

DaySparkes



John Day Director

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AREAS OF PRACTICE

[Commercial Litigation →](#)

[Banking Litigation →](#)

[Civil Fraud →](#)

[International Arbitration →](#)

[Professional Negligence →](#)

John Day “has excellent instincts when it comes to litigation and a very good way with clients” – Legal 500

PROFILE

John is a director and co-founder of DaySparkes Solicitors. He is a hugely experienced litigation lawyer with over 22 years’ experience of handling a broad range of commercial and other disputes.

John specialises in civil fraud and asset tracing claims, banking dispute resolution and general commercial litigation. He is an expert in obtaining and defending freezing injunctions and other forms of interim relief and is a “recommended lawyer” for commercial litigation and banking litigation in the Legal 500.

John’s work is invariably complex and frequently multi-jurisdictional in nature. He has a reputation for taking on big opposition and has successfully litigated cases over the years against Her Majesty’s Government, HMRC, the Serious Organised Crime Agency (as it was formerly known) and a host of major banks and financial institutions.

In addition to his core practice areas, John has also handled a range of director, shareholder, joint venture, partnership, professional negligence, judicial review, tax, employment and regulatory disputes.

In recent years, John has worked closely with the All-Party Parliamentary Group on Fair Business Banking in its attempt to design and implement a new financial disputes tribunal for SME companies.

WHAT THE LEGAL 500 SAYS

DaySparkes is 'a class outfit that comprises super lawyers with great experience'. Commercial litigation and dispute resolution head John Day's work frequently has an international dimension, with increasing amounts of trust, fraud, insolvency and international arbitration work.

'highly experienced and utterly unflappable'

'has an instinctive grasp for a case's strategy'

'has excellent instincts when it comes to litigation and a very good way with clients''

'really switched on when it comes to financial disputes and offers an admirable, pragmatic, no-nonsense approach to claims'.

EXPERIENCE

Commercial litigation

- Supporting an AIM-listed investment trust based in the Isle of Man in a €40 million Euro professional negligence claim against its former accountancy and legal advisers arising out of a substantial corporate re-structuring in 2008 which triggered a claim by the German tax authorities for purported property tax
- Successfully suing a storage company on behalf of a well-known international auction house in proceedings arising out of the unlawful use of a Ferrari F50 supercar which resulted in a highly publicised and tragic death of a young child.
- Defending a former director in highly contested personal guarantee proceedings for the recovery of US\$4 million which arose out of the collapse and administration of the "unicorn" tech company Powa Technologies Ltd in February 2016
- Discharging a prohibitory injunction against a well-known international hotelier arising out of a petition to wind up a foreign SPV property company and unfounded allegations of mismanagement and breach of contract.

Civil "white collar" fraud

- Successfully defending two Ukrainian oil trading companies in relation to international arbitration and related High Court worldwide freezing injunction proceedings arising out of a claim by a Russian oil trader for the recovery of circa \$13 million said to be owing under a joint venture agreement for the sale of oil and other products into the Crimea.
- Advising a prominent UK property developer in his defence of Commercial Court fraud proceedings and related contempt worldwide freezing injunction proceedings for the recovery of circa £2 million and successfully appealing a summary judgment obtained against him prior to our involvement.
- Successfully defending a client in tax assessment proceedings brought by Her Majesty's Customs & Excise against 37 defendants arising out of an alleged £6.2 million duty diversion fraud in France, Italy

and the United Kingdom and obtaining a complete discharge (with costs and damages against HMRC) of a related worldwide freezing injunction.

- Advising Belgian clients in an application against a major international bank for Norwich Pharmacal disclosure relief in support of proceedings to recover €1 million following a crypto-currency ICO fraud involving a well-known telecoms company.

Banking litigation

- Successfully representing multiple victims of the, now infamous, HBOS Reading/Quayside Corporate Services scandal in multi-million damages claims arising out of a major fraud that was perpetrated by Lynden Scourfield and other (now jailed) HBOS representatives while victims were under the control of the HBOS' impaired assets division
- Acting for a Texas litigation trust in proceedings before the Commercial Court and the Court of Appeal to set aside a multi-million liability judgment which the Royal Bank of Scotland procured by fraud, following a failed collateralised debt obligation issue, and successfully applying to discharge and a related anti-suit injunction to restrain the commencement of \$100m fraud proceedings in Texas. [\[2013\] EWCA Civ 328](#).
- Advising a BVI commercial property company in a complex banking claim against major UK bank arising out of the miss-selling of a £10.3 million interest rate hedging product.

Other

- Successfully advising a prominent private equity firm in relation to failed attempts to join it to multiple arbitrations arising out of a failed hotel joint venture and settling an application under Section 72 of the Arbitration Act 1996 for a negative declaration.
- Successfully representing a Russian sulphur trader in a dispute with an Egyptian buyer arising out of a claim for defective cargo
- Representing an English school governor in his successful judicial proceedings to prevent the Secretary of State for Education from teaching Al Gore's polemical climate change film, "An Inconvenient Truth", in science classes, in breach of the provisions of the Education Act 1996 which prevent (*inter alia*) the political indoctrination of children.

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