitions for unfair prejudice and winding up on just and equitable grounds. These disputes have tended to involve related offshore companies and advising further on freezing injunctions.

Ognjen has also provided an advice and drafted an application in respect of a challenge to a trust deed under sections 339 and 423 of the Insolvency Act 1986. This was in the context of property that was distributed from one trust, before being subject to another trust declaring unequal beneficial shares between a cohabiting couple some years prior to a bankruptcy order being made.

## Trusts

Ognjen is well-versed in the law of trusts. He was recently successful in representing a beneficiary and trustee in the Chancery Division in an application to remove another trustee following a breakdown in the relationship between the parties.

Ognjen has assisted with research and the drafting of an application, claim form and skeleton argument in a matter involving the amendment of fifty-eight pension trust schemes. The Part 8 claim was brought pursuant to section 57 of the Trustee Act 1925 and was successful despite there being no precedent for the application of this provision to the facts of the case.

Recently, Ognjen was successful at trial in an application under the Trusts of Land and Appointment of Trustees Act 1996 in which he represented the executor and trustee of a will. This case involved the determination of beneficial interests as well as the challenge of several transactions and a request for an account and/or enquiry.

Ognjen has provided an advice and drafted an application in respect of a challenge to a trust deed under sections 339 and 423 of the Insolvency Act 1986. This was in the context of property that was distributed from one trust, before being subject to another trust declaring unequal beneficial shares between a cohabiting couple some years prior to a bankruptcy order being made.

In a different matter, Ognjen has provided an advice in a dispute between a formerly cohabiting couple on the extent of their respective beneficial interests in a property.

## Property

Ognjen is regularly instructed to represent both private and public clients in contested possession actions (involving residential and commercial premises) and injunction applications.

Ognjen is instructed as a junior on behalf of Shell Petroleum Development Company in a Group Action brought by several thousand Nigerian Nationals in the Technology and Construction Court. This Group Action arose following two oil spills in the Niger Delta and involved complex issues of title to and/or possession of land and compensation in respect of damage to land under both Nigerian and English Law.

Ognjen has provided an advice in a dispute between a formerly cohabiting couple on the extent of their respective beneficial interests in a property. In particular, the advice addressed significant contributions that were made by one party (a relatively short-term cohabitant) towards the improvement of the property, which did not result in a proportional increase in property value, as well as representations/assurances allegedly made by that same party relating to the property.

Recently, Ognjen successfully represented his client at the trial of a trespass dispute; securing both an injunction and damages award in a matter contested between neighbours.

Ognjen has assisted in the drafting of advices relating to the enforceability of restrictive covenants. He also assisted in a successful application to the Court of Appeal on the issue of rectification.

## Representative Cases

- *Berebon v SPDC*

## Personal Injury

Ognjen has assisted in the drafting of pleadings and several advices on both liability and quantum in personal injury claims. Ognjen also has experience of personal injury matters in the specific context of the armed forces and other public bodies.

Ognjen has been instructed on several infant settlements. He has also provided an advice on settlement in a case in which issues of mental capacity were raised.

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## Education

- BVC, Very Competent, BPP Law School, (2009-2010)
- Hardwicke Scholarship, Lincoln's Inn (2009)
- Lord Mansfield Scholarship, Lincoln's Inn (2009)
- BA Law (Jurisprudence), First Class, Oxford University, Corpus Christi College, (2006-2009)