

## DALE MARTIN

Call: 1997



Dale Martin is one of the UK's top juniors specialising in employment and commercial law, regularly appearing against silks in injunctive, appellate and high value tribunal matters. Much in demand, Dale has recently featured in several high-profile cases, both in his own right and led by silks within Chambers and from other sets. Increasingly instructed by blue chip firms, Dale's cases often involve individuals of very high net worth and are of unusually high value. Dale is also increasingly selected by law firms for their own litigation, enjoying a 'trusted advisor' status in difficult disputes. With a keen attention to detail and a compelling advocacy style, Dale has a formidable reputation and his practice continues to go from strength to strength.

Ranked for a number of years by Chambers & Partners and Legal 500 as a leading employment practitioner, Dale has a broadly-based practice with a focus on **injunctions, restrictive covenant matters, bonuses, fiduciary duties, contractual disputes, discrimination, TUPE** and in mass-claimant litigation in the fields of **working time and equal pay**.

***"An outstanding counsel with a reassuringly forensic approach. He has an exceptional ability to immerse himself in the detail of each case and his advocacy is superb."*** Chambers & Partners 2018

***"Phenomenal, fearless, intelligent and strategic."*** Legal 500 2017/18

***"Very commercial barrister who is well liked and respected by clients. He is very switched-on and provides a terrific service."*** Chambers & Partners 2017

***"Well versed in complex and high-value multi-claimant litigation and has a growing reputation in injunctive and appellate proceedings. He is also known by his peers for his expertise in holiday pay claims."*** Chambers & Partners 2017

***"He not only knows his papers well but he fights for the client without ever forgetting the commercial position."*** Legal 500 2016/17

***"Praised from all quarters for the quality of his advocacy and attention to detail. Others note the "excellent support" that he provides to clients. He is an experienced litigator in both the High Court and tribunal... he show fantastic attention to detail and is a robust advocate who refuses to sit on the fence."*** Chambers & Partners 2016

***"He sticks by his arguments and is decisive, and he is also a pleasure to work with and very accessible."*** Legal 500 2015/16

*“A great tactician who is on top of the detail.” “Personable and approachable, he is easy to get along with.”* Chambers & Partners 2015

*“Extremely helpful, bright and hardworking.”* Legal 500 2014/15

*“A highly regarded junior who often acts as lead counsel in urgent injunctive relief applications. His impressive courtroom presence was highlighted by multiple interviewees.” “Dale is tactically astute and his legal analysis is clear and thorough. He is personable, approachable and reassuring to clients.” “He is able to explain complex issues succinctly to the court.”* Chambers & Partners 2014

## Recent work

- Successful three Day EAT appeal on requirements for presentation of multiple claims in context of 800 **equal pay** claims against Dale's supermarket client (**Sainsbury's Supermarkets Ltd v. Ahmed** UKEAT/0227/16/JOJ (2017)).
- Two appeals to the EAT concerning an internationally renowned music industry celebrity, who kicked a long-term employee/confidante out of his inner circle. First appeal concerned celebrity's applications for **privacy** in the proceedings, namely, restricted reporting orders, anonymity orders and an application in respect of the underlying **discrimination** trial to be heard in private. The second concerned an appeal from an amendment application (2016).
- Successful appeal to EAT (Scotland) laying down new law on approach to amendment applications in context of a multiple claim, **Aldridge v. Amey Services Ltd & another** UKEATS/0007/16/JW (2016).
- Defending appeal to EAT concerning unless orders and **EAT Procedure – Wentworth-Wood v. Maritime Transport Ltd** UKEAT/0316/15/JOJ (2016).
- Successful strike out of 800 **working time/holiday pay** and associated claims brought in the Employment Tri-bunal against a major construction and highways company. **Wasted costs** award of £275,000 (2016). Also successful in relation to a major **res judicata** issue (2017). Defending appeals on **strike out** and **costs** in 2017.
- Successful defence of a **multi-day race and sex discrimination case brought by a solicitor** against a law firm, with **costs** application based on earlier deposit still pending (2017)
- Acting in a **team move** case in the trade displays business for a claimant against seven defendants, including the new employer, enforcing restrictive covenants and obtaining a springboard injunction (2017).
- Acting for an employer in a **civil fraud** matter arising out of a **Share Purchase Agreement** with the director and former owner of the business and a related conspiracy with a senior employee (2017).
- Acted in a multi-million pound claim for **breach of warranty** being brought by the purchaser of a substantial software business under a **Share Purchase Agreement** (2016).
- Acting for an employer defending a high court **bonus claim** brought by a managing director that was guilty of gross misconduct (2017).
- Advising the executive team of a public waterway provider in respect of their policies and their **public sector and other equality duties** and defending the trust in **discrimination** litigation in respect of the **provision of goods and services** (2017).

## Employee Competition & Injunctions

- Dale acts in and advises on numerous **multi-party injunctive proceedings** and related **damages claims**

for breach of **fiduciary duty**. Dale has recently defended a search order and has acted for a claimant in a multi-party financial services injunction application. His recent injunctive work encompasses industries such as the **insurance, banking and architectural** fields and often involves allegations of dishonesty/fraud. This work all follows on from Dale's representation of the successful claimant (led by David Reade QC) in the landmark springboard injunction and team move case of **QBE v. Dymoke** [2012] EWHC 80, [2012] EWHC 116, [2012] IRLR 458 (Haddon Cave J). The case resulted in the first known order for final springboard relief consequent upon breaches of employees' duties of fidelity and breaches of fiduciary duty whilst in employment. They had already been successful in obtaining two interim injunctions prior to trial.

- Having successfully resisted an injunction at the interim stage, Dale acted for the Defendants at trial in the restrictive covenant dispute in **Romero Insurance Brokers Ltd v. Templeton** [2013] EWHC 1198 (Sir Raymond Jack sitting as a High Court Judge). The case dealt with the correct test for repudiatory breach of contract, the alleged right to work prior to termination of employment and the approach to be taken to the enforceability of the covenants in the context of the insurance industry. The trial figured heavily in the insurance press.
- Most recently, in 2017, Dale acted for a claimant in a **team move** case in the trade displays business against seven defendants, including the new employer, enforcing restrictive covenants and obtaining a springboard injunction.
- Dale has also defended injunction proceedings brought against an employee engaged by a new business of a TV celebrity entrepreneur.

## Employment Appeal Tribunal & Employment Tribunal Work

- Successful three Day EAT appeal on requirements for presentation of multiple claims in context of 800 equal pay claims against Dale's supermarket client (**Sainsbury's Supermarkets Ltd v. Ahmed** UKEAT/0227/16/JOJ (2017)).
- Two appeals to the EAT brought by an internationally renowned music industry celebrity, who kicked a long-term employee/confidante out of his inner circle. First appeal concerned celebrity's applications for **privacy** in the proceedings, namely, restricted reporting orders, anonymity orders and an application in respect of the underlying **discrimination** trial to be heard in private. The second concerned an appeal from an amendment application (2016).
- Successful appeal to EAT laying down new law on approach to amendment applications in context of a multiple claim, **Aldridge v. Amey Services Ltd & another** UKEATS/0007/16/JW (2016).
- Defending appeal to EAT concerning **unless orders** and **EAT Procedure – Wentworth-Wood v. Maritime Transport Ltd** UKEAT/0316/15/JOJ (2016).
- Successful strike out of 800 working time/holiday pay and associated claims brought in the Employment Tribunal against a major construction and highways company. **Wasted costs** award of £275,000 (2016). Also successful in relation to a major **res judicata** issue. Defending appeals on **strike out** and **costs** in 2017.
- Successful defence of a multi-day **race and sex discrimination case brought by a solicitor** against a law firm, with costs application based on earlier deposit still pending (2017).
- **Mustafa v. Trek Highways Ltd** UKEAT/0016/15/BA Multi-party EAT appeal on **TUPE/Service Provision Change** resulting from a business failure shortly before new Transport for London contracts for maintenance were due to begin.
- **2 Sisters Food Group Ltd v. Abrayte** UKEAT/0209/15/MC EAT appeal establishing new law in relation

to the approach to be adopted in dealing with applications to amend **equal pay** claims, particularly regarding changing the job in respect of which the claimant seeks to bring a claim.

- Dale's work concerning **City/financial employers**, often appearing alone against a senior silk, continues to broaden. He has recently been involved in many disputes arising out of the **LIBOR and EURIBOR scandal**.
- Dale is increasingly selected by law firms to act in respect of their own litigation, enjoying a 'trusted advisor' status in difficult disputes.
- **Portnykh v. Nomura International plc** [2014] IRLR 251 (EAT) which established important new principles of wide application concerning the **without prejudice rule in discrimination** cases.

## Contractual Disputes & Fiduciary Duties

- Acted in a multi-million pound claim for **breach of warranty** being brought by the purchaser of a substantial software business under a **Share Purchase Agreement**.
- Acting for an employer defending a high court **bonus claim** brought by a managing director that was guilty of gross misconduct.
- Acting for an employer in a **civil fraud** matter arising out of a **Share Purchase Agreement** with the director and former owner of the business and a related conspiracy with a senior employee.
- Acted for both shareholder/directors and members of LLPs alleging unfair prejudice and seeking a just and equitable winding up.
- Dale continues to advise on high value **bonus and other financial incentive claims**. For example, he has recently been instructed to advise on a bonus claim of a Monaco-based employee who entered into contracts with different companies within the employer group, each based in different jurisdictions around the world.
- Many of Dale's cases concern breaches of **fiduciary duty, inducement of breach of contract and conspiracy** not least his employee competition work, e.g. **QBE v. Dymoke** [2012] IRLR 458, [2012] EWHC 80, [2012] EWHC 116. The case resulted in the first known order for final springboard relief consequent upon breaches of employees' duties of fidelity and breaches of fiduciary duty whilst in employment. For similar work in an injunctive context, see above.
- **Mainline Private Hire Ltd v. Nolan** [2011] EWCA Civ 189 Breach of contract and conversion claim against a former employee and director arising out a directors' and shareholders' dispute, following on from an earlier unfair prejudice petition.
- Dale acted in relation to a claim of **fraudulent misrepresentation arising out of a share purchase agreement**. The Purchaser alleged wholesale fabrication of financial data and obtained a **freezing injunction**.
- Dale has acted for both shareholder/directors and members of LLPs alleging unfair prejudice and seeking a just and equitable winding up.

## Lectures & Seminars

Dale lectures across a wide range of issues and enjoys presentations to both solicitors and clients alike.

Examples of recent lecture topics are:

- Database rights;
- Injunctions;

- TUPE;
- Equal Pay;
- Issues arising with actual or potential concurrent claims in the courts and in the employment tribunal.