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## Daniel Lightman KC

Year of Silk: 2016 Year of Call: 1995

*"Daniel Lightman always seeks to find solutions to issues. He does creative and clever work... A man with a brilliant mind... Commercially aware and very astute, he's a team player whom it's a pleasure to work with": Chambers & Partners, 2024.*

*"Daniel is a master of litigation strategy. His attention to detail and strategic nous are excellent... he is tenacious as an advocate, and judges instantly respect him for his obvious legal and analytical strength in depth... He has an extremely able mind and is often able to see the wood for the trees when others cannot": The Legal 500, 2024.*

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## Practice Overview

As part of a broad Chancery-Commercial practice, Daniel Lightman KC often engages with challenging and novel issues of law and civil procedure, in particular concerning shareholder disputes (he has appeared in a number of landmark unfair prejudice petitions and derivative claims), company law (including in matrimonial proceedings), insolvency, civil fraud, breach of fiduciary duty and professional negligence.

He is a co-author of two leading practitioner text books, contributing two chapters (on derivative claims and unfair prejudice petitions) to Joffe et al., *Minority Shareholders: Law, Practice & Procedure* (OUP, 7<sup>th</sup> Ed, 2024) and chapters 12 (duties & liabilities of administrators), 13 (duties & liabilities of receivers) & 29 (court receivers appointed by the court) to Lightman & Moss, *The Law of Receivers and Administrators of Companies* (6<sup>th</sup> Ed, 2017). Other recent publications include: 'The light at the end of the tunnel and the last throw of the die: liquidators' claims against former directors following Sequana' (International Insolvency & Restructuring Report 2023-24, pp 11-14), 'Pleading Issues: Pick Your Battles' (NLJ, 27 January 2023), 'Unparalleled Circumstances' (NLJ, 31 July 2020), 'Restricting Evidence and Cross-Examination' (NLJ, 3 July 2020) and 'One Way Bets and Straining at Gnats: Fixing a Fair Valuation Date in Unfair Prejudice Petitions' (BJIBFL, Dec 2018, pp 678-681).



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## Areas of Expertise

### Civil Fraud

*In re BHS Group Ltd (in liquidation)* [2024] 1 BCLC 71: represent Mr Chandler, one of the former directors of the BHS group of companies, in proceedings brought by the liquidators for alleged breach of duty and wrongful trading. In an important judgment ([2024] 1 BCLC 71) allowing Mr Chandler's appeal against the decision of Deputy ICC Judge Schaffer (*Re BHS Group Ltd* [2022] 2 BCLC 145; [2022] BCC 457), Edwin Johnson J reaffirmed that causation and quantum are essential elements of a cause of action under section 214 of the Insolvency Act 1986, as they are for breach of duty claims under section 212, and that it is essential for liquidators to plead these elements. Further, given the scale of the claims and complexity of the BHS litigation, Edwin Johnson J held, it is not acceptable for a case on the date of knowledge for the purposes of a claim under section 214 to be left "at large" on the pleadings. A specific date or dates must be identified – and it is "essential that the relevant pleading identifies what the case is on causation and quantum for each of the alternative dates relied upon as the Knowledge Date". Please click [here](#) to read the judgment of Edwin Johnson J in *In re BHS Group Ltd (in liquidation)* [2024] 1 BCLC 71 and [here](#) for an article by Daniel Lightman KC and Charlotte Beynon in the New Law Journal considering this judgment. Edwin Johnson J's judgment ordering the liquidators to pay Mr Chandler's costs, to be subject to an immediate detailed assessment as well as an interim payment of 60%, is reported at [2023] Costs LR 69.

*King v Stiefel* [2022] 1 All ER (Comm) 990; The Times, June 4, 2021: represented a firm of solicitors and

four of its lawyers, five of ten defendants to a £58 million claim in unlawful means conspiracy brought in the Commercial Court by the claimants to previous (discontinued) litigation against the same defendants, their solicitors and QC. Successfully applied to strike out the claim - a rare example of a court striking out a fraud claim. Cockerill J addressed a number of significant legal and procedural issues, including whether the CPR require a defendant to file a defence before applying for summary judgment (the Judge found that they don't), the purposes and requirements of a pleading (in particular when pleading fraud), that abuse of process can arise where the relevant issue could have been raised during a costs assessment in relation to previous proceedings and that (save in relation to actions for negligence) an advocate's immunity from suit has not been abolished. Please click [here](#) to view the judgment of Cockerill J. Subsequently, Jacobs J ([2023] PNLR 18; [2023] Costs LR 559) considered the requirements for a wasted costs application to pass the "stage 1" test under CPR PD 46, para.5.7(a).

*Christoforou v Christoforou* [2020] EWHC 1196 (Ch): represented the claimant, who claimed that a London property was held on trust for him pursuant to a common intention construction trust, in a successful application to strike out allegations of dishonesty, fraud, and illegality from the defendants' Amended Defence and to exclude those allegations from consideration (and cross-examination) at trial. Please click [here](#) to view the judgment of HH Judge Eyre QC (sitting as a High Court Judge) (now Eyre J), and [here](#) for 'Restricting Evidence and Cross-Examination', an article by Daniel Lightman KC and Stephanie Thompson in the New Law Journal considering this judgment.

*Munday v Hilburn* [2015] BPIR 684: represented the appellants in their successful appeal against the striking out of their fraud claim as an abuse of process, the lower court having struck out their claim on the basis that when the claim was issued the cause of action was vested not in Mr Munday but in his trustee in bankruptcy. In allowing their appeal, Nugee J held that an abuse of process requires not merely that the claimant ought to have known that he did not have a cause of action but that he had actual knowledge of the lack of title to sue. Please click [here](#) to view the judgment of Nugee J.

*Mahdavi v Sterling Avram and Healys LLP*: represented the claimant, the victim of a fraudulent phantom sale of a property, in claims against both the purported vendor's and the purchaser's solicitors for breach of duty in failing to prevent a fraudulent transfer of a substantial sum, transferred by one solicitors' firm to another for the purpose of the purchase of a property but which were misappropriated by being paid out to third parties by a fraudster working as a consultant at the purported purchaser's law firm. Norris J ([2014] EWHC 4103 (Ch)) directed that the purported vendor's solicitors pay over to the claimant sums recovered through the banking system.

*HRH Prince Abdulaziz Bin Mishal Bin Abdulaziz Al Saud v Apex Global Management Ltd* [2015] 2 All ER 206, [2015] 1 All ER (Comm) 1183, [2014] 1 WLR 4495, The Times, December 8, 2014: represented the respondents in the Supreme Court (and before that the High Court and the Court of Appeal) successfully opposing an appeal by a Saudi Arabian Prince against the dismissal by the Court of Appeal ([2014] EWCA Civ 1106) of his appeals against an unless order and the entry of judgment against him for US\$ 7.7m. The Supreme Court stated that the standard form of disclosure by a party requires personal signing by that party. Please click [here](#) to view the judgment of the Supreme Court, and [here](#) for 'Why Procedure Matters', an article by Daniel Lightman and Thomas Elias in the New Law Journal considering its judgment.

*Sukhoruchkin v van Bekestein* [2014] EWCA Civ 399 (Court of Appeal) and [2013] EWHC 1993 (Ch) (Morgan J): the High Court and Court of Appeal considered whether a worldwide freezing injunction should

be set aside because the claim might be barred by reason of the no reflective loss principle. Please click [here](#) to view the judgment of Morgan J and [here](#) to view the judgment of the Court of Appeal.

*Apex Global Management Ltd v Fi Call Ltd* [2014] BCC 286: before Vos J, successfully opposed an application by two Saudi Arabian Princes to set aside the grant of permission to serve them out of the jurisdiction. Please click [here](#) to view the judgment of Vos J, [here](#) for 'The flexible friend', an article by Daniel Lightman in the New Law Journal considering this judgment, and [here](#) for 'Unfair prejudice petitions: long-range missiles for minority shareholders', an article he wrote for JIBF.

*Re Fi Call Ltd* [2013] 1 WLR 2993, [2013] EMLR 29: successfully opposed in the Court of Appeal an appeal by two Saudi Arabian Princes against whom allegations of serious misconduct had been made against the dismissal of their application for an order that interlocutory hearings should be heard in private to protect their reputations. Please click [here](#) to view the judgment of the Court of Appeal.

In *Petrodel Resources v Prest* [2013] 2 AC 415, [2013] 3 WLR 1, [2013] 4 All ER 673, [2014] 1 BCLC 30, [2013] BCC 571, [2013] 2 FLR 732, [2013] 3 FCR 210, [2013] WTLR 1249, [2013] Fam Law 953, The Times, June 24, 2013, represented Mrs Prest, the successful appellant, in a landmark Supreme Court decision on the circumstances in which the court can pierce the corporate veil to make orders requiring the transfer to a former wife of assets and property held by offshore companies connected to the husband. Please click [here](#) to view the judgment of the Supreme Court, [here](#) for 'Lessons from Prest', an article about this judgment by Daniel Lightman and Emma Hargreaves in the New Law Journal, and [here](#) for '*Petrodel Resources Ltd v Prest*: where are we now?', an article they wrote for Trusts & Trustees.

*Serious Organised Crime Agency v Perry* [2013] 1 AC 182, [2012] 3 WLR 379, [2012] 4 All ER 795, [2012] 5 Costs LO 668, [2013] 1 Cr App R 6, The Times, August 17, 2012 (Supreme Court); [2011] 1 WLR 2817, [2011] 4 All ER 470, [2011] CP Rep 36, [2011] 3 Costs LO 292, [2011] Lloyd's Rep FC 387, The Times, June 10, 2011 (Court of Appeal); [2010] 1 WLR 2761, [2011] 1 Costs LR 22, The Times, July 22, 2010 (Mitling J): represented Mr Perry in his successful appeal to the Supreme Court, which decided that there was no jurisdiction to make a civil recovery order or a property freezing order under the Proceeds of Crime Act 2002 in respect of property located outside the jurisdiction. Please click [here](#) to view the judgment of the Supreme Court, and [here](#) for 'A drafting enigma', an article Daniel Lightman wrote about that judgment in the New Law Journal.

*Serious Organised Crime Agency v Perry* [2013] 1 AC 182, [2012] 3 WLR 379, [2012] 4 All ER 795, [2012] 5 Costs LO 668, [2013] 1 Cr App R 6, The Times, August 17, 2012 (Supreme Court); [2011] 1 WLR 542, [2010] CP Rep 43, [2010] Lloyd's Rep FC 606, The Times, October 13, 2010 (Court of Appeal); [2010] 1 WLR 910 (Foskett J): represented Mr Perry in his successful appeal to the Supreme Court, which decided that there was no jurisdiction under the Proceeds of Crime Act 2002 for SOCA to give information notices to persons outside the jurisdiction. Please click [here](#) to view the judgment of the Supreme Court.

*Ovlas Trading SA v Strand (London) Ltd* [2008] EWHC 3236 (Ch): appeared for the claimants before Sir Donald Rattee in their successful opposition to an application for security for costs made by the defendants to a fraud claim. Please click [here](#) to view the judgment of Sir Donald Rattee.

*Fraser v Oystertec plc* [2006] 1 BCLC 491, [2005] BPIR 381: represented the claimants in their successful application that an interim third party debt order be made final notwithstanding the existence of competing

creditors. Please click [here](#) to view the judgment of Terence Mowschenson KC.

*Oystertec v Davidson* [2005] BPIR 401: represented the claimant in a case where David Richards J considered the appropriate penalty to be imposed on the defendant for failing to comply with the asset disclosure requirements of a freezing order. Please click [here](#) to view the judgment of David Richards J.

*Uzor v Chinye* [2004] EWHC 827 (Ch): represented the defendant, who, after setting aside an ex parte worldwide freezing order, recovered damages under the cross-undertaking in damages. Please click [here](#) to view the judgment of David Donaldson KC.

*Verjee v CIBC Bank and Trust Co (Channel Islands) Ltd* [2001] Lloyd's Law Rep (Banking) 279, [2001] BPIR 1149: represented the creditor in his successful opposition to an application to set aside a statutory demand. In his judgment Hart J considered the scope of the duty owed by a bank to consult its customer before honouring a fraudulently presented cheque. Please click [here](#) to view the judgment of Hart J.

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## Commercial Litigation

*Docklock Ltd v Christo & Co Ltd* [2024] EWCA Civ 45: represented the successful appellant in the Court of Appeal, which held that the rule in *Clayton's Case* (the first in, first out rule) operates in the case of a running account between a property management company and its client. Accordingly, payments out of the account were automatically appropriated to sums standing to the credit of the account at the time and were not available to set off against other sums received in a later period. Neither a subsequent Family Division order nor a related settlement agreement between the companies should be construed so as retrospectively to undo that prior appropriation. Please click [here](#) to read the judgment of the Court of Appeal.

*In re BHS Group Ltd (in liquidation)* [2024] 1 BCLC 71: represent Mr Chandler, one of the former directors of the BHS group of companies, in proceedings brought by the liquidators for alleged breach of duty and wrongful trading. In an important judgment ([2024] 1 BCLC 71) allowing Mr Chandler's appeal against the decision of Deputy ICC Judge Schaffer (*Re BHS Group Ltd* [2022] 2 BCLC 145; [2022] BCC 457), Edwin Johnson J reaffirmed that causation and quantum are essential elements of a cause of action under section 214 of the Insolvency Act 1986, as they are for breach of duty claims under section 212, and that it is essential for liquidators to plead these elements. Further, given the scale of the claims and complexity of the BHS litigation, Edwin Johnson J held, it is not acceptable for a case on the date of knowledge for the purposes of a claim under section 214 to be left "at large" on the pleadings. A specific date or dates must be identified – and it is "essential that the relevant pleading identifies what the case is on causation and quantum for each of the alternative dates relied upon as the Knowledge Date". Please click [here](#) to read the judgment of Edwin Johnson J in *In re BHS Group Ltd (in liquidation)* [2024] 1 BCLC 71 and [here](#) for 'Pleading Issues: Pick Your Battles', an article about it by Daniel Lightman KC and Charlotte Beynon in the New Law Journal considering this judgment. Edwin Johnson J's judgment ordering the liquidators to pay Mr Chandler's costs, to be subject to an immediate detailed assessment as well as an interim payment of 60%, is reported at [2023] Costs LR 69.

*Kulkarni v Gwent Holdings Limited & St Joseph's Independent Hospital Limited* [2022] EWHC 1368 (Ch): representing Gwent Holdings Limited, successfully opposed an application for summary judgment made by Dr Rohit Kulkarni, a consultant orthopaedic surgeon who is a minority shareholder in the company which owns St Joseph's Hospital in Newport, Gwent. In a judgment handed down in June 2022, the Court refused either to order the rectification of the company's register of members under section 125 of the Companies Act 2006 with retrospective effect or to grant relief entitling Dr Kulkarni to acquire Gwent's shares compulsorily, noting, at [92], that "the issue of remediability is unlikely to be suitable for determination in most cases on a summary basis because, as in this case, the court does not have all the evidence it needs to make a determination about the proper construction of the contract and whether



on the specific facts the breach was remediable”. Subsequently successfully opposed the grant of permission to appeal before Mrs Justice Joanna Smith DBE: [2023] EWHC 1286 (Ch). Please click [here](#) to read the judgment of Deputy Master Marsh and [here](#) to read the judgment of Joanna Smith J.

*Taylor Goodchild Ltd v Taylor* [2022] 2 BCLC 27; [2022] BCC 1155: represented the appellant in its successful appeal against the striking out of its claim for damages for breach of fiduciary duty against a former shareholder and director who had also been the respondent to a section 994 petition. The Court of Appeal considered, for the first time, how the guidelines laid down in *Aldi Stores Ltd v WSP Group plc* [2008] 1 WLR 748 (which require a party which intends to bring an additional claim in subsequent proceedings against the same defendant to draw that fact to the attention of the court in the first set of proceedings) should be applied in the context of unfair prejudice petitions. In allowing a law firm’s appeal against the decision of Snowden J to strike out as an abuse of process claims it brought against its former director and 50% shareholder who had been found in an earlier unfair prejudice petition to have acted in breach of fiduciary duty, the Court of Appeal queried whether the decision in *Aldi* had in mind “*the rather special position relating to section 994 petitions*”. Please click [here](#) to view the judgment of the Court of Appeal.

*King v Stiefel* [2022] 1 All ER (Comm) 990; The Times, June 4, 2021: represented a firm of solicitors and four of its lawyers, five of ten defendants to a £58 million claim in unlawful means conspiracy brought in the Commercial Court by the claimants to previous (discontinued) litigation against the same defendants, their solicitors and QC. Successfully applied to strike out the claim - a rare example of a court striking out a fraud claim. Cockerill J addressed a number of significant legal and procedural issues, including whether the CPR require a defendant to file a defence before applying for summary judgment (the Judge found that they don’t), the purposes and requirements of a pleading (in particular when pleading fraud), that abuse of process can arise where the relevant issue could have been raised during a costs assessment in relation to previous proceedings and that (save in relation to actions for negligence) an advocate’s immunity from suit has not been abolished. Please click [here](#) to view the judgment of Cockerill J. Subsequently, Jacobs J ([2023] PNLR 18; [2023] Costs LR 559) considered the requirements for a wasted costs application to pass the "stage 1" test under CPR PD 46, para.5.7(a).

*Rawlinson & Hunter Trustees SA v ITG Ltd* [2015] EWHC 1664 (Ch); [2015] EWHC 1924 (Ch): represented the defendants, the former trustees of a Tchenguiz family trust, in their successful opposition before Morgan J on the grounds of abuse of process to an application to reintroduce by way of re-amendment of the Particulars of Claim the same claims which the defendants had successfully contended could not properly be served out of the jurisdiction. Please click [here](#) to view the judgment of Morgan J.

*Munday v Hilburn* [2015] BPIR 684: represented the appellants in their successful appeal against the striking out of their fraud claim as an abuse of process, the lower court having struck out their claim on the basis that when the claim was issued the cause of action was vested not in Mr Munday but in his trustee in bankruptcy. In allowing their appeal, Nugee J held that an abuse of process requires not merely that the claimant ought to have known that he did not have a cause of action but actual knowledge of a lack of title to sue. Please click [here](#) to view the judgment of Nugee J.

*Solland International Ltd v Clifford Harris & Co*: decisions of Master Bowles ([2015] EWHC 2018 (Ch)) and (on appeal) Arnold J ([2015] EWHC 3295 (Ch)): the issue arose as to whether a professional negligence claim should be struck out as an abuse of process. Please click [here](#) to view the judgment of Arnold J.

*HRH Prince Abdulaziz Bin Mishal Bin Abdulaziz Al Saud v Apex Global Management Ltd* [2015] 2 All ER 206, [2015] 1 All ER (Comm) 1183, [2014] 1 WLR 4495, The Times, December 8, 2014: represented the respondents in the Supreme Court (and before that the High Court and the Court of Appeal) successfully opposing an appeal by a Saudi Arabian Prince against the dismissal by the Court of Appeal ([2014] EWCA Civ 1106) of his appeals against an unless order and the entry of judgment against him for US\$ 7.7m. The Supreme Court stated that the standard form of disclosure by a party requires personal signing by that party. Please click [here](#) to view the judgment of the Supreme Court, and [here](#) for ‘Why Procedure Matters’, an article by Daniel Lightman and Thomas Elias in the New Law Journal considering its judgment.

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*Sukhoruchkin v van Bekestein* [2014] EWCA Civ 399 (Court of Appeal) and [2013] EWHC 1993 (Ch) (Morgan J): the High Court and Court of Appeal considered whether a worldwide freezing injunction should be set aside because the claim might be barred by reason of the no reflective loss principle. Please click [here](#) to view the judgment of Morgan J and [here](#) to view the judgment of the Court of Appeal.

*Apex Global Management Ltd v Fi Call Ltd* [2014] BCC 286: before Vos J, successfully opposed an application by two Saudi Arabian Princes to set aside the grant of permission to serve them out of the jurisdiction. Please click [here](#) to view the judgment of Vos J, [here](#) for 'The flexible friend', an article by Daniel Lightman in the New Law Journal considering this judgment, and [here](#) for 'Unfair prejudice petitions: long-range missiles for minority shareholders', an article he wrote for JIBF.

*Re Fi Call Ltd* [2013] 1 WLR 2993, [2013] EMLR 29: successfully opposed in the Court of Appeal an appeal by two Saudi Arabian Princes against whom allegations of serious misconduct had been made against the dismissal of their application for an order that interlocutory hearings should be heard in private to protect their reputations. Please click [here](#) to view the judgment of the Court of Appeal.

*In Petrodel Resources v Prest* [2013] 2 AC 415, [2013] 3 WLR 1, [2013] 4 All ER 673, [2014] 1 BCLC 30, [2013] BCC 571, [2013] 2 FLR 732, [2013] 3 FCR 210, [2013] WTLR 1249, [2013] Fam Law 953, The Times, June 24, 2013, represented Mrs Prest, the successful appellant, in a landmark Supreme Court decision on the circumstances in which the court can pierce the corporate veil to make orders requiring the transfer to a former wife of assets and property held by offshore companies connected to the husband. Please click [here](#) to view the judgment of the Supreme Court, [here](#) for 'Lessons from Prest', an article about this judgment by Daniel Lightman and Emma Hargreaves in the New Law Journal, and [here](#) for '*Petrodel Resources Ltd v Prest*: where are we now?', an article they wrote for Trusts & Trustees.

*Serious Organised Crime Agency v Perry* [2013] 1 AC 182, [2012] 3 WLR 379, [2012] 4 All ER 795, [2012] 5 Costs LO668, [2013] 1 Cr App R 6, The Times, August 17, 2012 (Supreme Court); [2011] 1 WLR 2817, [2011] 4 All ER 470, [2011] CP Rep 36, [2011] 3 Costs LO 292, [2011] Lloyd's Rep FC 387, The Times, June 10, 2011 (Court of Appeal); [2010] 1 WLR 2761, [2011] 1 Costs LR 22, The Times, July 22, 2010 (Mitting J): represented Mr Perry in his successful appeal to the Supreme Court, which decided that there was no jurisdiction to make a civil recovery order or a property freezing order under the Proceeds of Crime Act 2002 in respect of property located outside the jurisdiction. Please click [here](#) to view the judgment of the Supreme Court, and [here](#) for 'A drafting enigma', an article Daniel Lightman wrote about that judgment in the New Law Journal.

*Serious Organised Crime Agency v Perry* [2013] 1 AC 182, [2012] 3 WLR 379, [2012] 4 All ER 795, [2012] 5 Costs LO 668, [2013] 1 Cr App R 6, The Times, August 17, 2012 (Supreme Court); [2011] 1 WLR 542, [2010] CP Rep 43, [2010] Lloyd's Rep FC 606, The Times, October 13, 2010 (Court of Appeal); [2010] 1 WLR 910 (Foskett J): represented Mr Perry in his successful appeal to the Supreme Court, which decided that there was no jurisdiction under the Proceeds of Crime Act 2002 for SOCA to give information notices to persons outside the jurisdiction. Please click [here](#) to view the judgment of the Supreme Court.

*Solland Projects LLP v Nautiloides Comercio Internacional E Servicos Sociedade Unipessoal LDA* [2012] EWHC 1957 (TCC): represented the claimant in successfully opposing before Coulson J the defendant's application to strike out a claim for damages in a dispute concerning a management contract. Please click [here](#) to view the judgment of Coulson J.

*Ovlas Trading SA v Strand (London) Ltd* [2008] EWHC 3236 (Ch): represented the claimants before Sir Donald Rattee in their successful opposition to an application for security for costs made by the defendants to a fraud claim. Please click [here](#) to view the judgment of Sir Donald Rattee.

*Hawai v Solland* [2008] EWHC 2514 (Ch): whether an order for the provision of security for costs should be varied to enable security to be provided by way of a charge over real property. Please click [here](#) to view the judgment of Martin Mann QC.

*BBC v Sugar* [2008] 1 WLR 2289: Acting pro bona, represented the appellants in the first Court of Appeal decision interpreting the requirements of a decision notice by the Information Commissioner under the Freedom of Information Act 2000. Please click [here](#) to view the judgment of the Court of Appeal.

*Expandable Ltd v Rubin* [2008] 1 WLR 1099, [2008] CP Rep 22, [2008] BPIR 314, [2008] NPC 16, The Times, March 10, 2008: first Court of Appeal decision considering the extent of a party's right under CPR rule 31.14 to disclosure of documents mentioned in another party's witness statement. The first-instance decision of Patten J is reported at [2009] BCC 443. Please click [here](#) to view the judgment of the Court of Appeal.

*Fraser v Oystertec plc* [2006] 1 BCLC 491, [2005] BPIR 381: represented the claimants in their successful application that an interim third party debt order be made final notwithstanding the existence of competing creditors. Please click [here](#) to view the judgment of Terence Mowschenson QC.

*Tritton Development Fund Ltd v Fortis Bank (Cayman) Ltd and others* [2006] CILR 268: decision of Cayman Chief Justice Smellie in which he adopted as a matter of Cayman law the doctrine of the application by analogy of statutory limitation periods to claims in equity. Please click [here](#) to view the judgment of Smellie CJ.

*Barrett v Universal-Island Records Ltd* [2006] EMLR 21: represented Island Records and members of the Marley family in their successful defence at trial before Lewison J of claim brought by former members of The Wailers alleged to have been in partnership with Bob Marley; an earlier decision of Laddie J on abuse of process was reported in The Times, 24 April 2003. Please click [here](#) to view the judgment of Lewison J.

*Oystertec v Davidson* [2005] BPIR 401: represented the claimant in a case where David Richards J considered the appropriate penalty to be imposed on the defendant for failing to comply with the asset disclosure requirements of a freezing order. Please click [here](#) to view the judgment of David Richards J.

*Uzor v Chinye* [2004] EWHC 827 (Ch): represented the defendant, who, after setting aside an ex parte worldwide freezing order, recovered damages under the cross-undertaking in damages. Please click [here](#) to view the judgment of David Donaldson QC..

*Eid v Al-Kazemi* [2004] EWCA Civ 1811: represented the applicant before Neuberger LJ in a rare successful application under CPR rule 52.9 to set aside the grant of permission to appeal. Please click [here](#) to view the judgment of Neuberger LJ.

*Al-Fayed v Commissioner of Police of the Metropolis* [2004] 148 SJLB 1405: represented Mohammed Al-Fayed in an appeal to the Court of Appeal concerning his claim for damages for false imprisonment. Please click [here](#) to view the judgment of the Court of Appeal.

*Mamidoil-Jetoil Greek Petroleum Co SA v Okta Crude Oil Refinery AD* [2003] 2 All ER (Comm) 640, [2003] 2 Lloyd's Rep 635 (Court of Appeal: judgment of Longmore LJ); [2003] 2 Lloyd's Rep 645, The Times, 19 June 2003, The Independent, 13 June 2003 (Court of Appeal: judgment of Clarke LJ); [2003] 1 Lloyd's Rep 42, [2003] Lloyd's Rep 1, [2003] 2 Costs LR 175, The Times, 27 December 2002 (all Aikens J); [2001] 2 All ER (Comm) 193, [2001] 2 Lloyd's Rep 76 (Court of Appeal); [2001] 1 Lloyd's Rep 591 and [2000] 1 Lloyd's Rep 554 (both Thomas J): represented the defendants in 5 years of litigation concerning a contract to provide oil to the only oil refinery in Macedonia. Please click [here](#) to view the second of the three judgments of the Court of Appeal in this case and [here](#) for 'Strict



Guidelines', an article Daniel wrote for Solicitors' Journal about this judgment.

*Verjee v CIBC Bank and Trust Co (Channel Islands) Ltd* [2001] Lloyd's Law Rep (Banking) 279, [2001] BPIR 1149: represented the creditor in his successful opposition to an application to set aside a statutory demand. In his judgment Hart J considered the scope of the duty owed by a bank to consult its customer before honouring a fraudulently presented cheque. Please click [here](#) to view the judgment of Hart J.

*Peskin v Anderson* [2001] 1 BCLC 372, [2001] BCC 875 (Court of Appeal); [2000] 2 BCLC 1, [2000] BCC 110 (Neuberger J): represented the claimants (former full members of the RAC) in their claim against the committee of the RAC. The landmark judgment of the Court of Appeal considered the circumstances in which directors owe fiduciary duties directly to shareholders. Please click [here](#) to view the judgment of Neuberger J and [here](#) to view the judgment of the Court of Appeal.

*Re Israel-British Bank Ltd (In Liquidation)* [2001] CP Rep 91: Sir Andrew Morritt V-C considered whether English proceedings should be stayed or dismissed on the basis of forum non conveniens in the light of proceedings commenced in Israel.

*The University of Nottingham v Dr Simon Fishel* [2001] RPC 22, The Times, 31 March 2000, [2000] IRLR 471, [2000] ICR 1462, [2000] ELR 385, [2000] EdCR 505: represented the defendant in his successful defence of claims for breach of contract and breach of fiduciary duty brought against him by the university by which he had been employed as a lecturer. Elias J's important judgment considered the circumstances in which an employee owes fiduciary duties to his employer and the ambit of any such duties. Please click [here](#) to view the judgment of Elias J.

*Mealey Horgan plc v Timothy Horgan*, The Times, 6 July 1999: an early post-CPR decision concerning the use of sanctions under the CPR for breaches of court orders. Please click [here](#) to view the judgment of Buckley J.

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## Company

*Re Contingent and Future Technologies Ltd* [2023] EWHC 2451 (Ch): represented the two shareholder respondents to a section 994 petition presented against them by a former shareholder, who had been removed from the company's register of members on the basis of a resolution that he was a "bad leaver". The respondents applied to strike out the petition on the grounds that the petitioner lacked standing, as he was no longer a member of the company. In a landmark judgment, the court made novel use of its case management powers to order a split trial to determine at the first trial whether the register of members should be rectified and whether the petition was well founded. Please click [here](#) to read the judgment of ICC Judge Greenwood.

*Boston Trust Co Ltd v Szerelmey Ltd* [2023] Costs LR 123; [2023] Costs LR 129: represented the company on whose behalf derivative claims had been brought. On the hearing of the claimant's application to continue a costs indemnity order, successfully argued ([2023] Costs LR 123) that there should be appropriately worded protection against the use of the costs indemnity to fund a separate partnership claim which the derivative claimant had issued after the initial costs indemnity order had been made. The second judgment ([2023] Costs LR 129) concerned how the costs indemnity should operate with respect to (i) any consequential hearing after trial and (ii) work which would benefit the claimant's partnership claim. Please click [here](#) and [here](#) to view the two judgments.

*Re Klimvest plc* [2023] 1 BCLC 388; [2022] BCC 747: represented the petitioner, who successfully petitioned to have a listed plc wound up on the just and equitable ground under section 122(1)(g) of the Insolvency Act 1986 for loss of substratum, following the sale of its assets and business. HH Judge Cawson QC (sitting as a High Court Judge) found that the identification of a company's purpose or substratum is a matter of equity between the company – even a listed plc – and its shareholders, rather than a formalistic exercise in construing the corporate constitution, and that the purpose is lost, potentially triggering winding-up by the Court, not only where carrying it

out is “practically impossible” for the company, but also where it has been, or will be, abandoned. Please click [here](#) to view the judgment of Judge Cawson QC. Daniel Lightman KC and Max Marenbon have written two articles analysing this judgment: ‘Quasi-Partnerships in Public Companies’ (ThoughtLeaders4 Disputes Magazine, Issue 5, pp. 41 and 42) and ‘Publicly listed company wound up for loss of substratum (Re Klimvest plc)’ (Lexis@PSL, 28 March 2022). Please click [here](#) and [here](#) to view the two articles.

*Duneau v Klimt Invest SA* [2023] 1 BCLC 388; [2022] BCC 1258; [2022] Costs LR 1463: representing the petitioner who had obtained a winding-up order, successfully sought an order granting the liquidator permission to apply for an order that the majority shareholder, Klimt Invest SA, pay the company’s costs of participating in the petition. Please click [here](#) to view the judgment of HH Judge Cawson QC.

*Re Prospect Place (Wimbledon) Management Co Ltd* [2022] BCC 1176: instructed on appeal, represented the appellant petitioner in its appeal against the dismissal following trial of its section 994 petition complaining of unfairly prejudicial conduct in relation to the management company of an exclusive private estate in Wimbledon. Mrs Justice Joanna Smith’s judgment on appeal considered the circumstances in which the court will grant declaratory relief under section 996 of the Companies Act 2006 which is intended to “send a message” to future directors of a company.

*Kulkarni v Gwent Holdings Limited & St Joseph’s Independent Hospital Limited* [2022] EWHC 1368 (Ch): representing Gwent Holdings Limited, successfully opposed an application for summary judgment made by Dr Rohit Kulkarni, a consultant orthopaedic surgeon who is a minority shareholder in the company which owns St Joseph’s Hospital in Newport, Gwent. In a judgment handed down in June 2022, the Court refused either to order the rectification of the company’s register of members under section 125 of the Companies Act 2006 with retrospective effect or to grant relief entitling Dr Kulkarni to acquire Gwent’s shares compulsorily, noting, at [92], that “the issue of remediability is unlikely to be suitable for determination in most cases on a summary basis because, as in this case, the court does not have all the evidence it needs to make a determination about the proper construction of the contract and whether on the specific facts the breach was remediable”. Subsequently successfully opposed the grant of permission to appeal before Mrs Justice Joanna Smith DBE: [2023] EWHC 1286 (Ch). Please click [here](#) to read the judgment of Deputy Master Marsh and [here](#) to read the judgment of Joanna Smith J.

*Taylor Goodchild Ltd v Taylor* [2022] 2 BCLC 27; [2022] BCC 1155: represented the appellant in its successful appeal against the striking out of its claim for damages for breach of fiduciary duty against a former shareholder and director who had also been the respondent to a section 994 petition. The Court of Appeal considered, for the first time, how the guidelines laid down in *Aldi Stores Ltd v WSP Group plc* [2008] 1 WLR 748 (which require a party which intends to bring an additional claim in subsequent proceedings against the same defendant to draw that fact to the attention of the court in the first set of proceedings) should be applied in the context of unfair prejudice petitions. In allowing a law firm’s appeal against the decision of Snowden J to strike out as an abuse of process claims it brought against its former director and 50% shareholder who had been found in an earlier unfair prejudice petition to have acted in breach of fiduciary duty, the Court of Appeal queried whether the decision in *Aldi* had in mind “the rather special position relating to section 994 petitions”. Please click [here](#) to view the judgment of the Court of Appeal.

*Re Dinglis Properties Ltd* [2021] 1 All ER 685, [2020] 2 BCLC 607, [2020] 2 BCLC 574 and [2020] 1 BCLC 107: represented the respondents to a section 994 petition. In his judgment following a trial of preliminary issues ([2020] 1 BCLC 107; [2019] Bus LR 3100), Adam Johnson QC (sitting as a deputy High Court Judge) rejected the petitioner’s quasi-partnership claim and ordered his shares to be purchased subject to a minority discount. Successfully argued that the costs of that trial should be reserved until after the quantum trial: [2019] Costs LR 1909. Subsequently ([2020] 2 BCLC 574) Mr Johnson QC determined the date of valuation of the shares, what adjustments (whether in favour of the petitioner or in favour of the respondents) should be made to the value of petitioner’s shareholding, and the correct approach to the calculation of the minority discount to be applied to the petitioner’s shares. In a further landmark judgment ([2021] 1 All ER 685; [2021] 1 All ER (Comm) 649; [2020] 2 BCLC 607) Mr Johnson QC considered the impact of the Covid-19 crisis on the share purchase order which he had previously made. Please

click [here](#) to view this further judgment of Adam Johnson QC, and [here](#) for 'Unparalleled circumstances', an article by Daniel Lightman KC and Gregor Hogan in the New Law Journal considering it.

*In the matter of Global-IP Cayman*: representing the majority shareholder and principal creditor in the Grand Court of the Cayman Islands, successfully argued before Raj Parker J that (i) the case was an exception to the usual rule that the petitioning creditor should be awarded its costs of a winding-up petition (unrep, 21 July 2020) and (ii) the majority shareholder's appointees to the company's board had not been removed from office because on a proper interpretation of the company's articles the relevant board meeting had been inquorate ([2021] (1) CILR 228). Please click [here](#) to read the judgment of Raj Parker J in *In the matter of Global-IP Cayman* [2021] (1) CILR 228.

*Re G&G Properties Ltd* [2020] Bus LR 762; [2020] 1 BCLC 1; [2020] BCC 236: represented the respondents in an appeal to the Court of Appeal, which, in an important judgment, examined the pleading requirements in section 994 petitions. Please click [here](#) to view the judgment of the Court of Appeal.

*Re Bankside Hotels Ltd* (No 2) [2019] 2 BCLC 174: represented parties who successfully opposed before Sir Nicholas Warren an application by the petitioner to join them as respondents to a section 994 petition. Striking out the claim to a share purchase order against the trustees, Sir Nicholas Warren found that even if the settlor of a trust holding 50% of the shares in a company is guilty of unfairly prejudicial conduct in relation to that company as a director of it, the trustees of the settlement are not thereby automatically themselves responsible for or implicated in such conduct or exposed to relief being granted against them in an unfair prejudice petition. Please click [here](#) to view the judgment of Sir Nicholas Warren.

*Re Edwardian Group Ltd, Eстера Trust (Jersey) Ltd v Singh* [2019] 1 BCLC 171; [2019] EWHC 873 (Ch); [2020] WTLR 127: represented the principal respondent to a section 994 petition presented by his brother and by a trust company connected to him at two trials before Fancourt J. Fancourt J's judgment following Trial 1 ([2019] 1 BCLC 171), is significant in numerous areas, including the law of fiduciary duties of directors, the requirements needed for a quasi-partnership to arise in relation to a family business, the effect of delay by the petitioner on the grant of relief in an unfair prejudice petition, and the issue whether a petitioner's shares should be valued subject to a minority discount. Fancourt J's judgment following Trial 2 ([2019] EWHC 873 (Ch)) addressed the questions of the amount of the discount to be applied to a minority shareholding and the award of quasi-interest in section 994 petitions. In a further judgment ([2020] WTLR 127; [2019] STI 1554; [2019] STC 1814), Fancourt J refused to restructure the share purchase order he had made to improve the petitioners' tax position in the face of objection from the respondents. Important issues concerning redaction of documents for legal advice privilege and control of expert evidence were addressed, respectively, in judgments of Morgan J ([2017] EWHC 2805 (Ch)) and Nugee J ([2017] EWHC 3112 (Ch)). Please click [here](#), [here](#) and [here](#) to view the three judgments of Fancourt J.

*Dinglis v Dinglis* [2019] EWHC 738 (Ch): represented the respondent in a successful application for permission to amend his defence to a section 994 petition concerning a family property development company shortly before trial. Please click [here](#) to view the judgment of David Holland QC.

*Re Bankside Hotels Ltd* [2019] 1 BCLC 434; [2018] BCC 617: represented the respondents before Sir Nicholas Warren, who in a landmark judgment accepted their argument that even though their defence to a section 994 petition had been struck out, the petitioner was nonetheless unable to obtain judgment under CPR r. 3.5, but was required to establish the pleaded allegations of unfair prejudice on which he relied at a trial at which he needed to present sufficient evidence to satisfy the court that there had been unfairly prejudicial conduct. Please click [here](#) to view the judgment.

*Re Pedersen (Thameside) Ltd* [2018] BCC 58: successfully applied on behalf of a 5% shareholder to strike out the claim to relief (a share purchase order) sought against him in an unfair prejudice petition. Please click [here](#) to view the judgment of HH Judge Pelling QC and [here](#) for 'Unfair Prejudice Petitions: Long-range Missiles for Minority Shareholders', an article Daniel Lightman wrote for JIBFL in which he considered that judgment.

*Griffith v Gouragey* [2017] EWCA Civ 926: in the context of the striking out of defences to three unfair prejudice petitions for failure to comply with an unless order, the Court of Appeal considered the circumstances in which a court should entertain a second application for relief from sanctions. Please click [here](#) to view the judgment of the Court of Appeal.

In *C v C*, in matrimonial proceedings the husband obtained an *ex parte* order in the Family Court which had the effect of restraining his wife and son from performing their duties as directors of two family-owned companies, Representing the son, Daniel successfully applied to set aside the *ex parte* injunction with indemnity costs, persuading Roberts J, in a landmark judgment ([2016] Fam Law 20), to hold that established company law principles apply in the Family Court, that previous Family Court decisions (notably of Thorpe J in *Poon v Poon* [1994] 2 FLR 857) that all disputes within the family should be litigated in the Family Court should not be followed, and that accordingly the Family Court had no jurisdiction under section 37 of the Matrimonial Causes Act 1973, section 37 of the Senior Courts Act 1981 or its inherent jurisdiction to grant injunctive relief either (i) against company directors who are not the spouses in the matrimonial proceedings or (ii) in respect of assets of the companies of which the spouses are the sole shareholders. Please click [here](#) to view the judgment of Roberts J.

*HRH Prince Abdulaziz Bin Mishal Bin Abdulaziz Al Saud v Apex Global Management Ltd* [2015] 2 All ER 206, [2015] 1 All ER (Comm) 1183, [2014] 1 WLR 4495, The Times, December 8, 2014: represented the respondents in the Supreme Court (and before that the High Court and the Court of Appeal) successfully opposing an appeal by a Saudi Arabian Prince against the dismissal by the Court of Appeal ([2014] EWCA Civ 1106) of his appeals against an unless order and the entry of judgment against him for US\$ 7.7m. The Supreme Court stated that the standard form of disclosure by a party requires personal signing by that party. Please click [here](#) to view the judgment of the Supreme Court, and [here](#) for 'Why Procedure Matters', an article by Daniel Lightman and Thomas Elias in the New Law Journal considering its judgment.

*Abouraya v Sigmund* [2015] BCC 503: David Richards J held that a multiple derivative claim can be brought at common law in respect of an overseas company. Please click [here](#) to view the judgment of David Richards J.

*Sukhoruchkin v van Bekestein* [2014] EWCA Civ 399 (Court of Appeal) and [2013] EWHC 1993 (Ch) (Morgan J): the High Court and Court of Appeal considered whether a worldwide freezing injunction should be set aside because the claim might be barred by reason of the no reflective loss principle. Please click [here](#) to view the judgment of Morgan J and [here](#) to view the judgment of the Court of Appeal.

*Re Fi Call Ltd* [2014] EWHC 779 (Ch): successfully opposed an application for security for costs before Newey J on the basis that the costs associated with a section 994 petition and a cross-petition could not satisfactorily be disentangled. Please click [here](#) to view the judgment of Newey J.

*Apex Global Management Ltd v Fi Call Ltd* [2014] BCC 286: before Vos J, successfully opposed an application by two Saudi Arabian Princes to set aside the grant of permission to serve them out of the jurisdiction. Please click [here](#) to view the judgment of Vos J, [here](#) for 'The flexible friend', an article by Daniel Lightman in the New Law Journal considering this judgment, and [here](#) for 'Unfair prejudice petitions: long-range missiles for minority shareholders', an article he wrote for JIBF.

*Ecklerle v Wickeder Westfalenstahl GmbH* [2014] Ch 96, [2013] 3 WLR 1316, [2014] 1 BCC 1, The Times, April 9, 2013: represented the defendant, who successfully applied to strike out the proceedings, Norris J holding that only a registered member (and not a holder of shares through a nominee) has locus standi to apply under section 98 of the Companies Act 2006 for an order cancelling a resolution for re-registration of a plc as a private company. Please click [here](#) to view the judgment of Norris J.

*Re Fi Call Ltd* [2013] 1 WLR 2993, [2013] EMLR 29: successfully opposed in the Court of Appeal an appeal by two Saudi Arabian Princes against whom allegations of serious misconduct had been made against the dismissal of their application for an order that interlocutory hearings should be heard in private to protect their reputations. Please

click [here](#) to view the judgment of the Court of Appeal.

In *Petrodel Resources v Prest* [2013] 2 AC 415, [2013] 3 WLR 1, [2013] 4 All ER 673, [2014] 1 BCLC 30, [2013] BCC 571, [2013] 2 FLR 732, [2013] 3 FCR 210, [2013] WTLR 1249, [2013] Fam Law 953, The Times, June 24, 2013, represented Mrs Prest, the successful appellant, in a landmark Supreme Court decision on the circumstances in which the court can pierce the corporate veil to make orders requiring the transfer to a former wife of assets and property held by offshore companies connected to the husband. Please click [here](#) to view the judgment of the Supreme Court, [here](#) for 'Lessons from Prest', an article about this judgment by Daniel Lightman and Emma Hargreaves in the New Law Journal, and [here](#) for '*Petrodel Resources Ltd v Prest*: where are we now?', an article they wrote for Trusts & Trustees.

*Bamford v Harvey* [2013] Bus LR 589, [2013] BCC 311, The Times, December 7, 2012: Roth J considered the weight to be given to the existence of an alternative remedy when the court considers an application for permission to continue a statutory derivative claim. Please click [here](#) to view the judgment.

*Re Dunstons Publishing Ltd, Fairclough v Dunstons Publishing Ltd* [2012] BCC 515: represented the claimant in his successful application for rectification of a company's register of members, Sir Andrew Morritt C holding that a share transfer notice was a valid notice under the articles notwithstanding that it had been entitled "without prejudice". Please click [here](#) to view the judgment of Sir Andrew Morritt C.

*Carlisle & Cumbria United Independent Supporters' Society Ltd v CUFC Holdings Ltd* [2011] BCC 855: the Court of Appeal determined what costs orders should be made in respect of a derivative claim which had been compromised (save as to costs). Please click [here](#) to view the judgment of the Court of Appeal and [here](#) for 'The Role of the Company at the Permission Stage in the Statutory Derivative Claim', an article he wrote in the Civil Justice Quarterly about this judgment.

*Harley Street Capital Ltd v Tchigirinsky* [2006] BCC 209: Peter Smith J considered whether an independent report commissioned by company was privileged or should be disclosed to a shareholder bringing a derivative claim. Please click [here](#) to view the judgment of Peter Smith J.

*Knox v Deane* [2005] BCC 884: appeared for the respondents in the Privy Council successfully opposing an appeal from the Court of Appeal of Barbados concerning a shareholder's pre-emption rights under a company's articles.

*Mumbray v Lapper* [2005] BCC 990, The Times 31 May 2005: whether the existence of an alternative remedy precludes permission being given to continue a derivative claim on behalf of a company.

*Arrow Trading & Investments Est 1920 v Edwardian Group Ltd* [2005] 1 BCLC 696 (Blackburne J), [2004] BCC 955 (Sir Francis Ferris): represented minority shareholder in an unfair prejudice petition about a prominent hotel company. Obtained an injunction from Sir Francis Ferris preventing the company from using its money to fund the defence of the majority shareholders, and a subsequent order from Blackburne J requiring the company to disclose (i) the usually privileged legal advice on the basis of which it had unsuccessfully defended the injunction application and (ii) confidential company financial documentation. Please click [here](#) and [here](#) to view the judgments of Sir Francis Ferris and Blackburne J.

*Peskin v Anderson* [2001] 1 BCLC 372, [2001] BCC 875 (Court of Appeal); [2000] 2 BCLC 1, [2000] BCC 110 (Neuberger J): represented the claimants (former full members of the RAC) in their claim against the committee of the RAC. The landmark judgment of the Court of Appeal considered the circumstances in which directors owe fiduciary duties directly to shareholders. Please click [here](#) to view the judgment of Neuberger J and [here](#) to view the judgment of the Court of Appeal.

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## Insolvency

*In re BHS Group Ltd (in liquidation)* [2024] 1 BCLC 71: represent Mr Chandler, one of the former directors of the BHS group of companies, in proceedings brought by the liquidators for alleged breach of duty and wrongful trading. In an important judgment ([2024] 1 BCLC 71) allowing Mr Chandler's appeal against the decision of Deputy ICC Judge Schaffer (*Re BHS Group Ltd* [2022] 2 BCLC 145; [2022] BCC 457), Edwin Johnson J reaffirmed that causation and quantum are essential elements of a cause of action under section 214 of the Insolvency Act 1986, as they are for breach of duty claims under section 212, and that it is essential for liquidators to plead these elements. Further, given the scale of the claims and complexity of the BHS litigation, Edwin Johnson J held, it is not acceptable for a case on the date of knowledge for the purposes of a claim under section 214 to be left "at large" on the pleadings. A specific date or dates must be identified – and it is "*essential that the relevant pleading identifies what the case is on causation and quantum for each of the alternative dates relied upon as the Knowledge Date*". Please click [here](#) to read the judgment of Edwin Johnson J in *In re BHS Group Ltd (in liquidation)* [2024] 1 BCLC 71 and [here](#) for 'Pleading Issues: Pick Your Battles', an article about it by Daniel Lightman KC and Charlotte Beynon in the New Law Journal considering this judgment. Edwin Johnson J's judgment ordering the liquidators to pay Mr Chandler's costs, to be subject to an immediate detailed assessment as well as an interim payment of 60%, is reported at [2023] Costs LR 69.

*Re Klimvest plc* [2023] 1 BCLC 388; [2022] BCC 747: represented the petitioner, who successfully petitioned to have a listed plc wound up on the just and equitable ground under section 122(1)(g) of the Insolvency Act 1986 for loss of substratum, following the sale of its assets and business. HH Judge Cawson QC (sitting as a High Court Judge) found that the identification of a company's purpose or substratum is a matter of equity between the company – even a listed plc – and its shareholders, rather than a formalistic exercise in construing the corporate constitution, and that the purpose is lost, potentially triggering winding-up by the Court, not only where carrying it out is "practically impossible" for the company, but also where it has been, or will be, abandoned. Please click [here](#) to view the judgment of Judge Cawson QC. Daniel Lightman KC and Max Marenbon have written two articles analysing this judgment: 'Quasi-Partnerships in Public Companies' (ThoughtLeaders4 Disputes Magazine, Issue 5, pp. 41 and 42) and 'Publicly listed company wound up for loss of substratum (Re Klimvest plc)' (Lexis@PSL, 28 March 2022). Please click [here](#) and [here](#) to view the two articles.

*Duneau v Klimt Invest SA* [2023] 1 BCLC 388; [2022] BCC 1258; [2022] Costs LR 1463: representing the petitioner who had obtained a winding-up order, successfully sought an order granting the liquidator permission to apply for an order that the majority shareholder, Klimt Invest SA, pay the company's costs of participating in the petition. Please click [here](#) to view the judgment of HH Judge Cawson QC.

*In the matter of Global-IP Cayman*: representing the majority shareholder and principal creditor in the Grand Court of the Cayman Islands, successfully argued before Raj Parker J that (i) the case was an exception to the usual rule that the petitioning creditor should be awarded its costs of a winding-up petition (unrep, 21 July 2020) and (ii) the majority shareholder's appointees to the company's board had not been removed from office because on a proper interpretation of the company's articles the relevant board meeting had been inquorate ([2021] (1) CILR 228). Please click [here](#) to read the judgment of Raj Parker J in *In the matter of Global-IP Cayman* [2021] (1) CILR 228.

*Munday v Hilburn* [2015] BPIR 684: represented the appellants in their successful appeal against the striking out of their fraud claim as an abuse of process, the lower court having struck out their claim on the basis that when the claim was issued the cause of action was vested not in Mr Munday but in his trustee in bankruptcy. In allowing their appeal, Nugee J held that an abuse of process requires not merely that the claimant ought to have known that he did not have a cause of action but actual knowledge of a lack of title to sue. Please click [here](#) to view the judgment of Nugee J.

*Expandable Ltd v Rubin* [2008] 1 WLR 1099, [2008] CP Rep 22, [2008] BPIR 314, [2008] NPC 16, The Times, March 10, 2008: first Court of Appeal decision considering the extent of a party's right under CPR rule 31.14 to disclosure of documents mentioned in another party's witness statement. The first-instance decision of Patten J is reported at

[2009] BCC 443. Please click [here](#) to view the judgment of the Court of Appeal.

*Fraser v Oystertec plc* [2006] 1 BCLC 491, [2005] BPIR 381: represented the claimants in their successful application that an interim third party debt order be made final notwithstanding the existence of competing creditors. Please click [here](#) to view the judgment of Terence Mowschenson QC.

*Davidson v Stanley* [2005] BPIR 279: successfully argued that an IVA proposal was not sufficiently viable for the debtor to obtain an interim order. Please click [here](#) to view the judgment of Blackburne J.

*Re PNC Telecom Plc (in administration)* [2004] BPIR 314: represented the company's administrator in his successful application before Evans-Lombe J for an order requiring the company's former directors to provide him with information under section 236 of the Insolvency Act 1986.

*Warley Continental Services Ltd (in liquidation) v Johal* [2004] BPIR 353, The Times, 28 October 2002: successful application to strike out a challenge to an IVA on the basis that the court should not extend the time limit for challenging that IVA. Please click [here](#) to view the judgment of HH Judge Norris QC, and [here](#) for '28 days later', an article Daniel Lightman wrote in Solicitors Journal about this judgment.

*Re Ciro Citterio Menswear Plc* [2002] BPIR 903: application for administrators' prospective costs order. Please click [here](#) to view the judgment of Pumfrey J.

*Re Casterbridge Properties Ltd; Jeeves v Official Receiver* [2002] BCC 453, [2002] BPIR 428: application to rescind an order for a public examination under section 133 of the Insolvency Act 1986. Please click [here](#) to view the judgment of Burton J.

*Re Assico Engineering Ltd* [2002] BCC 481, [2002] BPIR 15: appeal against admission of proof of debt for purposes of voting at a meeting of a company's creditors. Please click [here](#) to view the judgment of John Martin QC.

*Re Duke Group Ltd (in liquidation)* [2001] BPIR 459, [2001] BCC 144: Jonathan Parker J considered whether it would be oppressive for an English Court to give the assistance requested pursuant to a letter of request of an Australian Court.

*Re Israel-British Bank Ltd (In Liquidation)* [2001] CP Rep 91: Sir Andrew Morritt V-C considered whether English proceedings should be stayed or dismissed on the basis of forum non conveniens in the light of proceedings commenced in Israel.

*Re Lummus Agricultural Services Limited* [2001] 1 BCLC 137, [1999] BCC 953: winding-up order made despite the opposition of most of the company's creditors. Please click [here](#) to view the judgment of Park J.

*Re a Company No. 007356/98 (ITC Infotech Ltd)* [2000] BCC 214: represented the applicant in its successful application before Hart J to set aside a statutory demand and obtain an order for costs. Please click [here](#) to view the judgment of Hart J.

*Secretary of State for Trade and Industry v North West Holdings Limited and North West Holdings Plc* [1999] 1 BCLC 425, [1998] BCC 997: the Court of Appeal considered the consequences of a public interest winding-up petition having been prematurely advertised. Please click [here](#) to view judgment of the Court of Appeal.

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## Professional Negligence

*In re BHS Group Ltd (in liquidation)* [2024] 1 BCLC 71: represent Mr Chandler, one of the former directors of the BHS group of companies, in proceedings brought by the liquidators for alleged breach of duty and wrongful trading.

In an important judgment ([2024] 1 BCLC 71) allowing Mr Chandler's appeal against the decision of Deputy ICC Judge Schaffer (*Re BHS Group Ltd* [2022] 2 BCLC 145; [2022] BCC 457), Edwin Johnson J reaffirmed that causation and quantum are essential elements of a cause of action under section 214 of the Insolvency Act 1986, as they are for breach of duty claims under section 212, and that it is essential for liquidators to plead these elements. Further, given the scale of the claims and complexity of the BHS litigation, Edwin Johnson J held, it is not acceptable for a case on the date of knowledge for the purposes of a claim under section 214 to be left "at large" on the pleadings. A specific date or dates must be identified – and it is "*essential that the relevant pleading identifies what the case is on causation and quantum for each of the alternative dates relied upon as the Knowledge Date*". Please click [here](#) to read the judgment of Edwin Johnson J in *In re BHS Group Ltd (in liquidation)* [2024] 1 BCLC 71 and [here](#) for 'Pleading Issues: Pick Your Battles', an article about it by Daniel Lightman KC and Charlotte Beynon in the New Law Journal considering this judgment. Edwin Johnson J's judgment ordering the liquidators to pay Mr Chandler's costs, to be subject to an immediate detailed assessment as well as an interim payment of 60%, is reported at [2023] Costs LR 69.

*King v Stiefel* [2022] 1 All ER (Comm) 990; The Times, June 4, 2021: represented a firm of solicitors and four of its lawyers, five of ten defendants to a £58 million claim in unlawful means conspiracy brought in the Commercial Court by the claimants to previous (discontinued) litigation against the same defendants, their solicitors and QC. Successfully applied to strike out the claim - a rare example of a court striking out a fraud claim. Cockerill J addressed a number of significant legal and procedural issues, including whether the CPR require a defendant to file a defence before applying for summary judgment (the Judge found that they don't), the purposes and requirements of a pleading (in particular when pleading fraud), that abuse of process can arise where the relevant issue could have been raised during a costs assessment in relation to previous proceedings and that (save in relation to actions for negligence) an advocate's immunity from suit has not been abolished. Please click [here](#) to view the judgment of Cockerill J. Subsequently, Jacobs J ([2023] PNLR 18; [2023] Costs LR 559) considered the requirements for a wasted costs application to pass the "stage 1" test under CPR PD 46, para.5.7(a).

*Solland International Ltd v Clifford Harris & Co*: decisions of Master Bowles ([2015] EWHC 2018 (Ch)) and (on appeal) Arnold J ([2015] EWHC 3295 (Ch)): the issue arose as to whether a professional negligence claim should be struck out as an abuse of process. Please click [here](#) to view the judgment of Arnold J.

*Mahdavi v Sterling Avram and Healys LLP*: represent the claimant, the victim of a fraudulent phantom sale of a property, in claims against both the purported vendor's and the purchaser's solicitors for breach of duty in failing to prevent a fraudulent transfer of a substantial sum, transferred by one solicitors' firm to another for the purpose of the purchase of a property but which were misappropriated by being paid out to third parties by a fraudster working as a consultant at the purported purchaser's law firm. Norris J ([2014] EWHC 4103 (Ch)) directed that the purported vendor's solicitors pay over to the claimant sums recovered through the banking system.

*Gladstar Ltd v Layzells* [2014] EWHC 1449 (Ch): Sales J decided whether proceedings brought for damages for breach of a solicitor's undertaking should be struck out as an abuse of process. Please click [here](#) to view the judgment of Sales J.

*Tritton Development Fund Ltd v Fortis Bank (Cayman) Ltd and others* [2006] CILR 268: decision of Cayman Chief Justice Smellie in which he adopted as a matter of Cayman law the doctrine of the application by analogy of statutory limitation periods to claims in equity. Please click [here](#) to view the judgment of Smellie CJ.

*Verjee v CIBC Bank and Trust Co (Channel Islands) Ltd* [2001] Lloyd's Law Rep (Banking) 279, [2001] BPIR 1149: represented the creditor in his successful opposition to an application to set aside a statutory demand. In his judgment Hart J considered the scope of the duty owed by a bank to consult its customer before honouring a fraudulently presented cheque. Please click [here](#) to view the judgment of Hart J.

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## Private Client Trusts and Probate

*Docklock Ltd v Christo & Co Ltd* [2024] EWCA Civ 45: represented the successful appellant in the Court of Appeal, which held that the rule in *Clayton's Case* (the first in, first out rule) operates in the case of a running account between a property management company and its client. Accordingly, payments out of the account were automatically appropriated to sums standing to the credit of the account at the time and were not available to set off against other sums received in a later period. Neither a subsequent Family Division order nor a related settlement agreement between the companies should be construed so as retrospectively to undo that prior appropriation. Please click [here](#) to read the judgment of the Court of Appeal.

*Christoforou v Christoforou* [2020] EWHC 1196 (Ch): represented the claimant, who claimed that a London property was held on trust for him pursuant to a common intention construction trust, in a successful application to strike out allegations of dishonesty, fraud, and illegality from the defendants' Amended Defence and to exclude those allegations from consideration (and cross-examination) at trial. Please click [here](#) to view the judgment of HH Judge Eyre QC (sitting as a High Court Judge) (now Eyre J), and [here](#) for 'Restricting Evidence and Cross-Examination', an article by Daniel Lightman KC and Stephanie Thompson in the New Law Journal considering this judgment.

*Estera Trust (Jersey) Ltd v Singh* [2020] WTLR 127: represented the principal respondent to a section 994 petition presented by his brother and by a trust company connected to him at two trials before Fancourt J, who refused to restructure the share purchase order he had made to improve the petitioners' tax position in the face of objection from the respondents. Please click [here](#) to view the judgment of Fancourt J.

*Re Bankside Hotels Ltd* (No 2) [2019] 2 BCLC 174: represented parties who successfully opposed before Sir Nicholas Warren an application by the petitioner to join them as respondents to a section 994 petition. Striking out the claim to a share purchase order against the trustees, Sir Nicholas Warren found that even if the settlor of a trust holding 50% of the shares in a company is guilty of unfairly prejudicial conduct in relation to that company as a director of it, the trustees of the settlement are not thereby automatically themselves responsible for or implicated in such conduct or exposed to relief being granted against them in an unfair prejudice petition. Please click [here](#) to view the judgment of Sir Nicholas Warren.

*Rawlinson & Hunter Trustees SA v ITG Ltd* [2015] EWHC 1664 (Ch); [2015] EWHC 1924 (Ch): for the defendants, the former trustees of a Tchenguiz family trust, successfully opposing before Morgan J on the grounds of abuse of process an application to reintroduce by way of re-amendment of the Particulars of Claim the same claims which the defendants had successfully contended could not properly be served out of the jurisdiction. Please click [here](#) to view the judgment of Morgan J.

*Singh v Singh* [2014] EWHC 1060 (Ch) & [2014] EWCA Civ 1650: represented the hotelier Jasinder Singh in (i) his successful defence before Sir William Blackburne after a 5-week trial of a claim by his father that his business empire was held on constructive trust for the male members of his family in accordance with the Mitakshara and (ii) the dismissal of the father's appeal by the Court of Appeal. Please click [here](#) to view the judgment of Sir William Blackburne and [here](#) to view the judgment of Patten LJ.

*In Petrodel Resources v Prest* [2013] 2 AC 415, [2013] 3 WLR 1, [2013] 4 All ER 673, [2014] 1 BCLC 30, [2013] BCC 571, [2013] 2 FLR 732, [2013] 3 FCR 210, [2013] WTLR 1249, [2013] Fam Law 953, The Times, June 24, 2013, represented Mrs Prest, the successful appellant, in a landmark Supreme Court decision on the circumstances in which the court can pierce the corporate veil to make orders requiring the transfer to a former wife of assets and property held by offshore companies connected to the husband. Please click [here](#) to view the judgment of the Supreme Court, [here](#) for 'Lessons from Prest', an article about this judgment by Daniel Lightman and Emma Hargreaves in the New Law Journal, and [here](#) for '*Petrodel Resources Ltd v Prest*: where are we now?', an article they wrote for Trusts & Trustees.

*Tritton Development Fund Ltd v Fortis Bank (Cayman) Ltd and others* [2006] CILR 268: decision of Cayman Chief Justice Smellie in which he adopted as a matter of Cayman law the doctrine of the application by analogy of statutory limitation periods to claims in equity. Please click [here](#) to view the judgment of Smellie CJ.

*Parnall v Hurst and Others* [2005] WTLR 1241; *The Times*, 10 July 2003, [2003] WTLR 997: represented the successful defendant in an Inheritance Act claim where issues arose as to the jurisdiction to withdraw a judgment and to impose alternative sanctions to striking out an Inheritance Act claim.

*Murphy v McGlynn* [2002] WTLR 231: the court considered what efforts must be made to trace a missing beneficiary under a will before a court will make a representation order. Please click [here](#) to view the judgment of Lloyd J.

*In re the Estate of Phyllis Mary Bliss (Deceased)* [2002] WTLR 541, [2001] 1 WLR 1973, *The Times*, 13 April 2001: represented the estate in its successful application before Ferris J as to the basis of valuation of a property subject to a testamentary option. Please click [here](#) to view the judgment of Ferris J.

*M v S* (unrep, 16 July 2001): represented the claimant in a trial before Etherton J of a novel Inheritance Act claim based on his alleged abuse by his deceased mother.

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## Chancery

*Docklock Ltd v Christo & Co Ltd* [2024] EWCA Civ 45: represented the successful appellant in the Court of Appeal, which held that the rule in *Clayton's Case* (the first in, first out rule) operates in the case of a running account between a property management company and its client. Accordingly, payments out of the account were automatically appropriated to sums standing to the credit of the account at the time and were not available to set off against other sums received in a later period. Neither a subsequent Family Division order nor a related settlement agreement between the companies should be construed so as retrospectively to undo that prior appropriation. Please click [here](#) to read the judgment of the Court of Appeal.

*Christoforou v Christoforou* [2020] EWHC 1196 (Ch): represented the claimant, who claimed that a London property was held on trust for him pursuant to a common intention construction trust, in a successful application to strike out allegations of dishonesty, fraud, and illegality from the defendants' Amended Defence and to exclude those allegations from consideration (and cross-examination) at trial. Please click [here](#) to view the judgment of HH Judge Eyre QC (sitting as a High Court Judge) (now Eyre J), and [here](#) for 'Restricting Evidence and Cross-Examination', an article by Daniel Lightman KC and Stephanie Thompson in the *New Law Journal* considering this judgment.

*Rawlinson & Hunter Trustees SA v ITG Ltd* [2015] EWHC 1664 (Ch); [2015] EWHC 1924 (Ch): represented the defendants, the former trustees of a Tchenguiz family trust, in their successful opposition before Morgan J on the grounds of abuse of process to an application to reintroduce by way of re-amendment of the Particulars of Claim the same claims which the defendants had successfully contended could not properly be served out of the jurisdiction. Please click [here](#) to view the judgment of Morgan J.

*Mahdavi v Sterling Avram and Healys LLP*: represent the claimant, the victim of a fraudulent phantom sale of a property, in claims against both the purported vendor's and the purchaser's solicitors for breach of duty in failing to prevent a fraudulent transfer of a substantial sum, transferred by one solicitors' firm to another for the purpose of the purchase of a property but which were misappropriated by being paid out to third parties by a fraudster working as a consultant at the purported purchaser's law firm. Norris J ([2014] EWHC 4103 (Ch)) directed that the purported vendor's solicitors pay over to the claimant sums recovered through the banking system.



In *Petrodel Resources v Prest* [2013] 2 AC 415, [2013] 3 WLR 1, [2013] 4 All ER 673, [2014] 1 BCLC 30, [2013] BCC 571, [2013] 2 FLR 732, [2013] 3 FCR 210, [2013] WTLR 1249, [2013] Fam Law 953, The Times, June 24, 2013, represented Mrs Prest, the successful appellant, in a landmark Supreme Court decision on the circumstances in which the court can pierce the corporate veil to make orders requiring the transfer to a former wife of assets and property held by offshore companies connected to the husband. Please click [here](#) to view the judgment of the Supreme Court, [here](#) for 'Lessons from Prest', an article about this judgment by Daniel Lightman and Emma Hargreaves in the New Law Journal, and [here](#) for '*Petrodel Resources Ltd v Prest*: where are we now?', an article they wrote for Trusts & Trustees.

*Havai v Solland* [2008] EWHC 2514 (Ch): whether an order for the provision of security for costs should be varied to enable security to be provided by way of a charge over real property. Please click [here](#) to view the judgment of Martin Mann QC.

*Tritton Development Fund Ltd v Fortis Bank (Cayman) Ltd and others* [2006] CILR 268: decision of Cayman Chief Justice Smellie in which he adopted as a matter of Cayman law the doctrine of the application by analogy of statutory limitation periods to claims in equity. Please click [here](#) to view the judgment of Smellie CJ.

*Barrett v Universal-Island Records Ltd* [2006] EMLR 21: represented Island Records and members of the Marley family in their successful defence at trial before Lewison J of claim brought by former members of The Wailers alleged to have been in partnership with Bob Marley; an earlier decision of Laddie J on abuse of process was reported in The Times, 24 April 2003. Please click [here](#) to view the judgment of Lewison J.

*Sykes v Taylor-Rose* [2004] 2 P & CR 30, [2004] NPC 34, The Times, 2 March 2004, The Independent, 2 March 2004: the Court of Appeal considered whether the vendors of a house had a duty to inform the purchasers that a particularly horrific murder had taken place there. Please click [here](#) to view the judgment of the Court of Appeal.

*Gil v Baygreen Properties Ltd*, [2003] HLR 12, [2003] L & TR 1 [2002] 3 EGLR 42, (2002) 49 EG 126, The Independent, 7 October 2002, The Times, 17 July 2002: represented the defendant in her successful appeal to the Court of Appeal, which set aside a consent order on the ground that the court only has jurisdiction to make a possession order under the Housing Act 1988 if it finds that the statutory criteria for the exercise of that jurisdiction are satisfied. Please click [here](#) to view the judgment of the Court of Appeal.

*Verjee v CIBC Bank and Trust Co (Channel Islands) Ltd* [2001] Lloyd's Law Rep (Banking) 279, [2001] BPIR 1149: represented the creditor in his successful opposition to an application to set aside a statutory demand. In his judgment Hart J considered the scope of the duty owed by a bank to consult its customer before honouring a fraudulently presented cheque. Please click [here](#) to view the judgment of the Court of Appeal.

*Peskin v Anderson* [2001] 1 BCLC 372, [2001] BCC 875 (Court of Appeal); [2000] 2 BCLC 1, [2000] BCC 110 (Neuberger J): represented the claimants (former full members of the RAC) in their claim against the committee of the RAC. The landmark judgment of the Court of Appeal considered the circumstances in which directors owe fiduciary duties directly to shareholders. Please click [here](#) to view the judgment of Neuberger J and [here](#) to view the judgment of the Court of Appeal.

*The University of Nottingham v Dr Simon Fishel* [2001] RPC 22, The Times, 31 March 2000, [2000] IRLR 471, [2000] ICR 1462, [2000] ELR 385, [2000] EdCR 505: represented the defendant in his successful defence of claims for breach of contract and breach of fiduciary duty brought against him by the university by which he had been employed as a lecturer. Elias J's important judgment considered the circumstances in which an employee owes fiduciary duties to his employer and the ambit of any such duties. Please click [here](#) to view the judgment of Elias J.

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## Matrimonial Finance: Trusts and Company law

Daniel Lightman KC has made his mark ensuring that company and trusts law principles are recognized in the Family Courts. Before taking Silk, for two years he was the only barrister not exclusively a family practitioner who was ranked for Family Law (including Divorce and Financial Remedy) in *Legal 500*. He is now the only Silk who is not exclusively a family practitioner ranked by *Legal 500, 2021* in that practice area. He also appears on the *Leaders List* of Family and Matrimonial Lawyers.

In addition to the three widely publicised cases referred to below, he has advised and represented parties to matrimonial proceedings in a number of other, confidential, cases, including where issues have arisen as to (i) whether a minority shareholding in a private company should be valued subject to a minority discount – an issue which is highly significant financially in an increasing number of high value matrimonial disputes – and (ii) how to protect the spouse's rights and interests as a shareholder (if necessary by issuing proceedings in the Companies Court), while at the same time seeking remedies in the Family Courts.

In *Versteegh v Versteegh* (reported as *W v W* [2017] EWHC 123 (Fam)), representing the husband in high-value matrimonial proceedings, he persuaded Sir Peter Singer that he should transfer shares in family companies, rather than pay a lump sum, to the wife, and that the shares she should be given should be ordinary, not preference, shares.

In *C v C*, in matrimonial proceedings the husband obtained an *ex parte* order in the Family Court which had the effect of restraining his wife and son from performing their duties as directors of two family-owned companies, Representing the son, Daniel successfully applied to set aside the *ex parte* injunction with indemnity costs, persuading Roberts J, in a landmark judgment ([2016] Fam Law 20), to hold that established company law principles apply in the Family Court, that previous Family Court decisions (notably of Thorpe J in *Poon v Poon* [1994] 2 FLR 857) that all disputes within the family should be litigated in the Family Court should not be followed, and that accordingly the Family Court had no jurisdiction under section 37 of the Matrimonial Causes Act 1973, section 37 of the Senior Courts Act 1981 or its inherent jurisdiction to grant injunctive relief either (i) against company directors who are not the spouses in the matrimonial proceedings or (ii) in respect of assets of the companies of which the spouses are the sole shareholders. Please click [here](#) to view the judgment.

In *Petrodel Resources v Prest* [2013] 2 AC 415, [2013] 3 WLR 1, [2013] 4 All ER 673, [2014] 1 BCLC 30, [2013] BCC 571, [2013] 2 FLR 732, [2013] 3 FCR 210, [2013] WTLR 1249, [2013] Fam Law 953, The Times, June 24, 2013, represented Mrs Prest, the successful appellant, in a landmark Supreme Court decision on the circumstances in which the court can pierce the corporate veil to make orders requiring the transfer to a former wife of assets and property held by offshore companies connected to the husband. Please click [here](#) to view the judgment, [here](#) for an article from New Law Journal, and [here](#) for an article from Trusts & Trustees.

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## Notable Cases

Recent significant cases include: *Docklock Ltd v Christo & Co Ltd* [2024] EWCA Civ 45; *In re BHS Group Ltd (in liquidation)* [2024] 1 BCLC 71; *Re Klimvest plc* [2023] 1 BCLC 388; *Taylor Goodchild Ltd v Taylor* [2022] 2 BCLC 27; *Re Prospect Place (Wimbledon) Management Co Ltd* [2022] BCC 1176; *King v Stiefel* [2022] 1 All ER (Comm) 990; *Re Dinglis Properties Ltd* [2021] 1 All ER 685, [2020] 1 BCLC 107, [2020] 2 BCLC 574 and [2020] 2 BCLC 607; *Christoforou v Christoforou* [2020] EWHC 1196 (Ch); *Re G&G Properties Ltd* [2020] Bus LR 762; *Re Bankside Hotels Ltd* [2019] 1 BCLC 434 and [2019] 2 BCLC 174; and *Re Edwardian Group Ltd, Estera Trust (Jersey) Ltd v Singh* [2020] WTLR 127 and [2019] 1 BCLC 171.

## Recommendations

Dispute Resolution: Commercial, Dispute Resolution: Commercial Chancery and Restructuring/Insolvency (Chambers Global, 2024).

Chancery: Commercial, Commercial Dispute Resolution, Company, Professional Negligence and Restructuring/Insolvency (Chambers & Partners, 2024).

Commercial Litigation, Company, Family (including Divorce and Financial Remedy), Fraud: Civil, Insolvency and Professional Negligence (The Legal 500, 2024).

Company & Partnership (Who's Who Legal: UK Bar, 2023).

One of the Lawdragon 500 Leading Global Bankruptcy and Restructuring Lawyers 2020. Contentious Trusts (*Citywealth Leaders List*).

One of the fourteen barristers in The Lawyer "Hot 100" 2013.

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## Quotes

*"Daniel Lightman always seeks to find solutions to issues. He does creative and clever work... A man with a brilliant mind, who is really knowledgeable in his field... An excellent draftsman with exceptional attention to detail, he has unrivalled technical expertise in his chosen fields. Commercially aware and very astute, he's a team player whom it's a pleasure to work with... He impresses with his calm approach, and his written work is very persuasive and clear... Daniel is an excellent advocate and an effective cross-examiner... His skeleton arguments are really good and well written; he is very clear and persuasive":* Chambers & Partners, 2024.

*"Daniel is a master of litigation strategy. His attention to detail and strategic nous are excellent, and clients inevitably benefit from an early stage of the litigation as a result. He is well-known as a superb black-letter lawyer and that reputation is more than justified... he is tenacious as an advocate, and judges instantly respect him for his obvious legal and analytical strength in depth... Daniel is a true pleasure to work with. He has an extremely able mind and is often able to see the wood for the trees when others cannot. He is a skilled black-letter lawyer with an incisive intellect... Daniel is an excellent advocate who undoubtedly has the ear of the court. His ability to develop arguments on technical points of law and procedure stand him apart from the rest, which he can deliver owing to the quality and diligence of his analysis and preparation. Daniel has exceptional experience in shareholder disputes and is incredibly creative, thinking outside the box and coming up with innovative solutions no one else thinks about":* The Legal 500, 2024.

*"His work is never done - he is always thinking. Very smart and creative, he has an encyclopaedic knowledge and is passionate about the law and the specific areas he deals in... Daniel is very bright and one of the top barristers in*

*the space... He has superb drafting skills... Daniel is a fine silk who particularly excels in producing skeleton arguments that are second to none... Daniel is a highly impressive silk who takes a forensic approach to his cases and always ensures he is meticulously prepared for hearings. Daniel has encyclopaedic knowledge of all and every possible law and case law discussion relating to shareholder and director disputes. A brilliant black-letter lawyer.... He is noted for his expertise advising on cases involving a novel or unusual point of law. Interviewees particularly highlight his standout technical ability and deft handling of complex cases”*: Chambers & Partners, 2023.

*“An extraordinarily persuasive advocate at the very top of his game, he is strategically brilliant and able to identify with precision those points most likely to be determinative of the issues at hand... He really thinks outside the box. He finds solutions when no one else can. Also a really tenacious advocate... His advocacy style is calm, considered and utterly persuasive. He is responsive, reassuring and technically astute as well as being extremely bright... Daniel has an exceptional attention to detail. He was able to analyse claims and petitions and spot weaknesses others would miss... Daniel’s written advocacy is precise and well thought through. He is an asset to any family law team looking for company law input... Daniel is an extremely determined silk with an exceptional knowledge of the law”*: The Legal 500, 2023.

*“The cleverest person I know. He is just incredibly bright, endlessly hard-working and tenacious... Very knowledgeable with a really impressive ability to forensically analyse a large body of material to get to the heart of the matter and create novel arguments... He's very hard-working, and his attention to detail is great. His written advocacy is fantastic: it's clear, persuasive and well written... A very, very strong black letter lawyer, who has a mild manner when he's making submissions but is brilliantly effective... He's an industry leader on unfair prejudice work... A remarkable mentor on a case who gives very valuable advice. He's genuinely interested in the matter at hand and is generous with his time”*: Chambers & Partners, 2022.

*“Strategically excellent, extremely bright and a pleasure to work with... An outstanding lawyer. Not only does he have great mastery of the technical side of a case, Daniel is also completely on top of the factual detail... Daniel has an absolute attention to detail and intellectual rigorousness that strips away extraneous issues to get to the law that matters... Daniel is an extremely determined silk, who has exceptional knowledge of the law... He is incredibly knowledgeable on company law, and thus is a real asset in financial remedy cases involving complex corporate structures... A brilliant company and insolvency lawyer with a complete mastery of the technical aspects of insolvency law as well as a great eye for detail”*: The Legal 500, 2022.

*“One of the most outstanding legal brains of a generation... He has an outstanding legal brain... His submissions are extremely good and he is very impressive... He has exceptional knowledge and expertise, particularly in relation to company disputes... He is thorough in his preparation and skilful in presenting his statements of case. He's also very approachable and affable... Very strong on paper... Daniel is excellent; he's responsive and works hard”*: Chambers & Partners, 2021.

*“Fantastically bright and has very good strategic sense. Daniel is a pleasure to work with and has a wonderful demeanour with clients... Extremely bright, is inventive with his arguments and has good judgement... Always on top of the law and able to think of all possible lines of legal argument. He has a forensic eye for detail and a true gift for written advocacy... A real lawyer's lawyer - he knows his stuff backwards, but he is also easy to work with and an accomplished courtroom performer... Clever and conscientious...”*: The Legal 500, 2021.

*“Daniel Lightman KC is an “incredibly hardworking and approachable advocate” who “has a constant eye on strategy and tailors solutions accordingly”*”: Who’s Who Legal, 2021.

*"Daniel displays incredible attention to detail, is a creative thinker and is someone who produces brilliant skeleton arguments... He is very passionate, bright, collaborative and doesn't sit in his ivory tower. Clients really like him and he inspires a lot of confidence... He has an unparalleled grasp of the law and is technically superb. He has a sharp intellect and is an all-round excellent choice for chancery business... Very little gets past him and he's prepared to*

*back his judgement*": Chambers & Partners, 2020.

*"He is incredibly able and thorough... He is a leading company silk whose knowledge in the area and strategic nous is legendary... He is tenacious and extremely intellectually rigorous"*: The Legal 500, 2020.

*"Daniel Lightman KC receives plaudits from peers and clients alike who highlight his "excellent sense of the court and very good judgement". One source notes: "He is one of the most brilliant barristers I have ever instructed": Who's Who Legal, 2019.*

*"He's extremely intelligent. He focuses on the details and straightforwardly communicates the legal complexities of the case... He is thorough in his preparation and skilful in presenting his statements in court. He's very approachable and affable in his dealings with both clients and instructing solicitors." "He is conscientious, creative and a pleasure to work with... Unbeatable for complicated cases where the law is paramount. The discipline and precision he brings to proceedings is invaluable... Thorough in his preparation and skilful in presenting his statements of case... Daniel has exceptional knowledge and expertise, particularly in relation to company and shareholder disputes"*: Chambers & Partners, 2019.

*"If there is an unusual but telling argument out there, he will find it"*: The Legal 500, 2019.

*"He is loved by clients and solicitors alike, and he sees things others simply do not... He has excellent drafting skills, possesses a good bedside manner with clients and is a very effective advocate... Has an unparalleled grasp of the law and is technically superb... If you've got something really complicated, undoubtedly you want him... Thorough in his preparation and skilful in presenting his statements of case"*: Chambers & Partners, 2018.

*"Daniel Lightman is excellent: he has a superb eye for detail and is adept at spotting and exploiting the weaknesses in his opponent's case; he can master large bundles of documents and analyse the information in them to marshal the key facts in support of a clear and powerful argument; he keeps focused on the client's interests; and has a way of empathising with them in a way that is very much valued. He is also a good team player"*: CityWealth Leaders List, 2018.

*"He has a brain the size of a really big planet... Very approachable and affable in his dealings with solicitors and the client... He has absolute focus on how the detail builds the complete picture... He does not work in half measures... Thorough in his preparation and skilful in presenting his statements of case"*: The Legal 500, 2017.

*"Daniel Lightman KC is a "hugely bright, hard-working and creative" barrister who "sees both the finer detail that others don't and the bigger picture, and is an asset on any case", according to one peer. Sources particularly highlight his "expertise in fiduciary duties" while others describe him as "the man for unfair prejudice minority shareholder company matters"*: Who's Who Legal, 2017.

*"Very talented... A very intelligent barrister... He has exceptional knowledge and skills, particularly in relation to company and shareholder disputes... Very clever and very technical – he is an advocate with a loyal following... He has very good attention to detail and is good at understanding an unusual brief... An excellent barrister with an eye for technical detail... He is very helpful on complex matters and businesslike to deal with – a consummate professional"*: Chambers & Partners, 2017.

*"First rate... Truly impressive with strategic instincts... Brilliant in fraud because his forensic skills and persistence are just what's needed... Recommended for his technical knowledge and attention to detail; he ably handles very complex matters... He absorbs complicated documents and has such an eye for detail... Technically extremely competent and very strong on tactics and drafting"*: The Legal 500, 2016.

*"On any trust or company dispute, Daniel is always my first choice counsel. His combination of deep specialist legal expertise, intellectual ability and strong advocacy skills places him head and shoulders above his peers in this area"*.



CityWealth Leaders List, 2016.

"Daniel Lightman KC is "incredibly smart and articulate". Clients like his "resolute focus" and "unbounded wisdom" in order to achieve successful results in a case": Who's Who Legal, 2016.

"Has a brain the size of a planet and is obviously marked for great things... Spots points others don't. He always makes himself available, is incredibly bright and a real expert on corporate disputes... He is good on his feet and his written work is second to none... A doughty fighter who always fights on with great enthusiasm... He is a genius. He lives and breathes company law and his written work is second to none... He is frighteningly clever and intellectually courageous": Chambers & Partners, 2016.

## Publications

### Books

Author of Chapter 2 (derivative claims) and co-author of Chapter 7 (section 994 procedure) of Joffe: *Minority Shareholders: Law, Practice & Procedure* (OUP, 7th Ed, 2024).

Co-author of Chapters 12 (duties and liabilities of administrators), 13 (duties and liabilities of receivers and their appointors) and 29 (court-appointed receivers) of Lightman & Moss, *The Law of Administrators and Receivers of Companies* (6th Ed, 2017).

Co-author of *Cricket Grounds from the Air* (Myriad Books, 2nd Ed, 2010).

### Articles

[The light at the end of the tunnel and the last throw of the die: liquidators' claims against former directors following Sequana](#) (International Insolvency & Restructuring Report 2023-24, pp 11 - 14).

[Pleading Issues: Pick Your Battles](#) (New Law Journal, 27 January 2023).

[Quasi-Partnerships in Public Companies](#) (ThoughtLeaders4 Disputes Magazine, Issue 5, pp. 41 and 42).

[Publicly listed company wound up for loss of substratum \(Re Klimvest plc\)](#) (Lexis@PSL, 28 March 2022).

[Unparalleled Circumstances](#) (New Law Journal, 31 July 2020).

[Restricting Evidence and Cross-Examination](#) (New Law Journal, 3 July 2020).

[One Way Bets and Straining at Gnats: Fixing a Fair Valuation Date in Unfair Prejudice Petitions](#) (Butterworths Journal of International Banking & Financial Law, December 2018, pp 678 - 681).

[The Flexible Friend](#) (New Law Journal, 20 January 2017).

[Why procedure matters](#) (New Law Journal, 6 March 2015).

[Clash between Saudi Royal Protocols and Civil Procedure Rules](#) (The Times, 27 November 2014).

[Unfair Prejudice Petitions: Long-range Missiles for Minority Shareholders](#) (Butterworths Journal of International Banking & Financial Law 2013, 28(11), pp 694 - 695).

[Petrodel Resources Ltd v Prest: where are we now?](#) (Trusts & Trustees, Vol 19, No 9, November 2013, pp 877-888).

[Lessons from Prest](#) (New Law Journal, 19 July 2013).

[A Drafting Enigma](#) (New Law Journal, 17 August 2012).

[The Role of the Company at the Permission Stage in the Statutory Derivative Claim](#) (Civil Justice Quarterly, February 2011).

[Two Aspects of the Statutory Derivative Claim](#) (Lloyd's Maritime & Commercial Law Quarterly, February 2011).

The statutory derivative claim: three years on (Butterworths Civil Costs Newsletter, February 2011).

Coming of Age? (New Law Journal, 17 December 2010).

Lawyers at Long On (Counsel, March 2010).

The New Statutory Derivative Claim (Law Society Gazette, 8 November 2007).  
The Companies Act 2006: A Nutshell Guide to the Changes to the Derivative Claim (Civil Justice Quarterly, Vol 26, January 2007).  
Boards beware! Lawyers loom (The Times, 12 September 2006).  
Business as usual in the county court? (New Law Journal, 4 February 2005).  
Equality of Arms (New Law Journal, 29 October 2004).  
Inheritance Claims: Change in Court Rules (New Law Journal, 24 October 2003).  
Winding Up (New Law Journal, 10 October 2003).  
[Strict Guidelines](#) (Solicitors' Journal, 8 August 2003).  
Treading the line between law lord and politician (The Times, 4 March 2003).  
[28 days later](#) (Solicitors' Journal, 8 November 2002).  
Appointment of Representatives under the Civil Procedure Rules ([2001] Private Client Business, pp 311 - 313).  
Lord Chancellor and Master of the Multifarious Roles (The Times, 27 February 2001).  
Testamentary Options: are all the options clear? (Trusts and Estates Law Journal, July/August 2001).  
The Jersey and Guernsey Bailiffs and the Lord Chancellor Revisited [2000] JR 111.  
The Bailiffs of Jersey and Guernsey, the Lord Chancellor and the Separation of Powers [1999] JR 54.  
Costs Under the CPR (Solicitors' Journal, 3 December 1999).  
Sanction of Ordering Payment into Court (Solicitors' Journal, 16 July 1999).  
A Green Light for Publicising Winding-up Petitions before Advertisement in the London Gazette? (Insolvency Intelligence, February 1999).

## **Education**

University College School; Magdalen College, Oxford (BA Hons 1st, Literae Humaniores); City University (Dip Law with Distinction). Hardwicke, Mansfield and Denning Scholar of Lincoln's Inn.

## **Career**

Called to the Bar 1995. Queen's Counsel 2016. Called (ad hoc) to the Bar of the Cayman Islands 2020.

## **Leisure**

Jazz; cricket - co-author of Cricket Grounds from the Air (2nd Ed. 2010).

And has written articles on cricket for (amongst other publications) Wisden, the Cricketer, Nightwatchman, the Spectator and Majesty Magazine, as well as curating the current (and first ever) exhibition at the MCC Museum, Lord's, on Jews and Cricket.

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## **Education & Qualifications**

BA (First Class), Magdalen College, Oxford.

Dip Law (Distinction) City University, London.

## **Appointments**

Member of the Practical Law Company Corporate Consultation Board.

Hardwicke, Mansfield and Denning Scholar of Lincoln's Inn.

## **Memberships**

ACTAPS, Chancery Bar Association, COMBAR, Family Law Bar Association, Insolvency Lawyers' Association and PNBA.

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