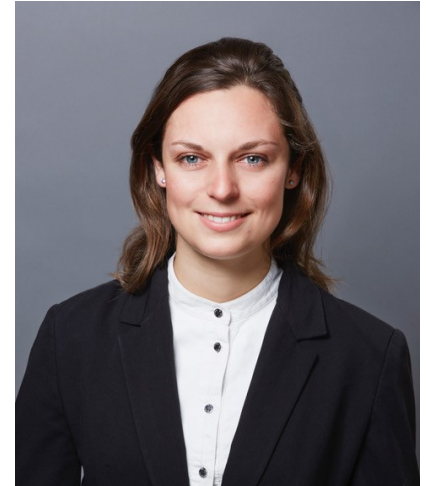


Francesca Perselli

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Francesca practices in company law, civil fraud and private client litigation. With experience of offshore trusts litigation in Guernsey, Jersey, Cayman and Gibraltar, many of her cases have multi-jurisdictional elements. She accepts instructions with Italian language requirements and has been instructed for two years in a high-value commercial dispute against the Italian multinational oil and gas company Eni.

Having a Master's degree in materials chemistry, Francesca is also particularly suited to cases of a technical, numerical or scientific nature.

Francesca regularly appears in court as sole counsel, and has extensive experience of cross-examination, injunctions and appellate advocacy for a barrister of her call. She is qualified for direct access work and welcomes inquiries from members of the public.

A member of the Bar Council (International and Young Barristers' Committees), Francesca is a committed member of the bar and enjoys contributing to the development of the profession. She has contributed to leading textbooks in her fields, including Lewin on Trusts and Williams, Mortimer and Sunnucks on Executors, Administrators and Probate.

Commercial and civil fraud

The majority of Francesca's cases are commercial in nature and often involve allegations of fraud or dishonesty and multi-jurisdictional issues.

Notable cases:

- *Blue Power Group v ENI Norge and others*: with Andrew Twigger QC and Jonathan Allcock. Acting for claimant Italian research and development business in a €100m claim against Eni, relating to marine transportation of compressed natural gas. Contractual claims for breaches of contract and exclusivity; IP claims for breach of confidence and infringement of database rights relating to modelling software.
- *Torr v Connor*: sole counsel. Representing claimant at first instance and on appeal in a claim for fraudulent misrepresentation relating to the sale of a high-end car previously owned by footballer Ian Wright.
- *Carlton Travel v Baby* [2018] EWHC 3269 (QB). Acted for the successful respondent in an appeal against refusal of relief from sanctions; issues as to enforceability of an oral guarantee agreement, absence of consideration, duress, undue influence.
- *Onyeneho v Ihenagwa*: sole counsel. Represented claimant in a property co-ownership trial. Uncovered mortgage fraud on the part of the Defendant. Novel point of law relating to whether trial fees payable on a re-trial reported to the Rules

Committee.

- Appears as sole counsel in high court injunctions. Works well under pressure and on short notice instructions. Experience includes freezing, mandatory and proprietary injunctions; conflict of law issues; asset tracing, fraud and dishonesty claims; IP issues including passing off, trademarks.
- *Credit Suisse Trustees v Haggiag*: sole counsel advising Guernsey lawyers in jurisdiction (*forum conveniens*) and choice of law dispute.

Company, partnership, insolvency

- Acting for the director of a media company in claims for breaches of Companies Act 2006 duties.
- (Led by Andrew Ayres QC) acting in a business dispute between two partners of a limited liability partnership and joint venture. Issues relating to breach of fiduciary duties, conspiracy to injure.
- Advises on non-contentious companies issues: holding of meetings, registration issues, director's duties, regulatory issues.
- Contentious company proceedings: breaches of duty, derivative claims, shareholder remedies, unfair prejudice, disqualification of directors.
- Insolvency experience includes validation orders, winding up and bankruptcy petitions, setting aside statutory demands and restraining advertisement of petitions, administration applications, powers and duties of office holders, claims against directors.
- Wrongful trading, preference, transactions defrauding creditors.

Offshore, trusts, probate

Notable cases:

- Advising the trustee of a Guernsey QROPS (pension scheme) in claim for construction of the scheme rules and for breach of trust (sole counsel).
- Advising the beneficiaries of a Gibraltar QROPS in claims against the trustee relating to failure of an offshore fund (led by Christopher Parker QC).
- *Re Paul (deceased)* (led by Alex Learmonth): probate claim relating to a £30m farming estate, seeking to set aside a will on the grounds of incapacity due to schizophrenia and want of knowledge and approval; alternatively rectification for mistake.
- *M v St Anne's Trustees* (sole counsel): advised the Trustee in the leading Guernsey authority on *Pitt v Holt*.
- *Weaverling Macro Fixed Income Fund Limited (in liquidation) v Ernst & Young*: part of disclosure team in Cayman litigation against the auditors of a Cayman fund following a major fraud by its founder, Magnus Peterson.

Experience:

- Claims for breach of fiduciary duty, exercise of discretionary powers, *devastavit*, accounts, *Beddoe* and *Benjamin* applications, removal of trustees and personal representatives, *Pitt v Holt* applications.
- Construction of wills and trusts, rectification or rescission for mistake, charities, the *cy-près* doctrine, substitutionary gifts.
- Non-contentious probate claims relating to grants of probate, cross-border estates, appointment of personal representatives.
- Contentious probate claims involving testamentary capacity, validity, proprietary estoppel, constructive and resulting trusts, undue influence.
- Mediations.
- Property co-ownership disputes involving constructive/resulting trusts, proprietary estoppel.
- 1975 Act claims including out-of-time applications, adult and minor children, claimants treated as children, partners, spouses, fossil marriages.

Offshore secondments

Familiarity with Channel Islands litigation through secondments to Mourant (Guernsey), Carey Olsen (Guernsey), Ogier (Jersey).

Cases included:

- *Creditforce v Arbitrage Research and Trading Limited S.A.*: sham trust claim involving attempts by alleged settlor to hide ownership within a complex network of transactions.
- *Chernukhin v Deripaska*: enforcement proceedings brought in support of the *Filatona Trading v Navigator Equities* claim in the English High Court.
- Advising on the construction of the carried interest provisions in a partnership agreement relating to a private equity fund following the restructuring of a group of companies.
- *Deutsche Bank v Sebastian Holdings and Vik*: enforcement of English judgment in Guernsey; applications for appointment of an equitable receiver and collateral use of documents.
- *First Tower Trustees Ltd v CDS (Superstores International)*: advised solicitors in English proceedings as to choice of law where a trustee of a foreign law trust enters into an English law contract “as trustee”.
- *First Tower Trustees Ltd v CMS Cameron McKenna Nabarro Olswang*: advised on negligence claim against the trustees’ former solicitors in respect of the drafting of the contract and conduct of the above *CDS* litigation.
- *Re St John’s Ambulance & Rescue Service*: pension claim alleging breach of the *Imperial Tobacco* duty.
- *Credit Suisse Trustees v Haggiag*: *forum non conveniens* in sham trust claims, civil law recognition of trusts under the Hague Convention, injunction for conflict of interest.
- *Investec Trust v Glenalla Properties (Tchenguiz Discretionary Trust)*: part of a team of associates in litigation before the Guernsey Court of Appeal.
- Claims involving: service out and jurisdiction issues (*forum conveniens*), choice of law in trusts disputes, prescription (limitation) of trust and negligence claims, cross-border estates and insolvencies, asset tracing and *bona fide* purchaser defence, breach of investment mandate by fund advisor, regulatory proceedings by the GFSC.

Intellectual property

- *Blue Power v Eni* (2018 – present): claims for misuse of confidential information and breach of database rights relating to modelling software for transportation of gas cylinders.
- *Discovery Yachts Limited v Sunchalk Limited*: injunction restraining passing off. Advised on trade mark infringement and enforcement of a sale agreement following purchase by the claimant of the defendant’s business.
- *Pegas Touristik UK Limited*: trademark appeal to the Appointed Person.
- Comfortable with claims requiring scientific knowledge (chemistry and physics in particular) or music theory.

Education

- MChem (Dunelm), Chemistry (First) – St Mary’s College, Durham.

Undergraduate Master’s research project in computational crystallography/materials chemistry.

- GDL (Distinction) – The College of Law.
- BPTC (Outstanding) – The College of Law.
- LLM (Cantab), Commercial Law – Fitzwilliam College, Cambridge.

Modules in advanced trusts, conflict of laws, restitution and intellectual property.

Awards

- Scholarship from the South Eastern Circuit to attend Florida Bar Association Advanced Civil Trial Advocacy Course (May 2016). Received excellent feedback on advocacy and in particular cross-examination.
- Diplock Scholar of the Middle Temple for both GDL and BPTC years.
- College of Law/Allen & Overy Stuart Menzies bursary for a promising commercial lawyer.
- Winner of College of Law mooted competition.

Languages

Italian; experience working with Italian documents. Dual Italian and British nationality.

Interests

Studied violin and piano at Trinity College, London (Junior Department). Cambridge half blue in karate. Enjoys road cycling and musical theatre.

Memberships

COMBAR
Chancery Bar
British Italian Lawyers Association
ConTrA
Bar Council (International and Young Barristers' Committees)

Articles

Beneficiary disputes: *Lines v Wilcox* – Trusts & Trustees, Volume 25, Issue 9, November 2019, Pages 873–878

Instructions

Francesca's clerks are happy to discuss the basis on which Francesca will act. In the absence of express written agreement otherwise, Francesca accepts instructions on the basis of the Standard Contractual Terms for the Supply of Legal Services By Barristers to Authorised Persons 2012 (as updated from time to time) referred to in the BSB Handbook.