

ANDREW EASTGATE

Mediation experience

As a corporate finance lawyer, Andrew has been leading and advising on the negotiation of deals for more than 20 years. Accredited by CEDR in 2004, he has been conducting mediations since 2005. Andrew was a corporate finance partner in Pinsents for nearly 20 years. He left the profession in 2004 and now combines his mediation practice with his involvement as a non- executive director of a former client company.

Whilst disputes between shareholders and those arising out of company acquisitions fall within Andrew's specialist area, the majority of his mediations involve a range of commercial and contractual disputes.

Specialist areas and recent mediations

Corporate

- Completion accounts dispute after sale of building products company
- Warranty claim following investment in US technology company
- Dispute between UK and German 50/50 shareholders in UK packaging joint venture
- Claim under consultancy agreement entered into on sale of business
- Warranty claim relating to sale of marketing company, with counterclaim for deferred consideration
- Claim under director's guarantees
- Mediation on level of damages on claim by IT company against former employees relating to setting up of competing business
- Director's breach of duty

General contract and commercial

- Claims under Commercial Agents Regulations
- Claim for termination of fixed term distribution agreement relating to foodstuffs
- Warranty claim on supply of engineering equipment installed by purchaser at third party premises with counterclaim for unpaid final payment
- Action for professional fees by architects firm against educational body, with issues of limitation
- Interpretation of termination clause in long term trade mark licence
- Action on sale contract with third party claim against agent for breach of authority
- Claim against bailee of goods
- Action for recovery of monies paid under a mistake
- Damages claim relating to bulk supply of carpet fitted by third party in national chain of hotels
- Dispute arising on the termination of a European software distribution licence

Miscellaneous

Andrew has regularly mediated other types of dispute which are usually referred by solicitors with experience of Andrew's mediation style. Examples include

- Claim for harassment against a major bank
- Solicitor's negligence
- Probate disputes
- Significant boundary disputes

Personal style

Andrew's style is calm and straightforward. He manages a process which enables the parties to negotiate realistically with a view to achieving a position where they can make a choice.

Feedback

- Ü 'quickly builds rapport and uses this trust to encourage them to take a commercially realistic approach'
 - Ü 'doesn't give up but keeps working hard to achieve a settlement even when one looks unlikely'
 - Ü 'calm professional approach'
 - Ü 'concentrated minds on the real issues'
 - Ü 'brings a positive element to the mediation whilst being realistic about the formation of a potential settlement'
 - Ü 'his persistence was a key factor in a deal being done'
 - Ü 'enabled dialogue to continue, resulting in a settlement at a time when all options appeared to have been exhausted'
- Ü 'The net effect was that a settlement was achieved in a case which, if I am honest, my counterpart and I did not think would settle.'**