



Daniel Lightman QC

Year of Silk: 2016 Year of Call: 1995

“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...”: 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”: Legal 500, 2020.



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Practice Overview

Areas of Expertise

Civil Fraud

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.

Griffith v Gourgey [2017] EWCA Civ 926: the Court of Appeal considered the circumstances in which the court can and should entertain a second application for relief from sanctions.

C v C [2016] Fam Law 20: 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

companies, Representing the son, successfully applied to set aside an ex parte injunction with indemnity costs, persuading Roberts J 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 the directors of two family-owned companies or (ii) in respect of the assets of those companies.

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.

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.

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 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.

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.

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.

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.

Re Fi Call Ltd [2013] 1 WLR 2993, [2013] EMLR 29: the Court of Appeal decided that interlocutory hearings in a section 994 petition should not be heard in private to protect the reputations of two Saudi Arabian Princes against whom allegations of serious misconduct had been made.

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.

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 (Mitting J): represented Mr Perry in his successful appeal to the Supreme Court, which decided that there is 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.

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 is no jurisdiction under the Proceeds of Crime Act 2002 for SOCA to give information notices to persons outside the jurisdiction.

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.

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.

Oystertec v Davidson [2005] BPIR 401: represented the claimant in a case where Patten J considered the appropriate penalty to be imposed on the defendant for failing to comply with the asset disclosure requirements of a freezing order.

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.

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.

Commercial Litigation

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.

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.

Re Dinglis Properties Ltd [2020] 1 BCLC 107; [2019] Bus LR 3100: represented the respondents at the High Court trial of a section 994 petition. In his judgment after trial, 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 ([2019] EWHC 3327 (Ch)) 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 judgment handed down in June 2020 ([2020] EWHC 1363 (Ch)) Mr Johnson QC considered the impact of the Covid-19 crisis on the share purchase order which he had previously made.

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.

Re Edwardian Group Ltd, Estera 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)).

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.

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.

Griffith v Gourgey [2018] 3 Costs LR 605: represented the respondents before Fancourt J, who decided that three firms of solicitors (who in breach of warranty of authority had successively purported to represent a trust, a respondent to a section 994 petition) and the petitioners should share liability for the other parties' costs. Subsequent costs judgments in this litigation have been reported at [2019] 1 Costs LO 43 and [2019] 1 Costs LO 53.

Re Pedersen (Thameside) Ltd [2018] BCC 58: represented a 5% shareholder in his successful application to strike out the claim to relief (a share purchase order) sought against him in an unfair prejudice petition.

Griffith v Gourgey [2017] EWCA Civ 926: the Court of Appeal considered the circumstances in which the court can and should entertain a second application for relief from sanctions.

C v C [2016] Fam Law 20: 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 companies. Representing the son, successfully applied to set aside an ex parte injunction with indemnity costs, persuading Roberts J 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 the directors of two family-owned companies or (ii) in respect of the assets of those companies.

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.

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.

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.

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 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.

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.

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.

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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.

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 (Mitting J): represented Mr Perry in his successful appeal to the Supreme Court, which decided that there is 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.

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 is no jurisdiction under the Proceeds of Crime Act 2002 for SOCA to give information notices to persons outside the jurisdiction.

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.

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.

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.

BBC v Sugar [2008] 1 WLR 2289: the first Court of Appeal decision interpreting the requirements of a decision notice by the Information Commissioner under the Freedom of Information Act 2000.

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.

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.

Barrett v Universal-Island Records Ltd [2006] EMLR 21: 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.

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.

Oystertec v Davidson [2005] BPIR 401: represented the claimant in a case where Patten J considered the appropriate penalty to be imposed on the defendant for failing to comply with the asset disclosure requirements of a freezing order.

Arrow Trading & Investments Est 1920 v Edwardian Group Ltd [2005] 1 BCLC 696 (Blackburne J), [2004] BCC 955 (Sir Francis Ferris): represented the 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Company

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.

Re Dinglis Properties Ltd [2020] 1 BCLC 107; [2019] Bus LR 3100: represented the respondents at the High Court trial of a section 994 petition. In his judgment after trial, 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 ([2019] EWHC 3327 (Ch)) 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 judgment handed down in June 2020 ([2020] EWHC 1363 (Ch)) Mr Johnson QC considered the impact of the Covid-19 crisis on the share purchase order which he had previously made.

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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)).

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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.

Griffith v Gourgey [2018] 3 Costs LR 605: represented the respondents before Fancourt J, who decided that three firms of solicitors (who in breach of warranty of authority had successively purported to represent a trust, a respondent to a section 994 petition) and the petitioners should share liability for the other parties' costs. Subsequent costs judgments in this litigation have been reported at [2019] 1 Costs LO 43 and [2019] 1 Costs LO 53.

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.

Griffith v Gourgey [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 circumstances in which a court should entertain a second application for relief from sanctions.

C v C [2016] Fam Law 20: 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 companies, Representing the son, successfully applied to set aside an ex parte injunction with indemnity costs, persuading Roberts J 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 the directors of two family-owned companies or (ii) in respect of the assets of those companies.

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 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.

Abouraya v Sigmund [2015] BCC 503: Richards J held that a multiple derivative claim can be brought at common law in respect of an overseas company.

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.

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.

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.

Eckerle 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.

Re Fi Call Ltd [2013] 1 WLR 2993, [2013] EMLR 29: successfully opposed before Morgan J and in the Court of Appeal applications by two Saudi Arabian Princes, against whom allegations of serious misconduct had been made, in which they sought orders that interlocutory hearings in a section 994 petition should be heard in private to protect their reputations.

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.

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.

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

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).

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.

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.

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.

Insolvency

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.

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 decision of Patten J in this case is

reported at [2009] BCC 443.

Fraser v Oystertec plc [2006] 1 BCLC 491, [2005] BPIR 381: whether an interim third party debt order should be made final where there are competing creditors.

Davidson v Stanley [2005] BPIR 279: whether IVA proposal sufficiently viable for the debtor to obtain an interim order.

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.

Re Ciro Citterio Menswear Plc [2002] BPIR 903: administrators' prospective costs order.

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.

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.

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 opposition of most creditors.

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.

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.

Professional Negligence

Solland International Ltd v Clifford Harris & Co: decisions of Master Bowles ([2015] EWHC 2018 (Ch)) and (on appeal) Arnold J ([2015] EWHC 3295 (Ch)) on whether a professional negligence claim should be struck out as an abuse of process.

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.

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.

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.

Private Client Trusts and Probate

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.

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.

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.

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.

Singh v Singh [2014] EWHC 1060 (Ch) & [2014] EWCA Civ 1650: represented Jasminder 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.

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.

Tritton Development Fund Ltd v Fortis Bank (Cayman) Ltd and others [2006] CILR 268: decision of Cayman Chief Justice Smellie adopting as a matter of Cayman law the doctrine of the application by analogy of statutory limitation periods to claims in equity.

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 & anr [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.

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.

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

Chancery

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.

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.

Re Dinglis Properties Ltd [2020] 1 BCLC 107; [2019] Bus LR 3100: represented the respondents at the High Court trial of a section 994 petition. In his judgment after trial, 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 ([2019] EWHC 3327 (Ch)) 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 judgment handed down in June 2020 ([2020] EWHC 1363 (Ch)) Mr Johnson QC considered the impact of the Covid-19 crisis on the share purchase order which he had previously made.

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.

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)).

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.

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.

Griffith v Gourgey [2018] 3 Costs LR 605: represented the respondents before Fancourt J, who decided that three firms of solicitors (who in breach of warranty of authority had successively purported to represent a trust, a respondent to a section 994 petition) and the petitioners should share liability for the other parties' costs. Subsequent costs judgments in this litigation have been reported at [2019] 1 Costs LO 43 and [2019] 1 Costs LO 53.

Re Pedersen (Thameside) Ltd [2018] BCC 58: represented a 5% shareholder in his successful application to strike out the claim to relief (a share purchase order) sought against him in an unfair prejudice petition.

Griffith v Gourgey [2017] EWCA Civ 926: the Court of Appeal considered the circumstances in which the court can and should entertain a second application for relief from sanctions.

C v C [2016] Fam Law 20: 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 companies. Representing the son, successfully applied to set aside an ex parte injunction with indemnity costs, persuading Roberts J 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 the directors of two family-owned companies or (ii) in respect of the assets of those companies.

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.

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.

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.

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 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.

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.

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.

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.

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.

Re Fi Call Ltd [2013] 1 WLR 2993, [2013] EMLR 29: successfully opposed before Morgan J and in the Court of Appeal applications by two Saudi Arabian Princes, against whom allegations of serious misconduct had been made, in which they sought orders that interlocutory hearings in a section 994 petition should be heard in private to protect their reputations.

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.

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.

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.

BBC v Sugar [2008] 1 WLR 2289: the first Court of Appeal decision interpreting the requirements of a decision notice by the Information Commissioner under the Freedom of Information Act 2000.

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.

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.

Barrett v Universal-Island Records Ltd [2006] EMLR 21: 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.

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.

Oystertec v Davidson [2005] BPIR 401: represented the claimant in a case where Patten J considered the appropriate penalty to be imposed on the defendant for failing to comply with the asset disclosure requirements of a freezing order.

Arrow Trading & Investments Est 1920 v Edwardian Group Ltd [2005] 1 BCLC 696 (Blackburne J), [2004] BCC 955 (Sir Francis Ferris): represented the 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.

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.

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.

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.

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.

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.

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 setting 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.

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.

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.

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.

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.

Recommendations

Chancery: Commercial, Commercial Dispute Resolution, Company and Restructuring/Insolvency (*Chambers & Partners, 2020*)

Dispute Resolution: Commercial, Dispute Resolution: Commercial Chancery and Restructuring/Insolvency (*Chambers Global, 2020*)

Commercial Litigation, Company, Fraud: Civil and Professional Negligence (*The Legal 500, 2020*)

Company & Partnership (*Who's Who Legal: UK Bar, 2020*) – for the last three years, ranked as one of the three most highly regarded Silks in this category.

Contentious Trusts (*Citywealth Leaders List*)

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

Quotes

"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 QC 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." "We use Daniel on particularly technical matters or where there is an unusual point of law upon which we require an opinion. He is extremely bright": 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 QC 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 QC 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.

"Very bright and industrious; he has a first-rate knowledge of the law... A very good barrister for fraud work... Brilliant focus... Recommended without hesitation... A great depth of expertise in the field": The Legal 500, 2015.

"Daniel Lightman is hugely talented and an invaluable asset on any case. He has a wonderful ability to process both small but important details and the wider legal and strategic picture, making him an excellent all-rounder. He also has solid judgment when it comes to deciding how to present the case in a way that will most appeal to the court. His thoughtful and softly spoken manner in conference belies his forceful advocacy style which is very effective": CityWealth Leaders List, 2015.

"Recognised for his experience in commercial litigation, and known for his skill at handling company law, insolvency and civil fraud cases. He also boasts a substantial international practice." "He has a huge knowledge of the law and is immensely hard-working." "He is thoughtful, clever and astute - a great team player." "A bright and innovative junior with an excellent reputation for company law and restructuring and insolvency in particular. "Bright, enthusiastic and insightful." "He has an outstanding brain, is tremendously hard-working and likes to be very involved in every aspect of the case." "A skilled and highly regarded junior, who is credited by sources for his creativity and for knowing the law inside out." "He's got a brilliant mind and is always thinking of a new angle. He surprises me with innovative ideas in a way that no one else I've worked with does." "Widely recognised as a lawyer with a brilliant intellect, who is highly inventive. He is particularly sought out for the quality of his opinions and is further fêted for his excellent advocacy skills." "He is extremely bright and the sort of the counsel you would use on a particularly technical matter, or for an unusual point of law": Chambers & Partners, 2015.

"He has an encyclopaedic knowledge of case law... Industrious and determined... Determined to tackle the knottiest problems and find the solution... He has an eye for detail and is extremely good on paper as well as being user friendly with clients... Fantastic attention to detail": The Legal 500, 2014.

"Maintains a dynamic and diverse practice covering both commercial and traditional chancery. "Gutsy, extremely intelligent, ferociously hard-working and doggedly determined to do the best for his client." "He spots points that others don't and always makes himself available. He is incredibly bright and a real expert on corporate disputes." A senior junior who is highly rated for his advice to clients on all areas of company law... He is strongly commended

by sources for his exceptional technical skills. Celebrated for his commercial acumen and feisty courtroom style, he is skilled at acting for clients on both sides of insolvency proceedings. "Extraordinarily technically accurate, but also has a grasp on real business issues and commercial practicalities": Chambers & Partners, 2014.

"Daniel Lightman is 'diligent, level-headed under pressure, and one of the best juniors out there for big, complex cases'... For company and Chancery matters, Daniel Lightman is 'simply outstanding; he always calls it right and is not intimidated by anyone'... Daniel Lightman is 'one of the brightest barristers out there; he appreciates the finer intellectual points, but has an astute commercial sense'... 'incredibly knowledgeable': The Legal 500, 2013.

"Phenomenally hard working and can be relied upon to get to the heart of an issue, drilling down to the details that matter": Citywealth Leaders List, 2013.

"Daniel Lightman 'has a phenomenal brain and is very creative'... He is widely recognised for his willingness to take up seemingly lost causes, with instructing solicitors noting that 'he doesn't shy away from a difficult case; he knows he will always find a way to argue it.' ... Peers believe that describing Daniel Lightman as dedicated is a significant understatement; 'he simply never lets a point go, he gives 100% for his clients and is available for them day and night': Chambers & Partners, 2013.

"Daniel Lightman is 'outstanding' for company matters, combining his 'phenomenal grasp of the law with the ability to empathise with clients'... Daniel Lightman is 'a tenacious barrister with commercial flair and a good dose of pragmatism': The Legal 500, 2012.

"My senior junior counsel of choice. He is outstanding on his feet, ingenious with argument, and will persevere fearlessly, tenaciously and successfully against the stiffest opposition": Citywealth Leaders List, 2012.

"Another with an impressive pedigree in fraud litigation is Daniel Lightman, a 'formidable and very bright advocate' who is a strong presence at the Chancery Bar... Said to be fantastically hard-working and conscientious, Daniel Lightman's unflinching dedication to win on behalf of his clients is much commented upon. He comes highly recommended... Daniel Lightman 'takes a robust approach and will fight to the death for his clients': Chambers & Partners, 2012.

"The 'phenomenally bright' Daniel Lightman 'stands head and shoulders above his contemporaries for company work and is unquestionably destined for great things': The Legal 500, 2011.

"Interviewees are quick to comment on Daniel Lightman's 'incredible intellect,' in addition to his 'thorough, diligent and practical approach.' He has substantial experience of foreign jurisdictions... Amongst Serle Court's juniors, Daniel Lightman is rated for his 'good commercial instincts' and being 'approachable and sensitive to client needs': Chambers Global, 2011.

"...Daniel Lightman offers the 'perfect package of diligence, user-friendliness and attention to detail.' Daniel Lightman 'is approachable and sensitive to client needs, and has good commercial instincts.' ... litigator Daniel Lightman... is described by clients and peers alike as a 'tenacious fighter'... Daniel Lightman is a 'terrific junior' who 'will fight to the end for his clients.' 'He gives me a depth of advice I cannot find anywhere else': Chambers & Partners, 2011.

"Daniel Lightman commands admiration throughout the market. 'Very thorough in all he does,' he is 'a seriously clever man who is always on the go.' 'The standout juniors here include Daniel Lightman, of whom one source said: 'He fought more courageously and assiduously than anyone I've ever seen.' He draws praise as a 'persuasive advocate who will always dig out arguable points from the most unpromising of briefs': Chambers & Partners, 2010.

"Daniel Lightman is 'approachable, sensitive to client needs and has good instincts': The Legal 500, 2009.

"A "star of the future," Daniel Lightman is rated as "creative, determined and sensitive to clients' needs."..."Sources describe Daniel Lightman as a "very proactive and hands-on advocate" who "devotes more time than expected to his clients' needs." ... "a highly effective performer" who handles considerable amounts of shareholders' disputes. "Destined to become a real star," he "has a practice that can only go from strength to strength." "..." hard-working junior Daniel Lightman, "a very effective and well-prepared advocate" who "combines enthusiasm with original thinking": Chambers & Partners, 2009.

"Peers 'rave about' Daniel Lightman, who is 'excellent'": The Legal 500, 2008.

"Daniel Lightman is deemed a "very fine junior" by interviewees. He is "someone you want fighting your corner in a difficult case." "..."Extremely thorough, and firm but courteous," Daniel Lightman's practice often spans the company and chancery divide." "At the junior end, Daniel Lightman is dubbed "a very tenacious litigator," and peers add: "He's very thorough and knows his stuff"": Chambers & Partners, 2008.

"Daniel Lightman's work especially on shareholder's disputes has distinct weight; his advice is keenly sought.' 'He is a fighter, a winner and leaves no stone unturned to produce a winning argument.'" "Among juniors we recommend the 'dogged' and 'tenacious' Daniel Lightman": The Legal 500, 2007.

"The "bright and applied" Daniel Lightman possesses "just the right kind of mind for commercial matters": Chambers & Partners, 2007.

"Daniel Lightman is known as 'a real terrier' of a junior"; "Solicitors also like Daniel Lightman for his 'gutsy' never-say-die attitude": The Legal 500, 2006.

"Very clever', 'combines creativity with a significant degree of courage in front of the judges', said clients"; "is an excellent fighter and good to have in your corner": Chambers & Partners, 2006.

"Very clever, and respected as a tenacious advocate"; "Clients say that he 'really fights his corner'": Chambers & Partners, 2004-5.

"Praised for 'coming up with interesting ideas and refusing to cut corners'": Chambers & Partners, 2003-4.

Publications

Books

Author of Chapter 3 (derivative claims) and co-author of Chapter 8 (section 994 procedure) of Joffe: *Minority Shareholders: Law, Practice & Procedure* (OUP, 6th Ed, 2018).

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

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 & 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
