

## Peter Bull – Aviation Expert, Advisor and Mediator

### Introduction

Peter has worked in the aviation industry for more than 40 years, starting as an Aircraft Apprentice and progressing through various technical, management, executive director and advisory board roles. He has a unique mix of business, commercial, operational and technical expertise and has provided expert witness evidence at the highest levels from International Arbitration and the London High Court to The Hague.

He has been instructed on behalf of both the claimant, defendant and also as a single joint expert. In addition to giving written and oral evidence he has provided input to CPR Part 36 offers, Part 18 requests, e-disclosure, litigation risk assessments, attended mediations, expert meetings and prepared joint statements.

He has completed the full (1 year) Cardiff University Law School / Bond Solon expert witness program including written examinations in civil law and procedures plus independent assessment of written evidence and performance under cross-examination.

Peter's broad understanding of the aviation industry, coupled with his claims experience as an Aviation Loss Adjuster and expert witness, has made him equally in demand as an expert advisor. This is especially so in complex disputes involving multiple heads of claim where he can bring clarity to issues such as the factual and counterfactual scenarios, causation, mitigation, the nature and quantum of a claim, what supporting evidence is required and its likely source. His early involvement in a dispute can prove invaluable in assisting counsel assess the merits of a case, help with the selection of suitable experts and their scope of instruction. His experience is increasingly being sought by Insureds and Loss Payees to assist with the presentation and negotiation of complex aircraft and engine insurance claims.

Peter has also been a CEDR accredited mediator since 2011 and specialises in aviation disputes within his areas of expertise which allows him to immediately engage with the parties at their level of industry, technical or commercial knowledge. This ability to fully understand the issues in dispute and deal immediately with the detail where necessary, typically allows the parties to quickly get to the heart of the matter and so increase the likelihood of reaching a settlement.

### Areas of expertise

Peter specialises in disputes involving the management, planning, operation and maintenance of aircraft which includes:

- Maintenance, repair and overhaul including regulation, quality, practices and contractual arrangements.
- Continuing airworthiness management and regulation.
- Aircraft operations and ground handling.
- Aircraft accidents and incidents.
- Aircraft and engine operating leasing.
- Aircraft wet leasing and charter.
- Aviation hull insurance.
- Aircraft part-out and salvage.
- Aircraft financing.
- Private equity and aviation investment.
- Aircraft asset management.

This includes disputes arising from:

- Aircraft damage, delay or grounding, resulting in loss of use and loss of profits.
- Aircraft and engine maintenance, repair, modifications, engineering (including accidents and maintenance errors) and the associated contractual arrangements.
- The acquisition, sale and transfer of aircraft including engines and spares.
- Aircraft and engine leasing including asset assurance inspections, aircraft delivery, redelivery and repossessions.
- Aviation hull insurance and warranty claims.
- Airworthiness and aircraft technical records including loss of or reconstruction of records.
- Commercial / technical due diligence involving the sale or acquisition of related aviation businesses.
- Business plans, implementation and failures or failure to meet performance targets, covenants etc.

### Academic and professional qualifications summary

- Master of Science Degree (MSc), Air Transport Management, Cranfield University. His elective subjects were airline fleet planning / aircraft acquisition management and airline marketing and his thesis analysed the actual cost to the lessee of the variables negotiated in an aircraft operating lease over the full term of the agreement. It won the award for Best Thesis 2006.
- Master of Business Administration Degree (MBA), University of South Wales, sponsored by British Airways. His elective subject was business planning for start-ups and his thesis studied the relevance of strategic planning models in unstable business environments.
- European Aviation Safety Agency (EASA), multi-licenced (Categories A, B1 and C) multi-type rated aircraft engineer on both helicopters and fixed wing aircraft.
- Qualified private pilot for 15 years.
- Completion of the Cardiff University Law School / Bond Solon expert witness program including written examinations in civil law and procedures plus independent assessment of written evidence and performance under cross-examination using video.
- Accredited Mediator - Centre for Effective Dispute Resolution (CEDR).

### Professional accreditations summary

- Fellow, Royal Aeronautical Society.
- Fellow, Institute of Directors.
- Fellow, Chartered Management Institute and a Chartered Manager.
- Expert Witness Institute, UK Register of Expert Witnesses and National Expert Witness Agency member.
- Incorporated Engineer, UK Engineering Council.
- Approved by the UK Civil Aviation Authority as 'Accountable Manager' for a Continuing Airworthiness Management Organisation (CAMO) and post holder for a Part 145 aircraft maintenance facility.

### Examples of instruction as an expert witness

- Instructed by an aircraft lessor in a dispute heard in the London High Court, centred on the repossession of a Boeing 737-800 aircraft, involving non-compliance with multiple lease redelivery conditions. Peter gave evidence regarding causation, mitigation and quantum on matters such as the compliance of various aircraft modifications with FAR Part 121, the scope and cost of the C check, the engine performance restoration workscope, engine MTBR calculations, the APU overhaul costs, the cost of cabin refurbishment, aircraft painting criteria and component clearance periods. He also provided opinion on the cost to recover the aircraft and the end of lease compensation. Peter produced a 70,000 word report with the trial scheduled for later in 2023.

- Instructed by an Asian Aircraft Asset Manager to assess a claim for damage to two CFM56-5B engines arising from incorrect storage and preservation procedures. Peter carried out a detailed assessment of the circumstances surrounding the loss, the parties involved and their responsibilities including the processes that should have been followed. The dispute is ongoing.
- Instructed by a large aircraft lessor, in a dispute heard in the London High Court, involving the lease of four Airbus A320 aircraft where the lessee failed to accept delivery due to alleged material deviations as defined in the lease agreement. Peter gave evidence on various aviation industry, technical, commercial and regulatory matters. This ranged from interpretation of the term 'material' from an industry perspective and whether the structural repairs and aircraft documentation were in compliance with EASA regulations, through to the impact of Covid 19 delays on maintenance and operations. He produced full and supplemental reports totalling approximately 80,000 words and was cross examined by both senior and junior counsel over a two-day period.
- Instructed by an Asian flag carrier in a dispute with an international supplier of aircraft seats, heard in the London High Court, arising from alleged material defects and certification issues. This resulted in the grounding of 6 of the claimant's aircraft, including 5 new Airbus A330s, for approximately 18 months. Peter prepared preliminary, full and supplemental reports dealing with causation, mitigation and quantum. He provided both written and oral evidence on matters such as demand for air travel, aircraft acquisition, leasing of replacement aircraft, maintenance and engineering costs, aircraft storage, ferry flights and parts procurement. Peter's report also addressed the decision making of the claimant's board of directors, deployment of its staff, recertification of parts and the cost impact of applicable Airworthiness Directives.
- Expert witness, appointed by the defendant (a sovereign state) in a US \$1.2 billion dispute involving a failed aircraft operator, heard in the ICSID in Washington. Peter's written and oral evidence addressed a broad range of issues ranging from an assessment of the claimant's business plan, decision making and fleet plans to aircraft utilisation, operating leasing, charter arrangements, maintenance activities and passenger demand.
- Expert witness, instructed by a Sovereign State, in a large International Claims Tribunal heard in The Hague, arising from international sanctions impacting various fixed wing aircraft, helicopters, ground support equipment and aircraft spares. Peter provided expert opinion on the classification, use and maintenance status of the various aircraft and associated spares. He also addressed the technical factors underlying the asset values.
- Single joint expert in a London High Court dispute between a European flag carrier and a large international airport involving damage sustained to an engine fitted to one of the claimant's aircraft. Peter provided expert opinion on causation and quantum including an assessment of the engine shop visit workscope, the separation of incident and non-incident related damage in the context of the engine maintenance program, relevant commercial contracts and the dispute. His report also addressed matters such as the type and value of the replacement parts utilised and betterment calculations arising from the repairs. The parties settled on receipt of Peter's report.
- Expert witness, appointed by various European aviation investors as claimant, in a case brought before the Yokohama District Court, against an aircraft interiors equipment manufacturer, relating to defective products. Peter provided expert evidence on matters such as the technical, commercial and regulatory impact of the defective equipment including the market for the four affected aircraft.
- Instructed by the defendant, a Latin American airline, as the aviation expert in a dispute heard in the United States District Court of Illinois, involving the technical delivery conditions of various Boeing and Airbus aircraft purchased by the airline. The case settled through negotiation, on completion of the aircraft inspections.

- Expert witness in a London High Court dispute brought by the investors of a failed aircraft operator against the company's directors. Peter provided expert opinion on alleged industry inaccuracies in their original business plan such as aircraft utilisation and maintenance cost assumptions.

### Examples of instruction as an expert advisor

- Instructed by an aircraft lessor, in relation to a London High Court dispute with one of its lessees, which focused on whether the aircraft met the lease redelivery conditions. Peter conducted a detailed assessment of many hundreds of aircraft discrepancies and worked with counsel to produce the particulars of claim and the response. He was also heavily involved in the Part 18 requests, Part 36 offers, open offers, disclosure and was ultimately part of the mediation team where a settlement agreement was reached in favour of his client.
- Instructed as expert advisor by a large flag carrier, to assess damages arising from the grounding of its Boeing 737 Max aircraft, which included approximately 30 aircraft both delivered and on order. Peter worked with the various departments within the airline over a six-month period and produced a detailed assessment of quantum involving approximately 50 different heads of claim. He advised the senior management team on both the settlement amount and negotiation strategy with Boeing and presented his findings to the country's Minister of Transport and Minister for Tourism.
- Instructed by the administrators of a European airline under bankruptcy protection, to advise on a US \$75 million claim brought by its major creditor for breach of contract involving 5 wet leased aircraft. Peter assessed and modelled the likely quantum under various scenarios and worked with the airline and its administrators to present and negotiate a settlement with the claimant.
- Instructed by aviation insurers as an expert advisor to carry out an independent assessment of the technical and operational matters surrounding a high-profile fatal aircraft accident. Peter advised on a broad range of issues including the findings of the official accident investigation, maintenance practices, aircraft systems, failure scenarios, contributory factors, accident site footage etc.
- Instructed as expert advisor by the lessor of a wide-body freighter aircraft extensively damaged and subsequently grounded in the Middle East. Peter independently modelled and produced detailed particulars of claim and then worked with the lessee, the loss adjuster plus the insurance and reinsurance brokers to reach a cash in lieu repairs settlement which was acceptable to all parties.
- Instructed as expert advisor to a low cost Asian airline, during a dispute with its engineering and maintenance provider, heard in the Singapore International Arbitration Centre (SIAC). Peter advised the claimant's legal teams in Europe and Asia on matters ranging from appointment of experts, industry practices, the assessment and presentation of damages through to challenging the causation, mitigation and quantum elements of the respondent's counter claim. He was subsequently appointed by the airline's board to negotiate directly with the defendant during commercial settlement discussions.
- Expert advisor to a large Latin American helicopter operator and its lessor, in a dispute surrounding whether the extent of physical damage sustained to one of its new EC225 Super Puma helicopters should result in the aircraft being declared a Constructive Total Loss (CTL). Peter worked with the aircraft manufacturer and operator to calculate the likely repairs necessary, and the impact of the loss on the claimant's business, before successfully negotiating directly with lead reinsurers for the aircraft to be declared a CTL.

- Instructed as expert advisor by the claimant, in a London High Court dispute, arising from the maintenance, operation and subsequent grounding of a large corporate jet. Peter worked with instructing solicitors and leading counsel on a broad range of activities from drafting the particulars of claim and Part 18 requests to maintenance and operational contractual issues, continuing airworthiness, aircraft valuations and aviation industry practices.
- Expert advisor in a loss of use / consequential loss claim brought by a large Middle Eastern corporate jet operator as a result of ground damage sustained to its aircraft. Peter's role included an assessment and presentation of consequential losses plus leading technical and commercial negotiations with the other party's technical team to achieve a commercial settlement.
- Expert advisor to a European government and its national airline in a dispute arising from the extended grounding of one of its Boeing aircraft due to international sanctions. Peter assessed and quantified the total cost and activities required to return the aircraft to service.
- Expert advisor in a consequential loss claim brought by a Middle East flag carrier against a leading Scandinavian airport, surrounding alleged damage to, and the grounding of, a Boeing widebody aircraft. Peter provided technical and operational expert input as part of the subrogation action; produced various technical reports regarding repair costs, loss of use calculations and sub chartering costs.
- Expert advisor instructed by investors during litigation following the collapse of a leading Latin American Airline, heard in the New York Supreme Court. His role included industry and technical support during numerous days of depositions of the board of directors, assessing various aircraft lease and maintenance contracts and considering the impact on the business.

### Examples of instruction as a Mediator

- Appointed as mediator in a high profile London High Court dispute, focusing on quantum, arising from an aircraft accident which resulted in multiple fatalities and subsequently led to the long-term grounding of the subject aircraft type. The issues in dispute ranged from aircraft valuation methodologies to passenger compensation and involved parties from Germany, the US and UK. The parties agreed and signed a settlement agreement on the day of mediation.
- Mediator in a London High Court dispute between the Directors and owners of a business. The mediation focused on the rights of the various parties to different areas of the business and associated assets.

## Career summary

Position	Company	Dates
Managing Director	Horizon Aerospace	2012 - present
Executive Director	Hyphen Holdings*	2019 - 2023
Executive Director	Ampersand Leasing One*	2019 - 2023
Advisory Board Member	Milestone Aviation Group	2013 - 2015
Group Director, Aviation Risk and Asset Management	Airclaims Group	2007 - 2012
Director of Willis Aerospace Services, Willis Global Aviation	Willis Group plc.	2001 - 2007
Aviation Loss Adjuster / Technical Manager Consulting	Airclaims Group	1996 - 2001
Aircraft Production Group Leader	British Airways plc	1992 - 1996
Senior Licenced Aircraft Engineer (Leasing Coordinator)	Air Lanka	1991 - 1992
Duty Aircraft Engineer	Air Europe	1989 - 1991
Maintenance Supervisor	Paramount Airways	1988 - 1989
Licenced Aircraft Engineer	British Midland	1987 - 1988
Aircraft Apprentice / Aircraft Technician	HM Forces - Army	1980 - 1987

\* A joint venture between Rolls-Royce and a Swiss investment bank involved in aircraft engine leasing.

## Summary of professional experience

Peter is currently Managing Director of Horizon Aerospace which provides a range of aviation consulting, dispute resolution, litigation support and advisory services. In addition to his expert witness and advisory roles, examples of his work include:

- Executive Director on both the holding company and leasing entity of an aircraft engine lessor, which is a joint venture between Rolls-Royce and a Swiss investment bank, with a US \$200 million portfolio of large commercial aircraft engines.
- Advisory Board Member with Milestone Aviation Group, the largest helicopter lessor in the world, prior to its acquisition by General Electric.
- A 6 year contract with various large German investment funds, as Advisor and Project Manager, during the end of lease redelivery of the first 4 Airbus A380s from Singapore Airlines, the first two A380s from Air France and various B777-300ERs from Emirates Airline. This involved extensive interpretation and negotiation of lease agreement wording, particularly redelivery conditions.
- Advisory Board member with AirVault, a cloud based aircraft records management business in America which was subsequently acquired by GE.
- Advisor to the family office of the former ruler of a Middle Eastern country, during the sale of two Boeing 747 Head of State aircraft and associated spare engines, parts, equipment and hangar facilities.
- A 6 month contract, training the Asset Manager of a large European aviation investment fund, involving aircraft and technical records inspections, lease returns and drafting the internal asset management procedures.

Prior to Horizon, Peter was with Airclaims, one of the leading Aviation Loss Adjusting and Consulting businesses in the world with offices in 19 different countries. He was an Executive Director on both the Airclaims Limited and Airclaims Group boards, responsible for the aviation risk and aircraft asset management business worldwide.

He oversaw a broad range of client services including due diligence, asset monitoring, maintenance management, aircraft deliveries / redeliveries, repossessions and valuations plus aircraft sales and acquisitions; including both helicopters and fixed wing aircraft. The division had long term contracts with some of the largest names in the business including GE Capital and Airbus Asset Management.

He took Airclaims into Airworthiness Management, gaining approval from the European, Bermudan and Cayman Aviation Authorities to manage the airworthiness of more than 40 different aircraft types and variants. Peter was the 'Accountable Manager' to the UK Civil Aviation Authority for those services.

He joined Airclaims from Willis where he was Director of Willis Aerospace Services, the Risk Management and Industry Consulting arm of Willis Global Aviation. Peter designed, marketed and led a broad range of aviation due diligence studies, risk assessments and audits of airlines, airports, ground handling companies and maintenance facilities worldwide. He also worked with these organisations to improve corporate governance, business performance and mitigate risk.

He advised airlines and their shareholders on issues such as strategy, business planning, fleet restructuring and aircraft acquisition, supporting the management teams during lease and maintenance contract negotiations. He also advised the claims team and Willis' aviation clients regarding the more complex technical and commercial loss of use / consequential damage type claims.

Before returning to join the board, Peter had earlier spent 5 years at Airclaims, where he joined as an Aviation Loss Adjuster handling a broad range of hull, loss of use, repossession and product claims in Europe, Africa and the Middle East. This included claims for repair costs, loss of profit and loss of value. He also provided technical and industry advice to aviation underwriters in subrogation action during the recovery of claims from third parties.

He was subsequently promoted to Technical Manager, Consulting Services at Airclaims, forming part of the largest aircraft appraisal and consulting team in the world, leading a wide range of technical due diligence, litigation support and risk assessments of airlines and operators. He completed due-diligence studies of aircraft manufacturers, aircraft lessors, maintenance facilities and aircraft operators. He participated in aircraft, engine, spares and equipment valuations including aircraft and technical records surveys. The role also included undertaking and managing various aircraft pre-purchase, mid-lease inspections and disposals on behalf of investors and financiers. During this time Peter became heavily involved in aircraft leasing, acting as lead consultant during numerous aircraft lease transactions from wide-body sale and lease back deals to turboprop, executive jet and helicopter lease agreements.

Peter originally came from the airline industry, having worked for 5 different airlines from a small UK start-up to large international carriers. He held a range of senior positions including Duty Engineer, Aircraft Leasing Coordinator for an Asian flag carrier and Production Group Leader at British Airways' heavy maintenance facility, employing hundreds of engineers and technicians. He was responsible for three bays of wide-body aircraft maintenance plus the associated workshops, supported by a team of technical managers and team leaders; he managed some of the largest maintenance checks in the world. He has a detailed understanding of maintenance contracts, practices, planning, costing and the various EASA and FAA technical regulatory requirements.

He started his career as an aircraft engineering apprentice and spent over 7 years in the British Army, before qualifying as a UK Civil Aviation Authority licenced aircraft engineer on both helicopters and fixed wing aircraft. He went on to hold approvals to supervise and certify maintenance on a variety of different aircraft types from small turboprop aircraft to the Boeing 747. Peter has considerable international exposure conducting business in more than 50 different countries including a total of 4 years based in Hong Kong, Sri Lanka and Brunei.