

London Calling: What Italians Need To Know About English Litigation

Italian businesses, public authorities and high net worth individuals navigating London's courts today face high stakes. From the recent well-publicized but unsuccessful fraud claims brought by Luca Cordero di Montezemolo and his son, Matteo, to claims by banks against Italian public authorities seeking to enforce substantial liabilities under financial derivatives, members of the Italian business community have a growing need to understand what it takes to succeed in English litigation, and how to avoid the pitfalls.

In recent years, around three-quarters of the cases handled by London's Commercial Court have involved at least one foreign party. Notwithstanding Brexit, it remains one of the world's leading forums for resolving international commercial disputes. And as shown by high-profile cases such as Cimolai's restructuring plan approval in 2023, or Raffaele Mincione's successful defence last year of the fraud claims brought against him by the Holy See, Italian parties continue to find themselves, either by choice or necessity, appearing before the English courts.

For Italian legal teams accustomed to civil law procedures, the English system presents both powerful opportunities and dangerous (and potentially expensive) traps. Potential litigants should learn the key aspects of this system.

I. The English approach

While both countries' legal systems are fundamentally adversarial – parties investigate their own cases and present their arguments – English courts exercise far broader discretion in case management than their Italian counterparts. Judges set deadlines, manage procedural decisions and keep cases moving.

This flexibility is double-edged. On the one hand, it allows courts to tailor procedures to each case, potentially accelerating resolution. On the other, it reduces predictability compared to Italy's more rigid procedural framework. Even straightforward commercial cases typically take 18 months or longer to reach trial in England, although this still compares favourably with Italy.

Some recent examples

Raffaele Mincione's case concerned allegations of fraud, dishonesty and conspiracy made by the Vatican against him in relation to the sale and purchase of the former Harrods Depository Building on London's Sloane Avenue in 2018. In 2025, the Court confirmed the validity and lawfulness of the transaction and rejected the Vatican's allegations.

The **Montezemolo family's case** concerned their allegations of fraud against a financial adviser, XY ERS UK Ltd. Based on XY's advice, the family had invested, via a Luxembourg Reserved Alternative Investment Fund, in various structured products. Following significant market falls caused by the Covid-19 pandemic, the family suffered substantial losses. They alleged various causes of action. However, their claims were dismissed in 2025, with the Court holding that they had understood the essential risks which the products entailed and had not been fraudulently misled.

II. Six important features that will impact your case

1. Disclosure

This is often the first, and one of the most important, areas where international litigants get blindsided. English disclosure obligations dwarf anything encountered in Italian civil proceedings. You must usually preserve, search for and hand over relevant documents within your control, including those that damage your position.

This obligation is continuing, meaning it lasts until proceedings conclude. In complex litigation, expect to produce and receive tens or even hundreds of thousands of documents. Electronic tools and artificial intelligence are now routinely deployed to help manage the volume of documents which must be searched and to identify relevant documents, but the process remains a major (and costly) part of any litigation timetable.

In Italy, broadly and by contrast, a party can only be compelled to produce documents if the opponent proves production is the sole means of obtaining them and specifies exactly what facts they will establish. This makes disclosure rare.

In practice, in England, one key requirement is that potentially relevant documents (both hard copy and electronic) must be preserved. Failure to do so (or worse, causing them to be destroyed) may result in adverse inferences being drawn against the defaulting party and risk sanctions by the court.

Professional ethical standards in the English legal profession are generally high, so concerns about opponents' compliance with their disclosure obligations are rare. The 'cards-on-the-table' approach also promotes transparency, reduces trial ambushes, and often encourages early settlement when parties see the strength (or weakness) of their positions.

2. Legal costs

Legal fees in London generally exceed Italian rates. While London is not alone in this regard, the sums at stake often require parties to engage in careful financial planning.

The UK's mature litigation funding market offers a variety of solutions that may assist parties to meet such costs. A typical fact pattern would involve a third-party funder agreeing to pay a claimant's legal fees in exchange for a share of any recovery. After-the-event insurance can protect against adverse costs orders. Finally, lawyers themselves may agree for their remuneration to be conditional on the outcome in certain circumstances. In any event, litigants in

England will typically recover 50-80% of their costs if they prevail; in Italy, statutory parameters apply.

If funding or insurance are going to be necessary, parties should explore their options early. If you are a claimant outside the UK or face solvency concerns, you should expect defendants to seek security for costs (so that you would be required to pay money into court to cover the defendant's costs recovery if you lose). Where relevant, these costs should be factored into a litigation budget from Day One.

3. Cross-examination

By the time that a trial takes place, the parties will have exchanged written witness statements. At the trial, counsel will cross-examine the parties' witnesses to undermine their credibility, challenge their recollection and expose inconsistencies.

While seldom as dramatic as Hollywood courtroom scenes, effective cross-examination can determine the outcome or even trigger settlement before trial concludes. This is radically different from Italy, where witnesses answer pre-approved questions through the judge, and lawyers cannot directly cross-examine.

Courts routinely accommodate non-English speakers with interpreters. Even witnesses who could testify in English should consider whether their evidence would be more effective in their native language, particularly if English is their third or fourth language.

Identify and speak to witnesses early and determine the strengths and weaknesses of their expected testimony. Witness training is allowed (within certain parameters) and helps prepare them for the experience of giving evidence. Decide early whether remote testimony may be appropriate but be prepared for in-person attendance at trial.

4. Open justice

Italian civil hearings are generally private. English proceedings are presumptively open to the public.

Copies of statements of case can usually be obtained by third parties without the court's permission once certain procedural steps are taken. Judgments are handed down publicly. Other documents may be accessed with permission. A pilot scheme in the Commercial Court now gives non-parties online access to public domain trial documents, including skeleton arguments and witness statements.

Open justice is a central tenet of English justice; it also has strategic implications. Competitors, journalists, politicians, prosecutors, regulators and the general public may review your case materials and seek to debate them in public fora.

Draft every document assuming it will be read widely and leverage this transparency strategically. Public proceedings can incentivise settlement when parties want to avoid scrutiny. For genuinely confidential information, seek the court's permission for a confidentiality ring limiting who can access specific documents.

5. Interim remedies

English courts have powerful interim remedy tools. Freezing orders can lock down a party's assets, preventing disposal or dissipation pending judgment. This is critical in fraud cases, where assets might otherwise vanish.

Unlike in Italy, English courts can also dismiss cases before a full trial through summary judgment applications. This can dramatically shorten litigation and reduce costs in appropriate circumstances.

If you are pursuing a fraud claim or face a defendant with asset dissipation risk, investigate freezing orders immediately. These applications often succeed or fail based on speed and surprise. Conversely, if you are defending, understand that English procedure offers early strike-out opportunities that do not exist in Italian litigation.

6. Enforcement

Judgment debtors must usually pay within 14 days. There are no automatic stays pending appeal. If you win at first instance, you can enforce immediately even if the defendant seeks permission to appeal.

English courts offer extensive enforcement tools: third-party debt orders requiring banks to pay account balances directly to you, orders to seize and sell goods or property, receivership appointments and asset disclosure orders. English judgments are generally recognised and enforceable in numerous jurisdictions internationally, including EU member states, Commonwealth countries, the United States and major financial hubs like the Dubai International Financial Centre.

Develop your enforcement strategy from the outset, before proceedings even begin. Identify potential assets, consider the international recognition implications, and budget for post-judgment enforcement proceedings.

III. Building the right team

English litigation requires two types of lawyers: solicitors (who manage cases from law firms) and barristers (self-employed advocates who present cases in court).

In commercial matters, solicitors typically instruct barristers for hearings. Barristers charge (often) substantial fixed fees (so-called "brief" fees) to prepare for hearings, but usually have lower hourly rates and bring deep legal expertise and skills that are indispensable in court.

IV. The bottom line

English litigation is expensive and public. It demands meticulous preparation and offers powerful disclosure and enforcement tools.

As English law remains a preferred choice for international contracts, Italian businesses will continue to find themselves litigating in London. With proper planning, early document

preservation, realistic budgeting and advisers who understand both systems, your business can also leverage London's courts as a powerful tool for protecting and advancing your commercial interests.

If you have any questions about the issues addressed in this memorandum, or if you would like a copy of any of the materials mentioned in it, please do not hesitate to reach out to:



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