



Carlo Taczalski



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"Wise beyond his call."
(Legal 500, 2017)



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Carlo specialises in commercial, construction, insurance, and professional negligence matters. He has been recommended in the Legal 500 as a leading individual in a number of his core practice areas for a number of years.

He is regularly in court as sole counsel and in both leading and led capacities. He has appeared before a wide range of tribunals including in the Privy Council, the Court of Appeal, High Court, arbitral tribunals and in adjudications.

The regularity of his court work means that he is very good on his feet, and is praised for his meticulous and forceful cross examination and preparation.

Carlo also accepts instructions as an adjudicator and arbitrator, and is a TECBAR and PNBA accredited adjudicator.

His present and recent case-load includes:

- Defending one of the lead intermediaries in the Ingenious Litigation (one of The Lawyer's Top 10 cases of 2018); he (leading Frederick Simpson) successfully appealed to the Court of Appeal, overturning an Order that his client provide a cross-undertaking as the price for obtaining security for costs which would have had significant ramifications for his client's total exposure.
- Sole counsel for the successful applicants in *AIG Europe v McCormick* [2020] EWHC 943 (TCC) which has re-stated the correct approach to substituting parties after the expiry of a limitation period.
- Sole counsel for the claimant insurance company in a broker's negligence claim arising out of the fraudulent 'placement' of a (non-existent) reinsurance policy by a sub-broker. Damages are in the region of £15M.
- Defending an adhesive manufacturer in wide-ranging claims that its product, which was incorporated into another product and distributed internationally, was defective causing hundreds of instances of damage across Europe (leading Michael Harper; damages circa £3M).
- Defending a recruitment consultant in relation to the placement of a large number of workers at a Belgian construction site (sole counsel against a silk and junior, damages said to be £3M).
- Defending the ex-CEO of an asset-backed financing company against allegations of dishonesty and mismanagement prior to his departure from the business, and its eventual administration (led by

Daniel Shapiro QC).

- Defending a UK asset management firm in long-running litigation for conspiracy/fraud relating to the alleged asset stripping of a Polish company (led by Ben Quiney QC).
- Engaged on a dispute concerning rival branches of the Kuwaiti ruling family, where a wide-ranging conspiracy to cause loss by unlawful means is alleged.
- Defending (as sole counsel against a silk and junior) a liquidator in a section 212 application put at in excess of £2m.
- Defending a firm of architects in a dispute said to be worth £9M, brought by an Oxbridge College.
- A case put at £20 million+ in the Mercantile Court concerning the design and sale of a prototype electric vehicle.
- Defending an allegedly valuable professional negligence claim against accountants relating to the conduct of a COP9 / fraud enquiry by HMRC (Carlo acts for the accountants).
- Sole counsel for two of the Defendants in a \$26 million claim in the (English) High Court concerning alleged professional negligence of Spanish and English lawyers said to have been conducting an arbitration in the US and then resisting the enforcement of its award in England.

Carlo read law at Downing College, Cambridge. Before coming to the Bar, he spent a year working for PricewaterhouseCoopers, and later developing business and service monitoring systems for a charity (of which he is now a trustee). His experience gives him the ability to communicate effectively with a wide range of people, work well either as part of a team or individually, and bring an acute commercial perspective to the issues at hand.

Carlo accepts appropriate **public access** clients.

Commercial

Carlo is regularly instructed as sole counsel, junior counsel, and increasingly in a leading capacity, in commercial matters involving for example: civil fraud, conspiracy, shareholder disputes, directors' duties, breaches of trust, freezing injunctions, the sale of goods, the supply of goods and services, bailment, franchise agreements, hire agreements and defective products.

He has experience of cases with international elements including issues of jurisdiction and choice of law, and can often make himself available at short notice where the case requires it for example where an interim injunction is to be applied for or resisted.

Carlo is also engaged to advise on contracts as they are being negotiated, and is happy to do so on a public access basis where appropriate.

Selected Cases

- Ingenious Litigation – Carlo is instructed, with Ben Quiney QC, and Frederick Simpson for one of the lead Defendants in the Ingenious Litigation. The litigation concerns the alleged fraudulent and negligent mis-selling of investments in a series of film and game finance schemes. The Claimants total over 500 and bring claims for in excess of £100m. The case was recently named as one of The Lawyer's Top 20 cases of 2018. Carlo and Ben have recently been successful in applying for security for costs from a commercial litigation funder funding a number of the Claimants' claims.

- *Wilson James v MSL Recruitment* – Carlo is instructed as sole counsel (against leading and junior counsel) on a claim put at in excess of £2-3m arising out of the supply of temporary workers to a construction site in Belgium.
- *Sanglier v Apollo* – Carlo is counsel for Apollo (leading Michael Harper) against leading and junior counsel in a claim put at in excess of £3m, in relation to allegedly defective adhesive which was supplied to Sanglier, incorporated into Sanglier's product and sold in England and mainland Europe.
- *Borro v Aitken* – Carlo is instructed (with Daniel Shapiro QC) to defend Borro Group's ex-CEO against allegations of dishonesty and mis-management, including questions of compliance with relevant regulatory obligations, during his tenure as Borro Group CEO.
- *St Vincent v Picton Jones* – Carlo, with Ben Quiney QC, successfully resisted the joinder of their client (a UK asset management company) to a long-running claim based upon a conspiracy to sell land in Poland at undervalue, and thereby strip a Polish company of its main asset. The case involved questions of Cypriot and Polish law and limitation periods, reflective loss, and conspiracy to cause loss by unlawful means.
- *Property development arbitration* – Carlo is instructed as sole counsel in an arbitration concerning the amount payable under a joint venture agreement for the development of houses in London; the amount at stake is approximately £2m.
- *Water treatment arbitration* – Instructed as sole counsel in arbitral proceedings concerning a water treatment plant in Eastern Europe, which is said to have been defectively constructed and / or designed (the claim is put at circa Euro 2m).
- *Salt s.r.l. v Frazer-Nash Research Limited* – A Mercantile Court claim in respect of the development of a prototype luxury electric vehicle. Carlo acted with Muhammed Haque QC for the developers who were suing for fees due under the development agreement, and are defending a counterclaim said to be worth in excess of £20 million for various allegedly lost opportunities and development costs.
- *Landmark Limited & Woods Development Limited v American International Bank (In receivership)* – This was a Privy Council appeal from the Eastern Caribbean Court of Appeal; it concerned the basis on which the Appellants were entitled to charge and claim for electricity which they had provided following the inability of the Antiguan statutory provider to meet the Respondent's needs. Carlo was instructed with Kim Franklin QC for the successful Appellants.
- *Antigua Power Company Limited v The Attorney General of Antigua & Barbuda & Others* – This is a claim for approximately £100m in the Eastern Caribbean Supreme Court. It arises out of a breach by the Antiguan Government of a Joint Venture Agreement to build a power-plant in Antigua. The Privy Council upheld APCL's claim for breach of contract in 2013 (the report is at [2013] UKPC 23), and remitted the assessment of damages to the Antiguan High Court. Carlo is presently instructed on the assessment of damages trial with Kim Franklin QC and Dane Hamilton QC.
- *Antigua Power Company Limited v The Attorney General of Antigua & Barbuda & Others* – Carlo was also instructed (with Geoffrey Robertson QC and Kim Franklin QC) on a further claim on behalf of APCL claiming substantial damages as a result of a conspiracy to cause loss by unlawful means in Antigua.
- *Papa John's v Doyley* – Junior counsel for Ms Doyley, the successful defendant franchisee, at the liability trial of her counterclaim for well over £1/2 m in damages for negligent misstatement and misrepresentation; led by Jason Evans-Tovey, they were successful on virtually all issues argued at trial including a number of technical arguments relating to the incorporation and construction of various non-reliance, exclusion and guarantee clauses. The nine day liability trial included an application by Papa John's to adduce further witness evidence midway through the trial. Jason and Carlo successfully resisted the application; the judgment is at [2011] EWHC 2621 (QB).
- *Catapult & Lowe v Ariadne* – Sole counsel for Catapult & Lowe in a dispute over a consultancy

contract. Carlo successfully had the allegedly substantial counterclaim struck out, and was successful on virtually all issues fought at trial with the result that Ms Lowe was awarded (a little) in excess of her Part 36 offer made about 2 years before trial, and was awarded indemnity costs for the entire period of the claim.

Construction & Engineering

Carlo has been recognised as a Leading Individual in this area by the Legal 500 since 2018.

Many of Carlo's commercial instructions are in the context of construction, engineering and energy disputes. Carlo's expertise in construction, insurance and professional negligence makes an excellent choice where the issues involved in the case straddle those different traditional specialisms; a number of Carlo's instructions are therefore in cases where issues of negligence and / or breach of contract overlap with questions of insurance coverage, including in a construction context.

In addition to appearing in Court, Carlo is adept at dealing with disputes in arbitration, adjudication or mediation. He has recently been instructed by a well-known contractor in a series of adjudications, where the difference in the parties' valuations of the work undertaken on the subcontract is in the region of £3m; by a main MEP contractor on an adjudication with the difference between the parties in excess of £1.5m arising out of the building of a tower block near Canary Wharf; and by a well-known groundworks contractor on a series of disputes with a well-known contractor in connection with various housing developments in the North, as well as in many other disputes.

As well as appearing in adjudications, Carlo is a TECBAR accredited Adjudicator

Carlo is the author of the chapter about the NHBC in Emden's Construction Law.

Selected Cases

- Architect's dispute with Oxbridge College – Together with Ben Quiney QC, Carlo successfully defended an architect's practice in a £9M adjudication brought by an Oxbridge College in relation to the renovation of one of its main listed courts.
- Sole counsel for the successful applicants in *AIG Europe v McCormick* [2020] EWHC 943 (TCC) which has re-stated the correct approach to substituting parties after the expiry of a limitation period.
- Electrical works at London Bridge Station – Carlo was instructed for one of the parties in relation to aspects of electrical work carried out on the redevelopment of London Bridge Station. The dispute settled confidentially.
- Property development arbitration – Carlo successfully represented a developer as sole counsel in an arbitration concerning the amount payable under a joint venture agreement for the development of houses in London. The dispute was put at about £2m.
- Water treatment arbitration – Instructed as sole counsel in arbitral proceedings concerning a water treatment plant in Eastern Europe, which is said to have been defectively constructed and / or designed (the claim is put at circa Euro 2m).
- *Landmark Limited & Woods Development Limited v American International Bank (In receivership)* – This was a Privy Council appeal from the Eastern Caribbean Court of Appeal; it concerned the basis on which the Appellants were entitled to charge and claim for electricity which they had provided

following the inability of the Antiguan statutory provider to meet the Respondent's needs. Carlo was instructed with Kim Franklin QC for the successful Appellants.

- *Antigua Power Company Limited v The Attorney General of Antigua & Barbuda & Others* – This is a claim for approximately £100m in the Eastern Caribbean Supreme Court. It arises out of a breach by the Antiguan Government of a Joint Venture Agreement to build a power-plant in Antigua. The Privy Council upheld APCL's claim for breach of contract in 2013 (the report is at [2013] UKPC 23), and remitted the assessment of damages to the Antiguan High Court. Carlo is presently instructed on the assessment of damages trial with Kim Franklin QC and Dane Hamilton QC.
- *Antigua Power Company Limited v The Attorney General of Antigua & Barbuda & Others* – Carlo is also instructed (with Geoffrey Robertson QC and Kim Franklin QC) on a further claim on behalf of APCL claiming substantial damages as a result of a conspiracy to cause loss by unlawful means in Antigua.

Insurance & Reinsurance

Carlo has significant experience of advising on and appearing in proceedings concerning policy interpretation, avoidance of cover for nondisclosure, misrepresentation and breach of notification and other clauses.

Examples of work in this area includes:

- Advising a leading insurance broker in a claim where it is alleged that the broker bound an insurer outside the scope of its actual authority. The case overlaps questions of rectification, construction of the policy, and (in a separate aspect of the case) fraud.
- Sole counsel for the claimant insurance company in a broker's negligence claim arising out of the fraudulent 'placement' of a (non-existent) reinsurance policy by a sub-broker. Damages are in the region of £15M. The case also involves questions of the broker's warranty of authority. Currently pre-action.
- Advised on a claim (settled confidentially at mediation) arising out of the design of a new insurance product, which was found not to operate effectively immediately prior to launch.
- Instructed (with Andrew Bartlett QC and James Medd) in relation to coverage provided by a £5m excess layer professional indemnity insurance policy, following alleged defective design of an office block overseas.
- Junior to Andrew Bartlett QC in a London arbitration relating to coverage under a product liability policy, potentially determinative of claims and various layers of insurance worth up to £300m.

Product Liability

Carlo's product liability practice overlaps with his commercial, construction, property damage and professional negligence practice, with those cases often involving an element of product liability, for example:

- *Allcopy v Vision* – Carlo is currently defending a counterclaim in the TCC which is put in the region of £1m, in which it is alleged that photocopier toner provided to the Defendant and Counterclaimant over a period of 6 years was defective, and caused damage to reprographics machines and significant economic losses.

- Sanglier v Apollo – Carlo is instructed for Apollo (leading Michael Harper) in a claim in the TCC which is put at in excess of £3m, in relation to allegedly defective adhesive which was supplied to Sanglier, and which Sanglier incorporated into its own product and sold-on. Particular factors of the case include the long cross-border contractual chain of supplies, and technical arguments as to the alleged deficiency of the adhesive. Carlo acts against leading and junior counsel.
- Instructed as sole counsel in arbitral proceedings concerning a water treatment plant in Eastern Europe, which is said to have been defectively constructed and / or designed (the claim is put at circa Euro 2m).
- Various fire claims involving the failure of electrical components, including being for a leading high-street chain seeking to recover damages including for business interruption following a fire started by a defective component within a freezer in one of their shops.
- Junior to Andrew Bartlett QC in a London arbitration relating to coverage under a product liability policy in a pharmaceutical context potentially determinative of claims and various layers of insurance worth up to £300m.

Professional Liability

Carlo has been recommended as a Leading Individual in the Legal 500 in this area since 2017 and is frequently instructed in professional negligence claims involving the full spectrum of professionals, including lawyers, liquidators, accountants, architects / engineers / design consultants, valuers and brokers. He is regularly instructed on his own or as a leading junior against QCs, and likewise as a part of a larger counsel team.

He has recently conducted a (resoundingly successful) adjudication under the pilot professional negligence adjudication scheme.

Carlo is also a PNBA accredited adjudicator.

Selected Cases

- Ingenious Litigation – Carlo is instructed, with Ben Quiney QC, and Frederick Simpson for one of the lead Defendants in the Ingenious Litigation. The litigation concerns the alleged fraudulent and negligent mis-selling of investments in a series of film and game finance schemes. The Claimants total over 500 and bring claims for in excess of £100m. The case was named as one of The Lawyer's Top 20 cases of 2018. Carlo and Ben have recently been successful in applying for security for costs from a commercial litigation funder funding a number of the Claimants' claims.
- Broker's negligence – Sole counsel for the claimant insurance company in a broker's negligence claim arising out of the fraudulent 'placement' of a (non-existent) reinsurance policy by a sub-broker. Damages are in the region of £15M. Currently pre-action.
- Broker's negligence – Sole counsel defending a broker in relation to allegations of fraud and breach of fiduciary duty in the context of amending policy documents without the insured's consent, and allegedly falsifying documents to induce a renewal.
- Saunders & Craig v Hunt – Carlo is instructed as sole counsel (against a QC and senior junior) for a liquidator, Stephen Hunt, to defend a section 212 application brought against him by the successful opposing parties from previous litigation.
- Surveyor's negligence – leading Matthew Turner in a claim against a surveyor who failed to identify

relevant asbestos in a full pre-purchase survey of a substantial property causing significant loss (pre-action).

- Architect's dispute with Oxbridge College – Together with Ben Quiney QC, Carlo successfully defended an architect's practice in a £9M adjudication brought by an Oxbridge College in relation to the renovation of one of its main listed courts.
- Loss adjuster's negligence – Carlo is instructed as sole counsel by a leading loss adjuster who is accused of having negligently caused insurers loss in the region of £5m in the course of adjusting a complex loss arising out of a hurricane.
- *Kinde & Knight v Dellapina & Diaz* – Instructed for a Spanish lawyer said to have negligently advised on and conducted an arbitration in the US, in a claim in the English Courts pleaded at \$26 million. In addition to the more usual issues concerning scope and breach of duty, and causation of damage, the case raises questions involving the illegality and public policy defence, recently re-cast by the Supreme Court in *Patel v Mirza* [2016] UKSC 42.
- *Harris & Trotter v Bazargan* – Instructed, with Ben Quiney QC, for accountants who (when suing for their fees) have been met with an allegedly significant claim for damages relating to a series of HMRC enquiries / COP9 / fraud investigations which they managed for their clients.
- *A v B* – instructed for a broker against a leading law firm in a matter recently settled on confidential terms. The brokers had designed a new insurance product, the structure of which had been the subject of negligent advice from the law firm in question.
- *Birdi & Senna v McAndrew* – allegedly valuable claim against a valuer and auctioneer by two parties, one of whom was bankrupt and one of whom was alleged to have some interest in property apparently forming part of the other's bankruptcy estate. Carlo succeeded in having the claim by both claimants against his client struck out by Newey J at the conclusion of pleadings (it continues between one of the claimants and another defendant).
- *Jones v Kaney* [2011] UKSC 13; [2011] 2 WLR 823 – During pupillage, Carlo assisted Roger ter Haar QC and Daniel Shapiro in the preparation and research for the landmark appeal to the Supreme Court.

Civil Fraud

Carlo has a significant practice in specialising in claims which are the result of alleged or actual fraud and dishonesty and can be available at short notice to respond to or make applications for interlocutory relief.

He has particular experience in cases which have a cross-border element, with cases involving Europe, the middle east and the Caribbean.

His experience includes:

- Sole counsel for a major insurance broker accused by a policyholder of fraudulently conspiring with a leading insurer, and of making various fraudulent representations to secure the renewal of a insurance policies covering a £1 billion property portfolio (against a silk and junior).
- Sole counsel for a European insurer, whose reinsurance broker placed a reinsurance policy with a fraudulent sub-broker, such that the policy turned out not to exist.
- Junior counsel (instructed alongside Daniel Shapiro QC) defending a company director against allegations he suppressed certain documents from the company's board and other decision makers in the course of managing a group of companies, and then deliberately concealed his conduct.
- *The Ingenious Litigation* – Carlo is instructed (with Ben Quiney QC and Frederick Simpson) for SRLV, accountants, who it is said should have provided different advice when advising on allegedly tax-

efficient schemes set up by Ingenious Media. The schemes are said by the Claimants to have been fraudulently misrepresented, and some of them are said to be the product of a conspiracy between the Ingenious Defendants and HSBC. Carlo appeared (unled) in the Court of Appeal in December 2020. He was successful, and the decision has overruled every previous case where a cross-undertaking has been required of a defendant for security-for-costs. He led Frederick Simpson.

- Instructed for Antigua Power Company in a claim alleging a fraudulent conspiracy between members of the Government of Antigua, and Chinese state-owned entities.
- Counsel for a prominent family, advising on the ramifications of and remedies following a group of people obtaining an arbitration award by fraud.

Qualifications

- Queen Mother Scholarship, Middle Temple (2010)
- Harmsworth Entrance Exhibition, Middle Temple (2010)
- Lovells Examination Prize, Downing College (2006)
- PricewaterhouseCoopers Scholarship (2005 – 2007)

Memberships

- CLC BAR
- COMBAR
- TECBAR
- PNBA

Recommendations

"Technically very able and quick thinking, able to communicate very effectively, and provides solid advice on strategy and the merits."

Legal 500, 2022

"An astute and confident advocate who is very robust in his analysis. He is attentive and has a real eye for detail."

Legal 500, 2022

"A great blend of being exceptionally bright, hardworking and responsive together with a charming personality. Engenders confidence of clients both in conference and courtroom. More than a match for experienced counsel both in mainstream professional indemnity work and more specialist."

Legal 500, 2021

"Carlo is incredibly forensic in his approach to work, he deals with large quantities of information in a methodical manner and is an excellent communicator."

Legal 500, 2021

"Handles a diverse range of construction disputes."

Legal 500, 2020



"He is very bright and thorough when it comes to considering all the possible issues."
Legal 500, 2020