



Ognjen Miletic

"He is a seriously impressive individual; incredibly fast, and provides reliably strong work with no nonsense."

- Chambers UK 2024

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Ognjen's practice has an emphasis on commercial work, group litigation and jurisdictional disputes. He also focuses on product liability, particularly where it intersects with these areas of specialism. Ognjen is ranked in Band 1 and as a Leader in the Field in Group Litigation, and in Band 5 for Commercial Dispute Resolution (Chambers and Partners).

Ognjen was instructed as junior counsel for the Claimants in the long-running Post Office Group Litigation. Arising from a scandal frequently described as "the most widespread miscarriage of justice in UK history", Ognjen was part of the successful team that secured multiple judgments in its favour on important legal issues. These judgments have also been imperative in the overturning of more than 90 criminal convictions.

Ognjen is instructed in multiple group actions arising from 'emissions' claims against different vehicle manufacturers. Outside of a purely domestic context, he has been instructed in many cases that have been brought in the UK by groups of claimants from all over the world. These cases are often founded on alleged international mass torts, and include the landmark decisions of the Supreme Court in *Lungowe v Vedanta* and the Court of Appeal in *AAA v Unilever*.

In terms of his commercial work, he is currently instructed in Commercial Court litigation arising as a result of a BIT Arbitration Award made against the Czech Republic in the sum of c.£560m.

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Group Actions

Ognjen has extensive experience in group actions, representing both claimants and defendants.

Ognjen was instructed as junior counsel for the Claimants in the Post Office Group Litigation. The dispute, brought by over 500 Subpostmasters engaged by Post Office Ltd as commercial agents, centred on the introduction of an allegedly defective electronic point of sale and accounting system for all branches.

Successful judgments were obtained in relation to important issues of admissibility of evidence in group actions, contract law (and relational contracts), applications for recusal, costs orders in group litigation and expert evidence in an IT trial. Subsequently, the CCRC referred over 50 convictions of Subpostmasters to the Court of Appeal, on the basis that the prosecutions amounted to an abuse of process.

Ognjen is also instructed in multiple group actions arising from ‘emissions’ claims against different vehicle manufacturers, as well as in two group actions brought by investors alleging that they were induced to enter into various investment schemes on the basis of misrepresentations. In one of those actions, a freezing injunction was recently obtained in the sum of £50million.

Outside of a purely domestic context, Ognjen has been instructed in many cases that have been brought in the UK by groups of claimants from all over the world. These cases are often founded on alleged international mass torts, and include the landmark decisions of the Supreme Court in *Lungowe v Vedanta* and the Court of Appeal in *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 was also instructed at first instance in the case of *Okpabi v Royal Dutch Shell*, as well as *Berebon v SPDC*, both involving claims brought by thousands of Nigerian claimants in the UK Courts in respect of oil spills in the Niger Delta.

Representative Cases

- *The Post Office Group Litigation [2019] EWHC 606 (QB)*
- *Lungowe v Vedanta [2020] A.C. 1045*
- *AAA v Unilever [2018] EWCA Civ 1532*
- *King Berebon v Shell Petroleum Development Company [2018] EWHC 1377 (TCC)*

Commercial

Ognjen is currently instructed in two group actions brought by investors alleging that they were induced to enter into various investment schemes on the basis of misrepresentations. In one of those actions, a freezing injunction was recently obtained in the sum of £50million. Ognjen was also recently instructed in a claim arising from the termination of a relationship in which the claimant was investing in Bitcoin futures through an online trading platform.

As described above, Ognjen is instructed in multiple jurisdiction applications, in which the claimants are

attempting to found jurisdiction on the basis of evidence relating to the corporate structure of multinational companies.

Ognjen was also previously 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 was instructed on behalf of a small-business owner in a dispute involving various financing agreements and personal guarantees. In that case, his client was successful in resisting a statutory demand and securing a settlement on favourable terms.

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 in relation to a dispute arising from the supply of an allegedly defective coating product, said to have caused losses in the region of £16million. There are multiple parties involved across the supply chain, in different jurisdictions, raising issues as to the application of English, German and Italian law.

Ognjen was 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 was 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 was a particular dispute in that case as to the definition of “damage”, the incorporation of products and the interpretation of *Bacardi-Martini Beverages Limited v Thomas Hardy Packaging Limited*.

Health & Safety

Ognjen has been instructed in several large international group actions that have involved health and safety issues. These cases 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.

Ognjen 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 worked on cases involving 'Fees For Intervention' under the Health and Safety and Nuclear (Fees) Regulations 2016 and has appeared on multiple occasions in the Crown Court on health and safety matters.

Trusts

Ognjen has been involved in several cases raising a variety of trusts issues. For example, he has:

- Advised in relation to beneficial interests under common intention constructive trusts.
- Successfully represented a beneficiary and trustee in the Chancery Division in an application to remove another trustee following a breakdown in the relationship between the parties.
- Successfully represented an executor and trustee of a will at trial in an application under the Trusts of Land and Appointment of Trustees Act 1996. 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.
- Advised in relation to 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.
- Assisted (during pupillage) 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.

Property

Ognjen has been instructed in various property disputes in both a private and commercial context.

Ognjen is instructed in *Berebon v Shell Petroleum Development Company*. 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 was instructed in a case concerning whether a conservatory attached to the rear of a flat was covered under the building's insurance. This was part of a broader dispute that ended up going to the Supreme Court

in 2020.

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.

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.

What the directories say

"Highly experienced in group action procedure. His advice and guidance is well judged. His technical work on pleadings and drafting is first rate."

Legal 500 2024

"Ognjen is really calm, courteous and reasonable."

Chambers UK 2024

"Ognjen writes brilliantly, is incredibly efficient and has excellent judgement."

Chambers UK 2024

"He is very responsive, knowledgeable and his advice and written work is really good."

Chambers UK 2024

"Ognjen is incredibly bright and has a real expertise in this area." (group litigation)

Chambers UK 2024

"Ognjen Miletic has great clarity of expression and is an extremely bright barrister, who has the ability to see problems and resolve them."

Chambers UK 2024

"A great pleasure to work with and a real team player."

Chambers UK 2024

"Incredibly dedicated and hard working."

Chambers UK 2024

“Exceptionally bright and very logical.”

Chambers UK 2023

“His dedication to the matter, responsiveness and overall support to the solicitor team are exemplary.”

Chambers UK 2023

“He is exceptionally knowledgeable when it comes to group litigation procedure and all of the case law on bringing claims against parent companies.”

Chambers UK 2023

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)

Awards & Recognitions

