

Jon Lang Mediation

Banking and Financial Products – mediation examples

a claim between a high net worth individual and a private bank concerning the devaluation and exit from an investment fund;

an Inter-bank dispute in relation to security held by each bank;

an action brought by a bank to enforce several guarantees given by directors of a business;

a dispute concerning the trading of exchange traded commodity products on a trading platform and the inability to close out a position due to a market event leading to significant losses with a variety of issues being raised around duties owed, remoteness of loss (in relation to disruption to a trading strategy) and also mitigation (including the ability or otherwise to make hedging trades);

a dispute in relation to bank charges levied over a number of years brought by executors of an estate;

claims arising out of the purchase of a number of loan books and alleged misrepresentations given in relation to their performance;

a claim by a major banking institution against companies and individuals involving allegations of bribery, breach of fiduciary duty and breach of contract, the essence of the dispute concerning representations made to the bank's credit committee resulting in various 'bad' loans being made;

an action between two financial institutions concerning a number of debts 'factored' by a former customer which went into administration;

a warranty claim (and guarantee claim) between a bank and directors of an insolvent factoring company arising out of a facility agreement (and personal guarantee), the claim concerning, inter alia, the nature of financial exposure assumed by the company and how such exposure was represented;

an action brought on a number of personal guarantees following the collapse of a property development company, with counter-allegations concerning the manner in which loans were advanced to the principal borrower and administered;

a swaps dispute between a bank and its customer, an overseas public body, the essence of the claim being that the customer lacked authority to enter into the swap transactions in question, in that they were ultra vires;

various factoring cases;

a dispute between an investment manager and its agent providing loan servicing and management services arising out of alleged failings in the management of a loan book and lack of transparency in the design of a remediation strategy, its cost and the liability for that cost;

various swap transaction cases;

a dispute between bondholders and a Security Trustee arising out of a failed bond investment scheme set up to raise funds to advance loans to property investors and developers, with scope of duty and mitigation being at the core of the dispute;

a post-completion dispute arising out of an M & A transaction concerning an allegation that the target business was running a regulated payment service within the financial services regulatory perimeter and should have been licensed pursuant to the Payment Services Regulation 2017.

Contact

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