

DALE MARTIN QC

Silk: 2019 | Call: 1997



Dale Martin was appointed Queen's Counsel in March 2019.

He is one of the UK's leading specialists in employment and commercial law. He is often instructed in appeals, in business-critical injunctive cases, in long-running multi-claimant litigation, and in cases concerning high net worth individuals. With a keen attention to detail and a compelling advocacy style, Dale has a formidable reputation. Dale's team skills, his responsiveness and his reliability to work to deadlines are also highly valued amongst instructing solicitors.

Ranked for a number of years by Chambers & Partners and Legal 500 as a leading employment practitioner, Dale's practice encompasses **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**.

"He masters the detail and gives good, sound, incredibly commercial advice." "Very sharp-witted, clear and great with clients." Chambers & Partners 2020

"Dale is technically brilliant and his legal knowledge is outstanding." Legal 500 2019/20

"Intelligent, strategic and extremely persuasive as an advocate." "Approachable and client-friendly." "His attention to detail is excellent." Chambers & Partners 2019

"An excellent advocate who unfailingly produces first-class work." Legal 500 2018/19

"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

Dale's work in the last six months includes:

- Appearing at the **Court of Appeal** following a successful three-day appeal to the EAT on requirements for presentation of multiple claims in the context of over 1000 **equal pay** claims against Dale's supermarket client. **Sainsbury's Supermarkets Ltd v. Ahmed** [2018] ICR 921
- Acting for a top flight French football club both at first instance and on appeal in a **Brussels Recast jurisdictional dispute** concerning a £4m claim against the club, arising out of the alleged enticement away from the claimant of its new manager. **Letang v. Stade Rennais**
- Acting in a 15 day **civil fraud** trial arising out of a **Share Purchase Agreement** with the director and former owner of the business and a related **conspiracy** with a senior employee. Potential £1m+ impact on SPA depending on trial outcome. Judgment awaited. **Reader v. Spie Ltd**
- Appearing twice at the EAT on an **appeal** in a **working time/holiday pay** multiple concerning **strike out** for failure to comply with an **unless order**. **Cunning v. Amey Services Ltd**

Employee Competition & Injunctions

- Dale acts in and advises on numerous **multi-party injunctive proceedings** and related **damages claims** for breach of **fiduciary duty**. Dale's practice includes search and freezing order relief. He regularly appears in multi-party **financial services** sector and **insurance** sector injunctions. This work all follows on from Dale's representation of the successful claimant in the landmark springboard injunction and team move case of **QBE v. Dymoke** [2012] EWHC 80, [2012] EWHC 116, [2012] IRLR 458. 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.
- Dale has recently successfully defended an **injunction** application in respect of a tech specialist employee seeking to leave his firm to join a competitor (2018)
- 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 (2017).
- Defended a **confidential information injunction** on behalf of a senior tech employee (2017/8)
- Acted for a high-end English sparkling wine company concerning their acquisition of a senior employee from a competitor (2017)
- 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. 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.
- 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 in two appeals to the EAT, one on relief from strike out, the other on **wasted costs**, concerning a multiple of **working time/holiday pay** claims brought against a major construction and highways company. **Bate v. Amey Services Ltd** UKEAT/0082/17JOJ & UKEAT/0083/17JOJ (2017/8)
- Instructed on appeal to act for an employer ordered to pay substantial damages for **race discrimination**. The appeal raises numerous points of general application in the context of remedies for discrimination

(Dale did not appear at the tribunal below) (2018)

- Acted at the Employment Tribunal for a trader at a **merchant bank**, suing for **sex and disability discrimination** (2018).
- 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**. (2017/8)
- 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. Also successful in relation to a major **res judicata** issue. Defended appeals on **strike out** and **costs** (to 2017).
- Successful defence of a multi-day race and sex discrimination case brought by a solicitor against a law firm, with costs (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).
- **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

- Dale has recently acted in a number of multi-million pound claims for **breach of warranty** being brought by purchasers of businesses under **Share Purchase Agreements**.
- Acting for an employer defending a high court bonus claim brought by a managing director that was guilty of gross misconduct. (2018)
- 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.

Memberships

- Employment Law Bar Association (ELBA)
- Employment Lawyers' Association (ELA)
- Commercial Bar Association (COMBAR)