



LUKE WYGAS

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Year of call 2004

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Practice Areas

- Construction
- Information Technology
- Commercial Disputes

Construction

Luke has a degree in engineering from Cambridge which enables him to tackle the most technical and complex aspects of any dispute. Before coming to the Bar, he worked in the construction industry, mainly in the Far East, which gave him a practical understanding of the underlying issues in construction matters. He worked on projects including Asia World Expo in Hong Kong and the Subang Airport in Kuala Lumpur.

Recent experience includes:

- Acting for the contractor in relation to a multi-million pound design and build contract. Issues included the adequacy of the completed plant and the length of the period that the employer could claim damages for.
- Acting for a design and build contractor in relation to the major refurbishment of a prison. Issues included the impact of defects within the building which were not subject to the works and what effect this would have always had on the works carried out.
- Acting for the contractor in a publicly funded major infrastructure project. Issues concerned the adequacy of the pre-tender design and the extent that the contractor could claim damages for matters which were arguably obvious on inspection of the site.
- Instructed in a multi-million pound dispute in relation to building services provided for T5 at Heathrow, procured under an NEC contract. Issues included the cost management of sub-contractors throughout the contract.
- Instructed in an arbitration related to the construction of a major road. Issues included the future impact of defects in the construction undertaken and the real cause of delay to the works.
- Acting for an engineer in relation to a dispute arising from a multi-million pound sea defence project.

Information Technology

Luke is experienced in contentious IT disputes and has an in-depth understanding of the methods used in the development of software having written software for the qualification of lenders' claims and the management of documents in large scale litigation.

Recent experience includes:

- Acting in a £1.2billion arbitration in relation to the provision of one of the largest pieces of software ever envisaged. Matters include the true nature of the design, changes in scope and complex issue in relation to delay.
- Acting in a \$100million dispute in relation to the provision of wireless communication technology in preparation for the Olympics.
- Acting in a dispute concerning the provision of educational software and related communications hardware. Issues included the adequacy of the integration with legacy systems and the impact on the system of the changing scope of the customer's requirements.
- Acting in a dispute concerning the provision of international billing software. Issues included the capacity of the software to process the relevant number of simultaneous transactions.
- Acting in a dispute relating to the provision and management of telephone services. Issues included the scope of the agreement between the parties and the ability of the customer to terminate the contract, in whole or in part.

Commercial

Luke is recommended in Chambers & Partners directory in commercial dispute resolution. He has a wide range of experience which includes company matters concerning winding up, insolvency, jurisdictional issues and cross border agreements and deals with insurance disputes concerning such matters as policy coverage, non-disclosure, misrepresentation, fraud and subrogation.

Recent experience includes:

- Acting in a £7 million dispute concerning alleged fraudulent financial transactions relating to the securitisation of mortgage portfolios.
- Acting in a dispute concerning the provision of services required by a television production studio across various international borders.
- Acting in a dispute concerning the rights over and costs incurred in the filming and production of a major motion picture. The case involved issues of whether the liabilities of the production company would be transferred to distribution and marketing companies.
- Acting on behalf of a company in a dispute concerning an outsourcing contract. The dispute concerned the foreseeability of the losses suffered and the recoverability of losses resulting from third parties' decisions.
- Acting for a global IT Association in relation to the alleged theft of intellectual property. Issues included not only the return of the IP, but also obtaining an account of the profits which had been obtained from its use.