

Oliver Phillips

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Oliver joined Chambers on completion of his pupillage in 2010, and has since built a practice across a broad range of commercial and Chancery litigation and arbitration. He has dealt with a wide variety of commercial and business disputes, but has particular interest and experience in company and partnership litigation, bankruptcy and insolvency matters, property litigation, and contentious trust work. Much of his work involves an international element or concerns matters in offshore jurisdictions such as Hong Kong, the British Virgin Islands, and the Channel Islands.

Within the English court system Oliver appears most often in the High Court (principally the Business & Property Courts in London and elsewhere), but he also appears in the County Court, the Court of Appeal, and the Supreme Court. He has acted in a number of ICC and LCIA arbitrations and in related court proceedings concerning enforcement and interim injunctive relief. His experience covers all stages of commercial proceedings in litigation and arbitration: advising at the pre-action stage, drafting pleadings, making and resisting all kinds of interim applications (including applications for proprietary and freezing injunctions), assisting with disclosure and the preparation of evidence, advising on ADR and settlement, conducting trials, advising on enforcement, and conducting appeals.

Internationally, Oliver advises on cases in various offshore common law jurisdictions, and accepts instructions to appear in several of the international commercial courts. For most English and international work he can be instructed directly by lawyers outside of England without the need to involve English solicitors. Oliver currently sits on the International Committee of the Bar Council and has spoken at a number of international seminars and conferences on topics ranging from property rights in cryptocurrencies to cross-border insolvency in offshore jurisdictions.

His current and recent work (as at November 2019) includes the following:

- A substantial banking and financial services dispute (as part of a team of counsel) relating to the misselling of film finance investment schemes.
- Ongoing advisory and drafting work (as part of a team of counsel) in relation to a large and long-running offshore family trust dispute.
- Acting (both as sole counsel and with Matthew Collings QC) in various claims and applications relating to the attempted enforcement of a £31m judgment against the majority shareholder in Blackpool Football Club.
- Acting (as sole counsel) in a claim, featured in the *Financial Times*, against a well-known transport business for unpaid commission in an aircraft brokerage deal.
- Acting (as sole counsel) for a firm of accountants in a professional negligence claim, listed for trial in March 2020.

More information on Oliver's experience in his principal practice areas is set out below, and further details can be obtained from the clerks: clerks@maitlandchambers.com

Company Litigation

- *Re Bankside Hotels Ltd* (with Christopher Parker QC): a series of unfair prejudice petitions and related actions, arising out of a number of hotel development projects in and around London. The long-running proceedings raised a variety of issues including applications for relief from sanctions and requests for further information (*Re Bankside Hotels Ltd* [2014] EWHC 4440 (Ch), *Griffith v. Gourgey* [2015] EWHC 1080 (Ch), and in the Court of Appeal as [2017] EWCA Civ 926), the appropriate extent of relief in unfair prejudice petitions (*Re Pedersen (Thameside) Ltd* [2017] EWHC 3406 (Ch) and [2018] BCC 58, *Re Bankside Hotels Ltd* [2018] EWHC 1035 (Ch), and *Re Bankside Hotels Ltd* [2018] EWHC 2807 (Ch) and [2019] 2 BCLC 174), and breach of a solicitor's warranty of authority (*Griffith v. Gourgey* [2018] EWHC 1484 (Ch)).
- *Apex Global Management Ltd v. Fi Call Ltd* (with Robert Howe QC (of Blackstone Chambers), Matthew Collings QC, and Daniel Lightman QC (of Serle Court)): acting in several applications in an unfair prejudice petition between a Jordanian businessman and certain members of the Saudi royal family. The long-running dispute raised various issues such as the appropriate relief to be granted on an undefended petition (*Apex Global Management Ltd v. Fi Call Ltd* [2015] EWHC 3269 (Ch)) and the setting aside of a judgment obtained following the striking out of a pleading (*Apex Global Management v. Fi Call Ltd* [2016] EWHC 2053 (Ch), and on appeal at [2016] EWCA Civ 1038). Oliver appeared as sole counsel at various hearings in the High Court and the Court of Appeal.
- *Re Hayne Barn Holdings Ltd, Moss v. Record*: acting for the majority shareholder in an unfair prejudice petition presented by a former employee of a family-owned company, involving numerous allegations of misconduct, exclusion from management, wrongful dismissal, and excessive drawings.
- Advising a Middle Eastern shareholder and employee of a financial services business with a complex corporate structure on a potential unfair prejudice petition, involving allegations of discrimination and bullying, exclusion from management, and failure to pay dividends and salary.
- Acting (with Richard Morgan QC) in a substantial unfair prejudice petition concerning the development of a luxury shopping precinct in Russia.
- Acting (with Matthew Collings QC) for an offshore investor in an unfair prejudice petition presented against a listed company involved in the media distribution business.
- Advising a venture capital investor in a start-up biotechnology company on a potential challenge under section 633 of the Companies Act 2006 to a variation of shareholder class rights and amendment of articles.
- *Connolly v. Morgan*: successfully obtaining permission to bring a derivative claim in the High Court, in a case involving the diversion of a business opportunity from the company into the hands of one of its two directors and shareholders.
- *Jackson v. Dear* (Royal Court of Guernsey): assisting, while on secondment to an offshore firm's Guernsey office, with the first derivative claim brought in the Guernsey courts, following a breakdown in relations between the executive directors of a large closed-ended investment company.

Bankruptcy and Corporate Insolvency

- Oliver spoke at the Chancery Bar Association conference in Shanghai in 2018 on the topic of cross-border insolvency in offshore jurisdictions. His paper discussed the different approaches of courts in Bermuda, the Cayman Islands, England & Wales, Hong Kong, and Singapore to applications for recognition and assistance of foreign liquidators, and the degree to which those courts are applying the principle of modified universalism.
- Advising a US-resident former company director on proceedings brought by a liquidator for alleged misfeasance and transactions at an undervalue under sections 212 and 238 of the Insolvency Act 1986.
- Advising the directors of an investment fund in the renewable energy sector on resisting a statutory demand served by a former director, and drafting an application for injunctive relief (following which the matter settled).
- *Re Biotex Ltd*: applying to the High Court for an administration order in respect of a dissolved company on behalf of one of its former administrators in order to allow the distribution of a windfall payment to creditors.
- Advising (with Matthew Collings QC) in matters arising out of the administration of a company formerly involved in Formula 1 motor racing.
- Acting for a community interest company (CIC) in an application by HMRC for the appointment of provisional liquidators.

- Advising a Gibraltar e-money business on potential challenges to the conduct of joint administrators of an English company, including a challenge to a pre-pack sale.
- *Shah v. Mehra, Re Fine Fabrics* [2017] EWHC 3505 (Ch): acting in two High Court applications arising in the winding-up of a dissolved partnership.
- *Re Rashid*: acting for the creditor in a High Court bankruptcy appeal and annulment application where the creditor held security for the bankruptcy debt and had offered further security.
- *Re Parmar*: acting for the debtors in two bankruptcy petitions and High Court appeals where the creditor held undisclosed security for the bankruptcy debts. Permission to appeal to the High Court was granted by HHJ Davis-White QC on the basis of Oliver's grounds of appeal and skeleton argument.
- Acting for the debtor in a bankruptcy petition and appeal where the creditor had attempted to reject a part payment of the petition debt before presenting the petition. Permission to appeal to the High Court was granted by HHJ Hodge QC on the basis of Oliver's grounds of appeal and skeleton argument.
- *Bramston v. Bhandal*: acting for a proposed respondent to a High Court application under s. 423 of the Insolvency Act 1986. The argument concerned the proper limitation period applicable to such applications where only monetary relief is sought. The matter went on appeal but was settled before the appeal was heard.
- *Re Edwards*: acting for the US car collector Bernard J. Carl in two bankruptcy petitions against an English vintage car dealer and his wife.
- *Re Showai*: acting in a bankruptcy petition against an elite performance car dealer, where the debtor relied on *non est factum* and claimed that the agreement to pay the debt had been executed under duress.
- Advising a trustee in bankruptcy on a claim against the bankrupt's pension fund.

Commercial & Contractual Disputes

- *Oliver Clive & Co Ltd v. Danriss Group Holdings Ltd*: acting for a firm of accountants in a subrogated claim for payment under a finance agreement against a former client who alleges professional negligence.
- *Cohen v. Stobart Holdings Ltd* [2018] EWHC 3642 (Comm): acting for an aircraft broker on a claim for unpaid commission on the sale of aircraft by a Cayman Islands company. The claim was brought against the English holding company of the corporate group. Oliver successfully resisted its application for summary judgment. An article about the case in the *Financial Times* is available [here](#).
- *Oyston v. Asker*: acting (with Matthew Collings QC) for the majority shareholder in Blackpool Football Club in proceedings against a High Court Enforcement Officer seeking damages for unlawful enforcement. Oliver successfully obtained an injunction from the Queen's Bench Judge to restrain further action to enforce a £31m share purchase order.
- *VB Football Assets v Blackpool Football Club (Properties) Ltd*: following the unfair prejudice petition in this matter (in which Oliver was not instructed), acting for the majority shareholder in Blackpool Football Club on various applications for charging orders to satisfy a £31m share purchase order against him.
- *Biocopea Ltd v. Brew*: acting for a biotechnology company in a High Court claim for rectification of share option agreements.
- *WM Morrison Supermarkets plc v. Cherry Jersey Ltd*: Acting for eleven respondents to an application for pre-action disclosure in the High Court in Leeds and Bristol, in an intended claim for alleged breach of undertaking.
- *McAuley v. Ainscough*: acting for the defendant in an application to strike out a claim as an abuse of process on the ground that it had been brought for a collateral purpose.
- *Young v. Singh*: acting in various Part 7 and Part 8 claims between a car dealer and his former partner concerning the beneficial ownership of property and a civil fraud claim relating to car sale transactions.
- *Re D*: acting (as part of a team of counsel) for an offshore company seeking to discharge restraint orders granted under the Criminal Justice Act 1988 over assets worth several billion dollars.
- *Sears v. Marquess of Milford Haven*: Acting (with Anthony Trace QC and Benjamin John) in a civil fraud claim brought by former investors in the uSwitch price comparison business against its founder, Lord Milford Haven.

- Acting (with Timothy Dutton QC) in an urgent application for a proprietary and freezing injunction in support of Israeli proceedings concerning the beneficial ownership of shares in a property investment company.
- Advising (with Richard Morgan QC) on a claim for injunctive relief to enforce restrictive covenants against the former employee of an oil & gas business; the claim settled shortly after the draft proceedings were served.
- Advising on a claim to recover a secret commission paid to a fiduciary, and on tracing the commission into other property acquired by the fiduciary.
- Acting for the developers of a luxury offshore property in the French overseas collectivity of Saint Barthélemy in a sub-contractor's claim for payment.
- Advising a car collector on a High Court claim for payment of a dishonoured cheque.
- Acting (with Andrew Ayres QC) for the manufacturer of industrial mixing equipment in a substantial TCC claim alleging defective workmanship and repair
- Advising former employees of an international mining company on a restitutionary claim by their employer to recover tax demanded by HMRC on the exercise of share options, following an incorrect tax calculation by the employer.

Offshore & International

- Advising (as part of a team of counsel) in relation to a large and long-running offshore family trust dispute currently proceeding in an offshore jurisdiction.
- Advising (with Matthew Collings QC) an investor in a substantial Macau business on an application for interlocutory relief in an offshore jurisdiction to restrain the wrongful enforcement of security over the investor's shareholding by a US venture capitalist.
- Advising on the recognition of judgments of the French courts (the Tribunal de Commerce, the Cour d'Appel, and the Cour de Cassation) in England under the Brussels I Regulation, the 1934 Convention between the UK and France, and the English common law.
- Advising on various issues in Gibraltar property law (which largely follows English law as it was prior to the passing of the 1925 property legislation) concerning beneficial ownership and grants of security, including claims for undue influence.
- Advising (with Anthony Trace QC and Louise Hutton) in a shareholders' dispute under the Nevis Limited Liability Company Ordinance, involving issues about the extent of the Court's jurisdiction to wind up companies on the just and equitable ground.
- Advising (with Anthony Trace QC) on an appeal to the Court of Appeal of the Eastern Caribbean Supreme Court following the trial of an unfair prejudice petition under the Nevis Limited Liability Company Ordinance 1995.
- *Anglo Starlite v. NCMF*: advising (with David Mumford QC) on proceedings brought in Hong Kong by liquidators of a motor insurer against the company's former auditors for negligence in failing to detect a fraud being committed by the insurer's shareholder and director.
- *Masri v. Consolidated Contractors International Co SAL* [2011] EWHC 1780 (Comm): appearing (with Alistair Schaff QC (of 7 King's Bench Walk) and David Mumford QC) in this long-running international dispute in the Commercial Court for directors of a Lebanese company who were sued in England and in Greece when the company failed to pay a series of English judgments. The case involved detailed consideration of the application of articles 27 and 28 of the Brussels I Regulation; in the event the English claim was stayed on the directors' application on article 28 grounds (and the proceedings were subsequently settled)
- Various advice on Guernsey matters while on secondment to an offshore firm's Guernsey offices.

Financial services

- Oliver has spoken at conferences in the Channel Islands in 2015 and Hong Kong in 2016 about property rights and proprietary remedies in the context of cryptocurrencies such as Bitcoin, and about the availability of "backwards tracing" in complex asset recovery cases.

- Ongoing advisory work (as part of a team of counsel) on a substantial banking and financial services dispute relating to the misselling of film finance investment schemes.
- Advising (with John McGhee QC) on various issues under the Financial Services and Markets Act 2000 concerning a Jersey unit trust.
- Advising in a claim on coffee derivative contracts involving English and Latin American traders, where it was argued that the trades had been conducted without authorisation under the Financial Services and Markets Act 2000.
- Advising on the rights of clients of UK banks who had entered into interest rate swaps
- Advising a BVI-registered cryptocurrency business on the recovery of stolen cryptocurrency.

Arbitration and adjudication

- Advising (with Richard Morgan QC) in an LCIA arbitration on a shareholders' agreement between a Cayman Islands company and a BVI company concerning a Chinese technology business, involving parallel insolvency and freezing injunction proceedings in the BVI courts.
- Acting (with James Aldridge QC) in an adjudication concerning the supply of facilities management services to a national public service body.
- Acting (with Anthony Trace QC and Alexander Winter) on an urgent application for interim relief in support of an arbitration claim relating to the transfer of ownership of an Eastern European bank.
- Acting (with Matthew Collings QC) in an ICC arbitration concerning termination of a substantial Nigerian oil mining project.
- Advising on the enforcement of a Swiss arbitration award in Guernsey.

Real Estate

- *Key Properties London Ltd v. Frontiera Real Estate Ltd*: acting in a claim for estate agent's commission on the sale of a £4.95m property development site in West London.
- *Kravchenko v. Magnum Service Ltd*: acting (with Catherine Newman QC) for a Seychelles-incorporated, Ukrainian-owned company in High Court proceedings concerning the beneficial ownership of residential property in central London.
- *Yorkshire Bank Home Loans Ltd v. Osborne*: acting for the lender in a mortgage possession claim where the borrower's signature had been forged by his late wife.
- *Car Wash Pro Ltd v. Cetza Trustees 7 Ltd*: acting for the owner of a shopping development in High Court proceedings brought by a licensor claiming security of tenure under Part II of the Landlord & Tenant Act 1954.
- *Bretby Hall Management Company Ltd v. Pratt*: acting in an Upper Tribunal appeal in a residential service charge case, which raised issues about qualifying long term agreements and the First-tier Tribunal's costs jurisdiction.
- *Schwab v. 7-9 St George's Square LLP*: acting (with James Hanham) in a two-week High Court trial of claims concerning the adequacy of reinstatement work following a fire in a multimillion pound property in central London.
- *Partnerships in Care Ltd v. Nazemi*: obtaining urgent relief to restrain acts of nuisance and trespass caused by building works next door to a secure hospital in London.
- *Day v. Hosebay Ltd* [2012] UKSC 41, [2012] 1 WLR 2884: appearing (with Edwin Johnson QC) for the successful appellants before a seven-judge panel of the Supreme Court in an appeal concerning the meaning of the word 'house' in the Leasehold Reform Act 1967. Oliver's article about the decision, "Going round the houses: common sense and the enfranchisement of commercial properties", is published at [2013] L&T Review 4.
- Acting for the management company of a residential estate in Surrey in a building services dispute between the residents, the management company, and the developer.
- Advising on an adverse possession and proprietary estoppel case concerning the acquisition of a private right of way over a driveway.
- Advising a national transport infrastructure manager on a claim for adverse possession of part of the transport network.
- Advising the owners of a riparian property on a claim against a neighbouring property for water ingress.

Traditional Chancery

- Ongoing advisory work (as part of a team of counsel) in relation to a substantial offshore contentious probate dispute.
- Acting (with Matthew Collings QC) in proceedings concerning a charity's right to claim relief from business rates where the charitable nature of its use of property was called into question.
- Acting in a dispute between family members seeking to be given the right to bury the body of a man who had died intestate.
- Advising on the variation of a family trust deed and on the trustees' power to enter into the grant of a mortgage.
- Advising trustees on their liability for breach of trust following an investment by a former trustee into a fraudulent land-banking scheme.

Notable cases

- *Cohen v. Stobart Holdings Ltd* [2018] EWHC 3642 (Comm)
- *Re Bankside Hotels Ltd* [2018] EWHC 2807 (Ch) and [2019] 2 BCLC 17
- *Griffith v. Gourgey* [2018] EWHC 1484 (Ch)
- *Re Bankside Hotels Ltd* [2018] EWHC 1035 (Ch)
- *Re Pedersen (Thameside) Ltd* [2017] EWHC 3406 (Ch) and [2018] BCC 58
- *Griffith v. Gourgey* [2017] EWCA Civ 926
- *Shah v. Mehra, Re Fine Fabrics* [2017] EWHC 3505 (Ch)
- *Apex Global Management v. Fi Call Ltd* [2016] EWCA Civ 1038
- *Apex Global Management v. Fi Call Ltd* [2016] EWHC 2053 (Ch)
- *Apex Global Management Ltd v. Fi Call Ltd* [2015] EWHC 3269 (Ch)
- *Griffith v. Gourgey* [2015] EWHC 1080 (Ch)
- *Re Bankside Hotels Ltd* [2014] EWHC 4440 (Ch)
- *Jackson v. Dear* (Royal Court of Guernsey, 26 March 2013)
- *Day v. Hosebay Ltd* [2012] UKSC 41, [2012] 1 WLR 2884
- *Masri v. Consolidated Contractors International Co SAL* [2011] EWHC 1780 (Comm)

Academic background

Before coming to the Bar, Oliver read Classics at Gonville & Caius College, Cambridge, where he held a Senior Scholarship in his college and the Craven Scholarship in the university, and was awarded several other prizes in Classics and music. He was ranked first or second in the university in each year's exams and graduated with a Double First, jointly winning the Schuldham Plate (his college's highest academic award) and the Chancellor's Medal. After further postgraduate study he joined the Middle Temple to train as a barrister, where he was twice awarded a Queen Mother's Scholarship.

While studying for the Graduate Diploma in Law Oliver won the Maitland Advocacy Prize, reached the final of the ESU/Essex Court National Mooting Competition (winning the Scarman Shield), and mooted in the USA as a representative of the Middle Temple. He was classed as Outstanding in his bar exams, winning the Sweet & Maxwell Prize in Company Law, the BACFI Prize for Commercial Practice, the Baron Dr Ver Heyden de Lancey Prize, and a Certificate of Honour. He joined Maitland Chambers in 2010 following twelve months of pupillage with Michael Pryor, Daniel Margolin QC, David Mumford QC, Amanda Tipples QC, and Andrew Westwood.

Memberships

Chancery Bar Association, CamARB, COMBAR, Financial Services Lawyers Association, Inter-Pacific Bar Association, Property Bar Association

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Qualifications

MA, MPhil (Cantab)