

11KBW

Tillman & Other Key Cases

Jane McCafferty QC

Assetco plc v Grant Thornton UK LLP [2019] EWHC 150 (Comm)

- Causation: C must prove on balance of probabilities –
 - C's counterfactual conduct; and
 - A real or substantial chance of hypothetical conduct by third parties
- Quantum: evaluation of that real or substantial chance
- Independent/overlapping contingencies?
- What is a third party?

The Racing Partnership Limited v Done Bros [2019] 3 WLR 779

- Actual or blind eye knowledge of unlawfulness is a necessary element of tort of unlawful means conspiracy – **Racing Partnership** per Zacaroli J
- Cf. **Stobart Group** per HHJ Russen QC
- At least in respect of civil law unlawful means – cf. breaches of criminal law?
- Burden on C to prove knowledge of unlawfulness
- Knowledge shared by conspirators

Tillman - costs

Tillman v Egon Zehnder Ltd [2019] UKSC 32, [2019] 3 WLR 245

- Was there a 'sting in the tail'?

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