



Gareth Tilley

Year of Call: 2007

gtilley@serlecourt.co.uk

clerks@serlecourt.co.uk



Practice Overview

Gareth's practice focuses on fraud, and breakdowns within long-term business and personal relationships. This covers misrepresentation, breach of fiduciary duty, breach of confidence, employee competition, breach of contract, shareholder disputes, trust claims, asset tracing, proprietary estoppel claims, unjust enrichment and accessorial liability, plus associated interlocutory and enforcement matters such as freezing injunctions and committal applications. Gareth also acts in cases of intellectual property, professional negligence, insolvency, and regulatory/disciplinary matters, particularly where they touch on the above areas.

Gareth's cases often have an international element, and he has acted and advised in cases in the courts of the Caribbean and Channel Islands. Gareth is appointed to the Attorney General's B Panel of Junior Counsel to the Crown and is a Bar Standards Board Prosecutor. Before being called to the English Bar Gareth was admitted as a legal practitioner in New South Wales and worked as a judicial assistant in the Equity Division of the Supreme Court of New South Wales.

Areas of Expertise

Civil Fraud

Gareth is experienced in a broad range of fraud litigation, including misrepresentation claims, tracing and constructive trust claims arising from misappropriation of assets and business opportunities, employee competition cases, and breach of fiduciary duty more generally. He is also experienced in the range of various interim

applications commonly arising in fraud claims, such as freezing injunctions, Norwich Pharmacal and Bankers Trust orders.

Case of note include:

The Original Alternative Ltd v Bayley [2019] EWHC 2286 (Ch); dispute over ownership of a hijacked internet domain. Mandatory interim injunctions obtained pending expedited trial.

HMRC v IGE USA Investments (2018-); representing HMRC in its claim to rescind a tax settlement worth c.£700m for misrepresentation/non-disclosure.

Glenn v Watson [2018] EWHC 2016 (Ch) Successful claim to rescind loan agreements of over £100m on grounds of misrepresentation, breach of fiduciary duty and bribery. See also [2017] 4 WLR 48 (whether pleadings effected a waiver of confidence); [2017] EWHC 256 (Ch) (expert evidence); [2016] EWHC 3346 (Ch) (specific disclosure); [2016] EWHC 1011 (Ch) (reporting restrictions); [2016] EWHC 1012 (Ch) (strike-out application re allegations of fiduciary relationship); [2016] EWHC 1928 (Ch) (strike-out application in relation to US tax allegations) (with Elizabeth Jones QC and others).

PKR Ltd v Bhukhureea (2016) fraud claim by an online gambling company against an accounts employee.

JSC BTA Bank v Ablyazov; Boodle Hatfield v Tyshchenko [2015] EWHC 424 (QB); representing Boodle Hatfield in the enforcement stage of judgment against the assets of one of Mr Ablyazov's associates, whose former wife claimed to be the beneficial owner of the property in question following a divorce settlement.

Levenes (a firm) v Brown & Anor (2014); acting for the claimant law firm in fraud claim against former employees; worldwide freezing injunction obtained.

Re Fingood LLP; Polegoshko & Ors v Ibragimov & Ors [2015] EWHC 1669 (Ch), [2015] All ER (D) 273 (Jun) successful claim regarding legal and beneficial ownership of an LLP following fraudulent alteration of Companies House records; [2014] EWHC 1535 (Ch) successfully opposing defendants' application for an anti-suit injunction to restrain the claimants' participation in related litigation in Lithuania.

AB v CD (2013): acting for the successful claimant in a confidential arbitration involving a freezing injunction and secret profits claims made between property development partners (with John Machell QC).

Eklund v Parliament Lane Management Ltd & Ors (2011-2012); representing certain beneficiaries of Gibraltar trusts alleging fraud by an agent in relation to the acquisition of properties in Spain.

New Media Holding Company LLC v Kagalovsky & Ors; Kagalovsky v Gusinski; Hudson v New Media Holding Company LLC [2011] EWHC 3068 (QB); English side of New York proceedings alleging the misappropriation of a Ukrainian television station (with Augustus Ullstein QC).

Re X Trusts (2011); representing trustees of substantial Jersey trusts alleged by a European revenue authority to be shams or fiscally transparent.

Commercial Litigation

Gareth deals with a wide range of commercial and contractual cases and has particular experience of large-scale litigation, particularly with an international dimension.

Case of note include:

Volumatic v Ideas for Life [2019] EWHC 2273 (IPEC); claim for specific performance of an alleged agreement for the assignment of patents in a banknote transporter pouch.

M v C (confidential) (2018); c.£10m arbitration claim arising from a data leak said to have compromised a tender process.

A v B (confidential) (2014-); \$'000m international arbitration claim for alleged wrongful termination of a distribution agreement.

Heifer International Inc v Christiansen [2013] EWHC 721 (TCC); [2013] BLR 346; effect of a Danish arbitration award on the question whether a debt secured by a charging order in England had been discharged.

Alhamrani v Alhamrani & Ors (2012-2013) (British Virgin Islands High Court); 7 week trial regarding the ownership of shares in a BVI company acquired under a contract governed by Saudi Arabian law (with Elizabeth Jones QC and Simon Hattan).

Royal Bank of Scotland Group plc v Winterthur (UK) Holdings Ltd (2008); £37m claim for fraudulent misrepresentation and breach of warranty arising from RBS's acquisition of Churchill insurance (with Ian Glick QC and Simon Hattan).

Company

Gareth acts in a range of company law cases including directors' duties cases, winding-up petitions, and shareholder disputes including minority oppression.

Cases of note include:

Re Keeping Kids Company; The Official Receiver v Batmanghelidj (2019-); representing the Official Receiver in the disqualification proceedings brought against the former directors of the collapsed charity Kids Company.

Re Spartan Capital Limited; Kea Investments Ltd v Novatrust Limited (2015-2017) defending a derivative claim on behalf of a BVI company along with representing the petitioner to wind up the same company either on the just and equitable ground or in insolvency.

Re Cadmus Management Ltd; Hanbury v Hogan [2016] EWHC 3330 (Ch); [2017] BPIR 317; construction of s.181 of the Insolvency Act 1986 in relation to disclaimed leaseholds formerly belonging to a dissolved company.

Re Quiet Moments Limited; Dufoo v Tolaini [2013] EWHC 3806 (Ch); [2014] EWCA Civ 1536; "just and equitable" winding up petition in the context of a complex shareholder dispute in a quasi-partnership company.

Alhamrani v Alhamrani & Ors (2012) (British Virgin Islands High Court); 7 week trial regarding the ownership of shares in a BVI company acquired under a contract governed by Saudi Arabian law; heard simultaneously with an unfair prejudice petition (with Elizabeth Jones QC and Simon Hattan).

Energenics Pte Ltd v Morgan (2011-2012); defence of a claim to specific performance of a share sale agreement also involving allegations of breach of duty by the director of a Dominican company.

Private Client Trusts and Probate

Gareth has experience both of offshore trusts litigation (including in the long-running Alhamrani and Walker litigation in the Royal Court of Jersey), and English trusts law proceedings, particularly implied trusts relating to real property.

Cases of note include:

Re Rangers Football Club plc (in administration) (2013-2014); representing the trustees of a pension fund that suffered losses arising from the collapse of the Glasgow Rangers football club (with Jonathan Adkin QC).

Walker v Egerton-Vernon (2013-2014); representing a trustee of a Jersey trust established by steel magnate the late Jack Walker in a £'000m claim for breach of trust (with Elizabeth Jones QC and Justin Higgs).

Re X Trusts (2011); representing trustees of substantial Jersey and Manx trusts alleged by a European revenue authority to be shams or fiscally transparent.

BV Trustco v Vimercati (2011); representing a beneficiary of a substantial trust in a Public Trustee v Cooper application.

New Zealand Guardian Trust Company v Duzgan (2010-2011); defending a claim to a constructive trust over a substantial London home said to arise in the context of a 3-way relationship between cohabitantes.

Alhamrani v Alhamrani (2008-2009) (Royal Court of Jersey); representing the defendant protector/beneficiary of substantial Jersey trusts against claims of breach of trust, breach of fiduciary duty and breach of duties under a power of attorney. Trial settled after 101 hearing days (with Elizabeth Jones QC, Nicholas Harrison and Simon Hattan).

Partnership and LLP

Gareth acts in Partnership and LLP cases, particularly those involving an element of fraud or breach of fiduciary duty.

Cases of note include:

Re Fingood LLP; Polegoshko & Ors v Ibragimov & Ors [2015] EWHC 1669 (Ch), [2015] All ER (D) 273 (Jun) successful claim regarding legal and beneficial ownership of an LLP following fraudulent alteration of Companies House records; [2014] EWHC 1535 (Ch) successfully opposing defendants' application for an anti-suit injunction to restrain the claimants' participation in related litigation in Lithuania.

AB v CD (2013); acting for the successful claimant in a confidential arbitration regarding a property development partnership involving allegations on both sides of secret exploitation of around 25 partnership business opportunities (with John Machell QC).

Professional Negligence

Gareth advises and acts in professional negligence actions that relate to other fields of commercial and chancery practice. His experience includes:

- Acting for shareholders against solicitors who negligently drafted a suite of share sale agreements.
 - Advising the members of an LLP in a negligence claim and disciplinary complaint against an accountant for incorrect tax advice.
 - Acting for an architect alleged to have acted negligently in the conduct of an expert determination in relation to a rent review.
 - Acting for landlords alleging negligence by a property management company in failing to ensure the cost of substantial improvements was recoverable from tenants.
 - Advising family members on the interpretation and consequences of a negligently drafted will.
 - Acting for a solicitor alleged to have negligently parted with the indicia of title of a substantial Bahamian property.
 - Acting for financial advisers alleged to have mis-sold investment products.
 - Acting for trustees alleged to have negligently invested trust funds.
 - Acting for solicitors alleged to have acted negligently in relation to an intellectual property claim.
-

Intellectual Property

Gareth has experience of copyright, design and trade mark disputes and has a particular interest in cases where intellectual property rights arise in the context of a wider business dispute.

Cases of note include:

NMSM Group Ltd v The Nightingale UK Limited (2014): IPEC trial over claim that gay bar "Queer Street" infringed the trademark of "Bar Queer", raising an issue of whether the relevant IP rights had been effectively transferred to the claimant.

Temple Island Collections Ltd v New English Teas Ltd [2012] ECDR 11; [2012] FSR 9; widely reported "Red Bus" copyright infringement case concerning the extent of protection of manipulated digital images (with Michael Edenborough QC).

Martin Moore Ltd v Mark Plant Ltd [2011] EWPC 25; claim of infringement of an EC registered design for door knobs.

Insolvency

Gareth advises and acts in insolvency litigation normally where it relates to the breakdown of a wider business dispute, for example between company members or partners in a failed business venture. His experience includes:

- Bankruptcy and winding up petitions, including "just and equitable" winding up.
 - Bankruptcy annulments.
 - Applications to set aside statutory demands or to restrain the presentation or advertisement of winding up petitions.
 - Administration applications.
 - Applications relating to the use of prohibited names.
 - Directors' disqualification/bankruptcy restrictions.
 - Advising insolvency practitioners on the distribution of insolvent estates.
-

Chancery

Publications

'Restitution and the law of subrogation in England and Australia', (2005) 79(8) Australian Law Journal 518
'Compulsory Acquisition of Shares', (2003) 1 Australian Corporation Practice Bulletin [6]

In the Press

[Kids Company founder urges judge to spare her the 'stress' of a court case over the charity's financial meltdown after taking £42m of public money](#), Mail Online, 13 May 2019

Sir Owen Glenn KNZM ONZM and Kea Investments Limited v Eric Watson, Novatrust Limited and others [2018] EWHC 2016 (Ch), The Barrister, 5 October

Glenn v Watson Trust Dispute, STEP Journal, 2nd August 2018

Property Investor Gets OK To Drop £129m Deal in Fraud Case, Law 360, 1st August 2018

Education & Qualifications

University of Sydney – BA (Music), LLB (First Class)

Exeter College, Oxford – BCL (Distinction)

Inns of Court School of Law – BVC (Outstanding)

Hardwicke, Lord Mansfield and Megarry Scholarships, Lincoln's Inn

Winner of the Buchanan Prize and the Sir Louis Gluckstein Prize for Advocacy, Lincoln's Inn, 2007

Winner of the University of Oxford Shearman & Sterling Mooting Competition, 2006

Appointments

Admitted as a legal practitioner of the Supreme Court of New South Wales 2004

Former researcher/judicial assistant to Justice Austin, Supreme Court of New South Wales 2004-5

Memberships

Chancery Bar Association

COMBAR
