

### **Gabriella McNicholas**

**Call 2013**

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Gabriella has a very busy commercial and chancery practice, encompassing a wide range of commercial litigation, civil fraud claims, shareholder and partnership disputes and corporate and personal insolvency.

Thanks in part to her international background, covering Sweden, the US, Spain and the Netherlands, she has a creative spark which enables her to bring fresh ideas to difficult problems and she is frequently instructed to advise across the legal areas within her practice.

Gabriella is a strong and passionate advocate. She appears regularly as sole counsel in the High Court and in the County Courts on a broad range of matters, including contractual disputes, partnership and shareholder disputes and claims on behalf of insolvency practitioners and creditors, including claims challenging antecedent transactions and contested winding up and bankruptcy petitions. She is also experienced in obtaining and resisting urgent applications for injunctive relief, including freezing orders, in the Chancery Division.

As well as acting as sole counsel, Gabriella is regularly instructed as a junior to leading counsel and welcomes instructions to act as part of a team. During 2016 and 2017, she was instructed as part of the junior counsel team for the Libyan Investment Authority (a sovereign wealth fund) in respect of its US\$2 billion claim against the French bank Société Générale. The LIA alleged that several trades and derivative options were procured via a fraudulent and corrupt scheme, as a result of which they were either void, voidable or unenforceable for want of authority, breach of fiduciary duty and illegality. The case was selected as a top 20 case of 2017 by The Lawyer.

#### **Commercial Litigation**

Gabriella is regularly instructed to advise, draft pleadings and appear as sole counsel in relation to a variety of commercial matters. Examples include:

- Appearing as sole counsel in a successful application to vary and continue a freezing injunction.
- Advising and drafting supporting documents for the enforcement of a foreign judgment.
- Advising and drafting pleadings in respect of an exclusive agency agreement for services to secure a £12million loan facility.

- Advising, drafting pleadings and appearing in a commission claim pursuant to a joint venture agreement.
- Advising in respect of miss-selling claims against financial institutions, including in respect of interest rate swaps and mortgages.
- Successfully obtaining summary judgment in a contractual claim in respect of significant corporate services relating to the setting up of a Singaporean company.

### **Company**

Gabriella is experienced in advising on and appearing in a wide range of company and shareholder matters, including unfair prejudice petitions, claims of breach of duty against directors, director disqualification proceedings and applications to restore dissolved companies to the register.

She also has experience in advising on partnership disputes, including issues regarding beneficial ownership and division of profits, disclosure, dissolution and associated relief. She was recently instructed in respect of an on-going account arising out of the dissolution of a partnership, which included a successful application for a freezing injunction to avoid dissipation of partnership assets: *Campbell v Campbell* [2017] EWHC 2747 (Ch) (led by John Machell QC).

### **Insolvency**

Gabriella is instructed to advise in respect of a great variety of insolvency related matters and she appears regularly in the High Court and the County Court in both corporate insolvency and bankruptcy proceedings.

Examples include:

- Advising on and appearing in contested winding-up and bankruptcy petitions.
- Advising on and appearing in an urgent application to lift the statutory moratorium upon administration under para 43(6)(b) of Schedule B1 to the Insolvency Act 1986
- Advising on and appearing in applications for validation orders under s 127 of the Insolvency Act 1986.
- Advising on and appearing in applications both challenging and supporting the appointment, conduct, remuneration and removal of insolvency practitioners.
- Applications under s 236 of the Insolvency Act 1986 (inquiry into company's dealings).
- Advising insolvency practitioners in respect of misfeasance, wrongful trading and preference claims against directors and others.

### **Civil Fraud**

Gabriella has been instructed in a number of claims which involve allegations of civil or commercial fraud. The most notable is the Libyan Investment's Authority's claim against Société Générale, to which reference is made above. This long-running litigation, which settled in May 2017 on the eve of the three-month trial, included allegations of bribery, claims in knowing receipt and damages for fraud.

Gabriella has also been instructed in claims involving allegations of fraudulent misrepresentation, dishonest assistance, unlawful means conspiracy and claims pursuant to the Insolvency Act 1986, including wrongful and fraudulent trading and transactions defrauding creditors.

### **Education and Qualifications**

BCL (Oxon)

BA (Jurisprudence) Magdalen College, Oxford: First Class

BPTC, City University

Gabriella read Jurisprudence at Magdalen College, Oxford. Her degree included a fourth year abroad at Leiden University in the Netherlands, focused on European law as well as Private and Public International law.

She subsequently stayed on at Oxford for another year to complete the Bachelor of Civil Law (a masters level degree), taking papers in Conflict of Laws, Restitution of Unjust Enrichment, Advanced Property and Trusts and Medical Law and Ethics.

### **Awards**

Denning Scholarship, Lincoln's Inn

Hardwicke Entrance Scholarship, Lincoln's Inn

Demyship and Scholar, Magdalen College, Oxford

Cum Laude, Department of Moot Court and Advocacy at Leiden University

### **Languages**

Swedish (native)

Spanish (intermediate)

### **Memberships**

Chancery Bar Association

COMBAR

Young Fraud Lawyers Association