Radcliffe Chambers



Dov Ohrenstein

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Barrister

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Dov Ohrenstein is appreciated by clients for his willingness to provide clear practical advice, robust negotiation skills, and forceful advocacy. His practice focuses on litigation and dispute resolution in the fields of commercial, private client and property law. He has wide-ranging experience across all manner of chancery matters including banking, company and insolvency, partnership, trusts, wills and probate and professional negligence cases, particularly solicitors' and accountants' negligence. He is equally experienced in complex contractual litigation, such as sale of goods, agency, loans and employment disputes. He is ranked as a leading junior by *Chambers UK Bar* and *The Legal 500 UK Bar*.

COMMERCIAL CHANCERY DISPUTES

Acting for the successful defendant to a multi million pound guarantee claim Dov Ohrenstein has been recommended as a leading junior by *Chambers UK Bar* and *The Legal 500 UK Bar* in three commercial and chancery fields: commercial chancery, commercial litigation and professional negligence.

Commercial disputes are at the heart of much of Dov's practice. These typically arise in relation to the sale of goods and supply of services, agency agreements, loans and guarantees and often involve freezing orders and other applications for urgent injunctive relief.

He is regularly instructed to act both for and against investment and clearing banks as well as financial advisors in claims relating to loans, guarantees, security and the mis selling of derivative based and other financial products.

Dov has been instructed in relation to numerous partnership disputes concerning accountants, solicitors, doctors and other professionals as well as commercial joint ventures including multi-million-pound disputes concerning the development of various properties.

Dov has been instructed in a number of matters relating to commercial arbitrations such as enforcement of awards and procedural irregularities.

Dov is frequently instructed in relation to shareholder disputes, directors' duties and the liability of directors to third parties. Corporate veil issues, shareholders'

unfair prejudice petitions, derivative actions by minority shareholders, claims concerning directors' negligence and breach of trust are all matters that he deals with regularly.

Many of Dov's commercial chancery cases involve international issues such as conflict of laws and jurisdictional arguments

Dov has experience of a wide range of cases concerning personal and corporate insolvency and related issues such as transactions defrauding creditors, unlawful preferences, and directors' misfeasance.

Dov' recent experience includes:

- Representing the successful party in High Court and Court of Appeal proceedings concerning a farming partnership arbitration.

- Representing the successful petitioner at a 7 day trial for relief under s.994 of the Companies Act relating to a multimillion pound travel company where the petitioner also defeated a claim that he was subject to an obligatory transfer event for breaches of a shareholders' agreement.

- Successfully defending at trial and in the Court of Appeal a claim for £56.4 million based on an allegation that a signed Heads of Terms Agreement relating to a lease of land for the construction of an Anaerobic Digestion plant had contractual effect.
- A trial concerning allegations of manifest error in an expert's valuation of company shares
- Acting in numerous cases relating to unfair prejudice (CA 2006 s.994) and just and equitable winding up (IA 1986 s122(1)(g)) petitions.
- Three week trial of multimillion pound claim by a former shareholder in relation to a company demerger alleging undue influence and breach of fiduciary duties against the company, the managing director/major shareholder, and professional negligence against the company's accountants and solicitors
- Acting in various claims against financial advisors for mis-selling and negligent advice concerning swaps and other derivative products
- Acting in a claim against a bank for negligent misselling of foreign currency loans
- Acting for a leading brand of beer in dispute with a brewery
- Representing a baby milk manufacturer in a dispute with an overseas agent which resulted in an international arbitration
- Appearing in claims in respect of defective bespoke computer software
- Appearing in litigation concerning a contract for the storage of oil
- Acting in an international dispute concerning a contract to supply jet fuel in Nigeria
- Acting in disputes about Belizean trusts
- Advising on lifting the corporate veil of a Jersey foundation and the enforcement of a Russian judgment in the Channel Islands
- Appearing in litigation concerning a St Lucian property joint venture company
- Acting in a misfeasance claim against company administrator
- Acting in various Insolvency Act claims against company directors accused of negligence/ misfeasance/ transactions at an undervalue/ defrauding creditors.

His reported cases include:

- Peter Dunn v Kostas Kazolides [2025] EWHC 2212 (Ch) Guarantees, insolvency, limitation
- *Osler v Osler* [2024] EWCA Civ 516, [2023] EWHC 1270 (Ch) Arbitration Act 1996; CPR 62 jurisdiction to set aside refusal of permission to appeal; CPR 3.1(7) and the slip rule.
- *Pretoria Energy Company (Chittering) Ltd v Blankney Estates Ltd [2023] EWCA Civ 482 and [2022] EWHC 1467 (Ch)*

Contractual intention; certainty of terms; heads of terms; subject to contract agreements; leases; Landlord and Tenant Act 1954

- *White & Others v Nicholson* [2022] EWHC (Ch) 1104
  Share valuation; experts; manifest error
- *Middlesbrough Football and Athletic Co (1986) Ltd v Millinder Chancery Division* [2020] EWHC 3202 (Ch)
  Costs; Extended civil restraint orders; General civil restraint orders
- *Capital Funding One Ltd v Esqulant* [2020] EWHC 981 (QB) Beneficial interests; Charging orders; Co-ownership; Insolvency; Discretion; Intention; Late service; Oral evidence; Permission; Prejudice; Procedural irregularity; Witness statements; Witness summonses
- *Carmela De Sena v Joseph Notaro and others* [2020] EWHC 1031 (Ch) (Company demerger, director's fiduciary obligations, undue influence, unjust enrichment, share valuation, expert evidence); [2020] EWHC 1366 (Ch) [2020] Costs L.R. 737 (indemnity costs, budgets, payments on account and interest)
- *Baxendale-Walker v APL Management Ltd* [2018] EWHC 543 (Ch) (issue estoppel, Henderson v Henderson abuse of process, mistake and breach of powers by Trustee, procedural irregularity)
- *Cunningham v Resourceful Land Ltd* [2018] EWHC 1185 (Ch) (Arm's length transactions; Bad faith; Interpretation; Rectification; Shareholders; Shareholders' agreements; Shareholders' rights)
- *Baxendale-Walker v Bay Trust International Ltd* ChD 19/12/17 (interim injunctions; cross-undertakings; proprietary interests; trustees)
- *Re FW Mason & Sons Ltd (in Liquidation)* [2017] EWHC 1512 (Ch) (insolvency, liquidators' remuneration and misfeasance, dishonesty)
- *Blindley Heath Investments Ltd v Peter Bass & Ors* [2016] EWCA Civ 548 (costs, Bullock orders)
- *Blindley Heath Investments Ltd v Peter Bass & Ors* [2015] EWCA Civ 1023, [2014] EWHC 1366 (Ch) (Shareholder pre-emption agreement, estoppel, refusal of registration of transfer of shares)
- *Exsus Travel Ltd & Others v James Turner & Anor* [2014] EWCA 1331 (Directors' duties, evidential and legal burden of proof on the taking of an account, limitation periods on an account)
- *Norwood v Nabai*, ChD, [2014] EWHC 4881 (Ch) (Contempt of Court for breach of freezing order, custodial sentence)
- *Hawkes & Telerate Ltd v County Leasing Asset Management & Others* ChD, LTL 21/10/2011 (Company Restoration and Limitation Override)
- *United Vending Ltd v Desai* [2011] EWHC 919 QB (assignment, administration, bailment)
- *Immingham Storage Co Ltd v Clear Plc* [2011] EWCA Civ 89 (contract formation, offer and acceptance) (contract formation, offer and acceptance)
- *Basinghall Finance PLC v Butler* [2009] EWCA Civ 1262 (mortgages, assignment, securitisation, privity, Consumer Credit).

PROFESSIONAL LIABILITY

Dov has a substantial professional negligence practice and is recognised as a leading junior in this area by *The Legal 500 UK Bar*, which says that he always "*offers sound cost-effective advice*".

Dov's recent work includes:

- Three week trial of multimillion pound claim by a former shareholder in relation to a company demerger alleging undue influence and breach of fiduciary duties against the company, the managing director/major shareholder, and professional negligence against the company's accountants and solicitors
- Acting on behalf of high street banks and secondary lenders in claims for professional negligence against solicitors in relation to loans and mortgages
- Representing defendant solicitors in relation to claims by their former

clients concerning alleged failures to advise on the terms of guarantee and charge
- Acting for private lenders in a claim against solicitors who dealt with the registration of a property charge
- Having represented in High Court proceedings and at a mediation a property developer who breached a lock out agreement, acting in the professional negligence proceedings against the conveyancing solicitors who advised in relation to the agreement
- Representing a property purchaser in proceedings and at mediation in a claim against negligent conveyancing solicitors who had given inadequate advice about restrictive covenants
- Acting for a property developer in a claim against negligent conveyancing solicitors concerning rights of way and boundaries
- Appearing in a claim against negligent advisers to a Cayman Islands trusts
- Defending a negligence claim by a property owner against estate agents
- Acting and advising in a claim against solicitors concerning a business sale
- Defending a claim brought against an engineering company
- Defending a negligence/ Insolvency Act claim brought against solicitors by a trustee in bankruptcy of their former client
- Acting for the claimant in a claim against an architect for negligent supervision of a builder.

His recent reported cases include:

- *Carmela De Sena v Joseph Notaro and others* [2020] EWHC 1031 (Ch) (Company demerger, director's fiduciary obligations, undue influence, unjust enrichment, share valuation, expert evidence); [2020] EWHC 1366 (Ch) [2020] Costs L.R. 737 (indemnity costs, budgets, payments on account and interest)
- *Amstell v Fraser (2018)* (reported in the national press) (liability of heir hunter for indemnity costs upon revocation of grant of letters of administration)
- *Re FW Mason & Sons Ltd (in Liquidation)* [2017] EWHC 1512 (Ch) (insolvency, liquidators' remuneration and misfeasance, dishonesty)
- *Exsus Travel Ltd & Others v James Turner & Anor* [2014] EWCA 1331 (Directors' duties, evidential and legal burden of proof on the taking of an account, limitation periods on an account).

PROPERTY

Dov has substantial experience of a wide range of Property Law disputes.

Recent cases of note include:

- Successfully defending a claim for £56.4 million based on an allegation that a signed Heads of Terms Agreement relating to a lease of land for the construction of an Anaerobic Digestion plant had contractual effect.
- Successfully appearing in a 5-day county court trial concerning an assent of property and undue influence
- Successfully representing a client at a mediation which followed 8 years of litigation concerning a business partnership dispute and the co-ownership of various properties
- Successfully representing a commercial lender at a county court trial in the case where the borrower was claiming that his lack of capacity avoided the mortgage
- Successfully representing a commercial lender at a county court trial where the borrower was arguing that the lender's standard mortgage documentation and securitisation of the mortgage were defective
- Advising and being instructed to appear in a two-day commercial landlord and tenant trial concerning the redevelopment of a West End property and the tenant's right to a lease extension. The case was compromised shortly before the hearing
- Appearing at a High Court trial listed for 3 days concerning an alleged constructive trust of a residential property and negotiated a favourable

compromise on the first day of the trial
- Appearing at an application on behalf of an estate which was facing a claim against its property based on constructive trust
- Representing an estate in litigation and at a successful mediation in respect of proprietary estoppel / constructive trust claims over the deceased's property
- Successfully representing a party both in 3-day trial before the Adjudicator to the Land Registry concerning alleged forgery of contracts and resisting the subsequent appeal to the High Court
- Representing an investor in High Court proceedings concerning a joint venture with a builder for the development of various properties.

Recent advisory work includes:

- Advising on numerous different "real property" cases, including adverse possession claims (i.e. "Squatters' Rights"), rights of way and other easements, property torts (nuisance and trespass), restrictive covenants, options lock outs, pre-emption rights, and disputes between vendors and purchasers over deposits and failures to complete
- Advising on a large number of landlord and tenant law matters relating to forfeiture of leases, business lease extensions, residential property leases, service charge disputes etc.
- Advising on professional negligence cases concerning solicitors, surveyors and others involved in property transactions.

Recent reported cases include:

- *Pretoria Energy Company (Chittering) Ltd v Blankney Estates Ltd* [2022] EWHC 1467 (Ch)
  Contractual intention; certainty of terms; heads of terms; subject to contract agreements; leases; Landlord and Tenant Act 1954
- *Capital Funding One Ltd v Esqulant* [2020] EWHC 981 (QB) Beneficial interests; Charging orders; Co-ownership; Insolvency; Discretion; Intention; Late service; Oral evidence; Permission; Prejudice; Procedural irregularity; Witness statements; Witness summonses
- *Lui v Chong* [2010] EWCA Civ 398 (assents, bare trusts, gifts, intention and beneficial interests)
- *Basinghall Finance PLC v Butler* [2009] EWCA Civ 1262 (mortgages, assignment, securitisation, privity, Consumer Credit)
- *Saxon v Moore* LTL 13/1/05 (real property, land registration, rectification)
- *Wright v Hodgkinson* [2004] EWHC 3091 (Ch), [2005] WTLR 435, LTL 1/11/2004 (equity, undue influence, setting aside gifts)
- *Beckett and another v Houckham and another* [2000] All ER (D) 1608 (land, boundaries, appeals).

TRUSTS, WILLS AND ESTATES

Dov has substantial experience and expertise of disputes (both in England and in other jurisdictions such as Jersey and Belize) concerning trustees' breaches of fiduciary duty and beneficiaries' rights both in relation to traditional formal trusts and in relation to informal constructive or resulting trusts.

Dov has been instructed in a substantial number of contested probate cases which involved issues such as forgery, lack of capacity, and undue influence as well as numerous cases concerning the interpretation and rectification of wills and the Inheritance (Provision for Family and Dependants) Act 1975.

His recent reported cases include *Amstell v Fraser* (2018), a high profile case involving genealogy and probate research firm Fraser & Fraser, which was once featured in BBC television series Heir Hunters. The court ruled in favour of the claimant, finding that the defendant had gained grant of letters of administration on the basis of intestacy despite having been told about the will.

Reported cases include:

- *Capital Funding One Ltd v Esqulant* [2020] EWHC 981 (QB) Beneficial interests; Charging orders; Co-ownership; Insolvency; Discretion; Intention; Late service; Oral evidence; Permission; Prejudice; Procedural irregularity; Witness statements; Witness summonses
- *Amstell v Fraser* (2018) (reported in the national press) (liability of heir hunter for indemnity costs upon revocation of grant of letters of administration)
- *Baxendale-Walker v APL Management Ltd* [2018] EWHC 543 (Ch) (issue estoppel, Henderson v Henderson abuse of process, mistake and breach of powers by Trustee, procedural irregularity)
- *Baxendale-Walker v Bay Trust International Ltd* ChD 19/12/17 (interim injunctions; cross-undertakings; proprietary interests; trustees)
- *Lui v Chong* [2010] EWCA Civ 398 (assents, bare trusts, gifts, intention and beneficial interests)
- *Summers v Kitson* [2006] EWHC 3655 (Ch) (rectification of deeds of appointment)
- *Clement Johnson v Estate of Harrington Johnson* [2006] EWHC 2568 (wills, knowledge and approval)
- *Foster Orr v Colliss* [2005] All ER (D) 26 (Jun) (will rectification, Administration of Justice Act 1982 s.20)
- *Wright v Hodgkinson* [2004] EWHC 3091 (Ch), [2005] WTLR 435, LTL 1/11/2004 (equity, undue influence, setting aside gifts).

COMMUNITY AND PRO BONO

Dov is a member of Radcliffe Chambers' Equality and Diversity Committee.

RECOGNITION

Dov has been recommended as a leading junior by Chambers UK Bar and The Legal 500 UK Bar in three commercial and chancery fields: commercial chancery, commercial litigation and professional negligence. Examples of recent directory comments are as follows:

- *"Dov is an experienced and consummate professional who always goes the extra mile for clients."* (Chancery: Commercial, *Chambers UK Bar 2026*)
- *"Dov is very good on his feet and excellent at the technical detail. He has a good grasp of affairs when faced with a dense amount of information."* (Chancery: Commercial, *Chambers UK Bar 2026*)
- *"Dov is efficient at dealing with things immediately. He also has great technical skills and is a real street fighter."* (Chancery: Commercial, *Chambers UK Bar 2025*)
- *"Dov is superb on his feet and so great on cases that you know will go to trial. He is good to work with and something of a secret weapon at trial."* (Chancery: Commercial, *Chambers UK Bar 2025*)
- *"Excellent on the law, good personality and emotional intelligence. Calm manner in court."* (Commercial Litigation, *Legal 500 UK Bar 2024*)
- *"An absolute pleasure to work with, Dov is attentive, prompt and someone who gives clear advice on a wide range of complex issues."* (Chancery: Commercial, *Chambers UK Bar 2024*)
- *"A very sensible commercial barrister."* (Chancery: Commercial, *Chambers UK Bar 2024*)
- *"Very bright and hardworking."* (Chancery: Commercial, *Chambers UK Bar 2024*)
- *"Dov is always good at providing a practical answer. He works hugely hard and to a high level of ability."* (Chancery: Commercial, *Chambers UK Bar 2023*)
- *"Dov has a wealth of experience, knows the law inside out and shows excellent judgment in advising clients. He can be relied upon to present his client's case in an attractive and effective way, thus achieving the best outcome for them."* (Commercial Litigation, *Legal 500 UK Bar 2023*)
- *"Very good in conference. He's assertive in a very pleasant way."* (Chancery: Commercial, *Chambers UK Bar 2022*)

- "*He is always incredibly well prepared for every scenario and eventuality, able to grasp complex areas of law and procedure, and is a pleasure to work with."* (Commercial Litigation*, Legal 500 UK Bar 2022)*
- *"He is very calm and a very good advocate in mediations – he advances his client's case without overdoing it. He is very realistic and the combination of excellent and focused advocacy, very sound advice and client care gets really good results for his clients. He is very bright and experienced."* (Chancery: Commercial, *Chambers UK Bar 2021*)
- *"He doesn't sit on the fence, he's prepared to give definite advice and then remains consistent – greatly appreciated by clients."* (Commercial Litigation*, Legal 500 UK Bar 2021)*
- *"He is a master tactician, able to steer a course through tricky waters and always with the bigger picture in mind. He works tirelessly. He is the barrister you want to be representing you and not the other side. He is the complete package."* (Chancery: Commercial, *Chambers London Bar 2020*)
- *"Very commercial, calm and reassuring, and a great advocate."* (Commercial Litigation, *The Legal 500 UK Bar 2020*)
- *"He is a skilled tactician and negotiator."* (Professional Negligence, *The Legal 500 UK Bar 2020*)
- *"Lion-like in pursuit of his clients' interests."* (Chancery: Commercial, *Chambers UK Bar 2019*)
- *"Steers a course through tricky waters and always keeps the bigger picture in mind. He makes himself available, and his drafting and advocacy are excellent."* (Commercial Dispute Resolution, *Chambers UK Bar 2019*)
- *"He thinks laterally and creatively to find solutions and achieve his clients' objectives."* (Professional Negligence, *The Legal 500 UK Bar 2019*)
- *"The complete package, his drafting and advocacy is excellent."* (Commercial Litigation, *The Legal 500 UK Bar 2019*)
- *"He always has an eye on the bigger picture, and is incredibly reassuring. His client-care skills are great, and he is very tough." "His cross examination is excellent."* (Commercial Dispute Resolution, *Chambers UK Bar 2018*)
- *"An articulate and eloquent barrister, who has the ability to judge what will happen in a case." "His cross-examination is excellent, and he always sees the bigger picture."* (Chancery: Commercial, *Chambers UK Bar 2018*)
- *"A master tactician, and a tough negotiator, delivering speedy turnaround of paperwork."* (Professional Negligence, *The Legal 500 UK Bar 2017*)
- *"Exceedingly bright, always approachable, a master tactician and a tough negotiator."* (Commercial Litigation, *The Legal 500 UK Bar 2017*)
- *"An experienced barrister with an approachable manner."* (Chancery: Commercial and Commercial Dispute Resolution, *Chambers UK Bar 2017*)
- *"His advice is always crystal clear, well thought out and presented, and easily understood."* (Professional Negligence, *The Legal 500 UK 2016*)

MEMBERSHIPS

- Chancery Bar Association
- Commercial Bar Association

POLICIES AND OTHER DETAILS

- Read Dov's Privacy Notice, Data Protection Policy and Disposal Policy
- VAT Registration Number: 696658658
- Bar Membership Number: 33747