

Rosanna Foscett

Call 2008



Rosanna practises in commercial chancery/general commercial litigation and arbitration. She is recommended in the directories for commercial chancery, company and partnership and banking and finance disputes.

She has wide-ranging experience in general commercial litigation, commercial fraud and asset tracing, company and partnership matters, corporate and personal insolvency, property litigation and trusts and probate, including those involving allegations of fraud, dishonesty and undue influence.

Many of Rosanna's cases have an international element and she is well used to dealing with jurisdiction and conflicts of laws issues, together with the full range of interim applications which tend to form part of substantial commercial disputes, both in litigation and arbitration.

Rosanna appears in the English Courts (County Courts up to the Supreme Court), relevant tribunals and international and domestic arbitrations under a variety of rules and has been involved in many "offshore" disputes as part of a team of lawyers from different jurisdictions.

She is equally happy to be instructed on her own or to work as part of a team.

Further details of Rosanna's experience in any particular area can be obtained from the clerks (clerks@maitlandchambers.com).

Her recent work highlights include:

- acting in LCIA arbitration about a £1bn family-owned company in a shareholder dispute
- acting in long-running litigation brought by the trustees in bankruptcy of a Russian businessman concerning the ownership of properties worth £30+m in North London
- appeared at first instance, in the Court of Appeal and in the Supreme Court in the Lehman Brothers *Waterfall I* application, a case about the respective ranking for payment from the Lehman Brothers International (Europe) estate of £8bn.
- acted in the Lehman Brothers *Waterfall III* application
- *Maloney v Filtons Ltd*, *Mackay v Ashwood Enterprises Ltd* and *Ashwood Enterprises Ltd v Bank of Ireland*: appeared for the Bank of Ireland and receivers appointed by them over substantial property near the London 2012 Olympic Park at various successful interlocutory hearings (in the High Court and the Court of Appeal) and at two trials
- *Dar Al Arkan*: long-running litigation in the Commercial Court brought by a prominent Saudi real estate development company and a Bahraini bank alleging conspiracy and other economic torts
- *Hart v Burbidge*: appeared unled at trial for the successful claimants in a challenge to various dispositions of property procured by undue influence

- *Rubin v Eurofinance SA*: assisting with written submissions on behalf of two interveners in the Supreme Court appeal in concerning the enforcement of foreign judgments in an insolvency context
- *Alliance Bank JSC v Aquanta Corporation*: appeared unled for one of fifteen defendants on a jurisdiction challenge and challenge to a worldwide freezing order in an alleged US\$1.1 billion fraud/conspiracy claim brought by a Kazakh bank against its former controlling shareholders and various corporate entities
- *HMRC v Rochdale Drinks Distributors Ltd*: appeared in the Chancery Division and the Court of Appeal in a leading case on the appointment of provisional liquidators

Academic background

Rosanna read Classics at Trinity College, Cambridge, where she obtained a Double First in her undergraduate degree and a First in her M.Phil. She received a number of University and College prizes, became a Junior Scholar, Senior Scholar and Research Scholar of her college and received an award from the Arts and Humanities Research Council for her M.Phil.

She converted to Law at City University, gaining a Distinction in the Graduate Diploma in Law and was invited to return there as a Teaching Fellow in Equity and Trusts during her Bar Vocational Course.

She was awarded Lord Bowen, Lord Mansfield and Sunley Scholarships and a Hardwicke Entrance Award by Lincoln's Inn.

Notable Cases

In The Matter Of LB Holdings Intermediate 2 Ltd (In Admin) : In The Matter Of Lehman Brothers Ltd (In Admin) : In The Matter Of Lehman Brothers Ltd (Europe) (In Admin) :In The Matter Of Lehman Brothers Holdings Plc (In Admin) (2017)

In The Matter Of Lehman Brothers International (Europe) (In Administration) : In The Matter Of Lehman Brothers Ltd (In Administration) : In The Matter Of LB Holdings Intermediate 2 Ltd (In Administration) (2017)

Joint Administrators of LB Holdings Intermediate 2 Ltd (In Admin) v Lomas & ors [2015]

In the Matter of Johnson (2014)

Ashwood Enterprises Ltd & Ors v The Governor & Company of Bank of Ireland & Ors (2014)

In the Matter of Lehman Brothers International (Europe) (In Administration) (2014)

Bruce Mackay & Ors v Ashwood Enterprises Ltd & Ors (2013)

Kenneth Hart & Ors v Susan Burbidge & Ors (2013)

Dar Al Arkan Real Estate Development Co & Ors v Majid Al-Sayed Bader Hashim Al Refai & Ors (2013)

In the Matter of Craig Johnson (2013)

Dar Al Arkan Real Estate Development Co v Majid Al-Sayed Bader Hashim Al Refai (2012)

Eurofinance SA & Ors v Rubin & Anor (2012)

Mackay & Anor v Ashwood Enterprises Ltd & Ors (2012)

George Maloney, Bruce Mackay, Graham Bushby, Matthew Haw v Filtons Ltd (2012)

George Maloney v Filtons Ltd (2012)

Alliance Bank JSC v Aquanta Corp & 14 Ors (2011)

Revenue & Customs Commissioners v Rochdale Drinks Distributors Ltd (2011)

Anthracite Rated Investments (Jersey) Ltd v Lehman Brothers (2011)

Royal Bank of Scotland v Hicks & Ors (2010)

Delagio & Ors v Maxwell (2009)

Memberships

Chancery Bar Association, COMBAR, Insolvency Lawyers Association

Qualifications

MA (Hons) First Class, MPhil First Class



Recommendations

Who's Who Legal, 2019

Banking and Finance

"An outstanding banking and finance junior, praised for her straightforward and practical approach. She is often engaged in cases with a cross-border element."

Chambers UK, 2019

Chancery: Commercial

"A very pleasant advocate, who is easy to get on with as an opponent. Very, very well-prepared, she is always on top of all facts and has the cases at her fingertips." "She is really hands-on, accessible and user-friendly."

Chambers UK, 2018

Chancery: Commercial

"She's very popular with silks, and is very reliable in her written work." "Clever, friendly, good on her feet, and one of the most responsive barristers to work with."

Chambers UK, 2017

Chancery: Commercial

"An "absolute star" with a rising reputation in commercial chancery work. She has acted in some of the most high-profile commercial chancery disputes of recent months."

"She is very competent in court, has a lovely manner and is a pleasure to be around."

Legal 500, 2018/19

Company and Partnership

"She thinks on her feet, is thorough, articulate and compelling."

Legal 500, 2017

Company and Partnership

"She is extremely capable, articulate and approaches problems from all angles."

Chambers UK, 2016

Chancery: Commercial

"Has an enormous appetite for work and is very responsive to solicitors."

"A young junior with a growing reputation for the high quality of her commercial chancery practice."

Chambers UK, 2015

Chancery: Commercial

"One of the younger crop at the set of whom good things are expected in the future."

"She is extremely personable and clearly does much work behind the scenes in her role as a junior in support of leading counsel."

"She's extremely hard-working and a creative thinker."