

AMANDA HADKISS

CALL: 2014



OVERVIEW

Amanda specialises in commercial chancery litigation. She acts for corporate clients and private individuals in commercial, civil fraud, media and entertainment, company and partnership, offshore, property, intellectual property and insolvency disputes.

Amanda is a strong advocate. She is regularly instructed to represent clients in cases in the High Court and in the County Court, working both as sole counsel and as part of a larger counsel team, and has appeared in the appellate courts as junior counsel.

Amanda provides practical and strategic legal advice and represents clients from a broad range of industries and sectors who are involved in commercial and chancery disputes. From within the financial sector, she is frequently instructed by major banks and lenders, and has acted for clients such as leading accountancy firms and a major hedge fund group. From within the media and entertainment sectors she has acted for clients such as the BBC, major record companies, global publishing firms, actors, social media influencers, artist managers, theatre companies, fashion designers, and contemporary artists. She also acts frequently for private individuals who are involved in business, partnership and property disputes, including shareholders, directors, landlords, tenants, and property owners.

Amanda was called to the Bar of the Eastern Caribbean Supreme Court (British Virgin Islands) in 2018. She has undertaken secondments at leading offshore law firms in both the BVI and the Cayman Islands and has extensive experience of working within offshore jurisdictions.

EXPERTISE

COMMERCIAL LITIGATION & ARBITRATION

Amanda is instructed on a wide range of both domestic and international commercial disputes.

- Acted (led by Olivier Kalfon) for the claimants/defendants to counterclaim in a dispute concerning alleged fraudulent breaches of share purchase agreement warranties in which the defendants counterclaimed damages of over £7 million
- Acted (led by Richard Morgan KC) for a prominent Ukrainian businessman contesting a freezing order made by the English High Court in support of proceedings in the BVI
- Instructed, unled, by a sole trader defending a claim for damages of £4 million for the alleged conversion of multiple high-performance cars
- Acted as part of the counsel team for Grant Thornton UK LLP in the multi-million-pound conspiracy claims brought by Robert Tchenguiz in the Commercial Court
- Advised (led by Siward Atkins KC) on a dispute concerning the collapse of a leading sportswear manufacturing group in China
- Instructed (led by Alec McCluskey) by a bank seeking to enforce payment of a multi-million pound guarantee against an individual
- Acted as part of the counsel team representing a group of hedge funds in a claim against a leading financial institution for market abuses and other wrongs
- Acted as part of the counsel team for a bank defending a multi-million-pound claim for alleged mis-selling of an interest rate swap and alleged LIBOR manipulation
- Advised a construction company on potential claims (including springboard injunctive relief) against a former employee for misappropriation of confidential information
- Advised a former partner of a private asset management firm in relation to contractual claims for unpaid commission
- Acted on behalf of a firm of surveyors claiming against a commercial tenant for unpaid fees
- Acted for a bank in the trial of a claim for an alleged breach of an insurance contract
- Instructed by an IT services provider defending a claim for alleged breach of contract and alleged breaches of fiduciary duties relating to the provision of IT services
- Instructed by two Maltese companies defending claims by an accountancy services provider for unpaid fees
- Settled proceedings for a sports management company seeking to enforce a guarantee against an individual for payment of a debt
- Advised on a potential claim against a life coach for misrepresentation and breach of contract
- Acted for a company defending a six figure claim for breach of contract for supplying allegedly faulty heating units to a care home
- Advised a postal services firm on its contractual obligations under an introducer's fee agreement
- Advised a toy manufacturer on possible defences to a claim for alleged breach of a distribution agreement
- Instructed by an oil and gas financing broker to assist with evidence in relation to a claim for unpaid commission fees

- Acted for a bakery company in the trial of a claim for damages for conversion and injunctive relief
 - Acted on behalf of various lenders resisting claims for compensation for undisclosed PPI commission payments
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MEDIA & ENTERTAINMENT

Amanda has a particular specialism in media and entertainment disputes. She is able to draw upon her wider experience as a commercial chancery litigator in order to advise and represent clients who work in or operate within the creative industries, and has been instructed on some of the leading cases at the media and entertainment Bar of recent years. She was ranked as being a leading junior barrister for media and entertainment disputes in the Legal 500 rankings for 2023.

In 2021 she completed a Postgraduate Diploma in Intellectual Property Law and Practice at the University of Oxford and was awarded a Distinction. The diploma covered a variety of areas of intellectual property law and related rights, including copyright, trade marks, design rights, patents, database rights, trade secrets, and misuses of confidential information.

- *Eva Green v (1) White Lantern Film (Britannica) Ltd (2) SMC Speciality Finance LLC* [2023] EWHC 930 (Ch) - instructed on behalf of the actor Eva Green in a claim for payment of her fee for a collapsed film production, and defending contractual and tortious counterclaims
 - *Warner Music UK Ltd & Ors v Tuneln Inc* [2021] EWCA Civ 441; [2019] EWHC 2923 (Ch); [2019] EWHC 3374 (Ch): acting (led by Edmund Cullen KC) for the claimant record companies in a copyright infringement claim brought against an online internet radio service concerning breaches of the communication to the public right in the trial, appeal to the Court of Appeal, application for permission to appeal to the Supreme Court, and the inquiry as to damages
 - Acted (led by Edmund Cullen KC) for certain former members of the band "Sex Pistols" in a dispute regarding use of the band's songs in a Disney television drama
 - Acted on behalf of a social media influencer in a mediation with her former management
 - Advised a major publishing firm on a dispute concerning the termination of a publishing agreement with a well-known author
 - Instructed by a music artist manager to advise on partnership claims made by a former business associate in relation to an artist management business
 - Advised a theatre production company on claims relating to the transfer of a theatre operating contract
 - Instructed by the BBC as part of the counsel team in a claim brought against the BBC for alleged breach of confidence
 - Instructed as sole counsel on behalf of a global publishing firm in relation to a six-figure dispute concerning book deliveries
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CIVIL FRAUD

Amanda advises and represents clients in disputes in which fraud or other forms of dishonesty are alleged.

- Acted (led by Richard Morgan KC) for a prominent Ukrainian businessman contesting jurisdiction in relation to claims concerning multiple allegations of fraud
 - *Eva Green v (1) White Lantern Film (Britannica) Ltd (2) SMC Speciality Finance LLC* [2023] EWHC 930 (Ch) instructed on behalf of the actor Eva Green in a claim for payment of her fee for a collapsed film production and defending claims of fraudulent misrepresentation, unlawful means conspiracy, and deceit
 - Acted (led by Olivier Kalfon) for the claimants/defendants to counterclaim in a dispute concerning alleged fraudulent breaches of share purchase agreement warranties in which the defendants counterclaimed damages of over £7 million.
 - Instructed on behalf of shareholders of a renewable energy company in an unfair prejudice petition concerning the alleged exclusion of the petitioner from management, involving allegations of fraudulent conduct
 - Acted (led by Richard Morgan KC) in a claim in the BVI High Court (Commercial Division) concerning the disputed ownership of a BVI sports marketing company, involving allegations of forged documents
 - Instructed by a landlord in a claim to set aside a prior judgment on the basis that it was procured through fraud and/or the trial judge was deliberately misled at trial
 - Settled proceedings for a mortgagee in a claim seeking rectification of the register in order to remove an allegedly forged charge
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COMPANY & PARTNERSHIP

Amanda advises on and represents clients in a wide range of company and shareholder matters, including unfair prejudice petitions, claims for breach of duty against directors, and applications brought under the Companies Act.

- Acted on behalf of the claimant in a family partnership dispute concerning multiple retail and hospitality trading businesses in London
- Instructed by a music artist manager to defend partnership claims made by a former business associate in relation to an artist management business
- *THJ Systems v Sheridan* [2023] EWHC 927 (Ch) acted on behalf of the defendant to a claim concerning the termination of and breaches of an LLP agreement
- Instructed (led by **Catherine Newman KC**) on behalf of a director and shareholder bringing an unfair prejudice petition concerning their exclusion from the management of a company operating in the food industry
- Instructed on behalf of shareholders of a renewable energy company in an unfair prejudice petition concerning the alleged exclusion of the petitioner from management and an alleged expropriation of shares
- Advised a minority shareholder of a boutique fashion business on potential derivative claims and remedies for unfair prejudice
- Instructed by a minority shareholder in a family property company to advise on potential claims for unfair prejudice
- Advised a shareholder on a dispute concerning a purported legal and equitable transfer of title of shares in a construction company

- Advised an asset management firm on a proposed rectification of the Articles of Association of an Enterprise Investment Scheme qualifying company in order to retain the EIS status of the company's shares
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OFFSHORE & TRUSTS

Amanda has extensive offshore legal experience. She was admitted to practice as a legal practitioner in the Eastern Caribbean Supreme Court (BVI) in 2018 and undertook a secondment at Ogier BVI. In 2019 she completed a secondment at Ogier in the Cayman Islands and worked on a wide variety of offshore matters, including applications relating to Berkeley Applegate relief, retrospective Beddoe applications, applications for the cy-près reformation of trusts, applications relating to the appointment of joint provisional liquidators, sanction applications brought by liquidators, and disputes relating to distribution mechanisms within multi-jurisdictional insolvencies.

- ***WWRT v (1) Carosan Trading Limited (2) Boris Kaufman BVIHC (COM) 2021/0096 (The Eastern Caribbean Supreme Court (BVI))*** acted (led by Richard Morgan KC for a Ukrainian businessman challenging the jurisdiction of the British Virgin Islands' Court to determine a claim for substantial damages
 - Acted (led by Richard Morgan KC) in a claim in the BVI High Court (Commercial Division) concerning the disputed ownership of a BVI sports marketing company
 - ***In the matter of Constellation Overseas Limited and others BVIHC (COM) 2018/0206 (The Eastern Caribbean Supreme Court (BVI))***: worked (while on secondment at Ogier BVI) on the first ever successful application for the appointment of "soft touch" provisional liquidators in the BVI
 - Instructed (while on secondment at Ogier BVI) to oppose injunctive relief over high value shares sought by a shareholder for alleged breaches of a shareholders' agreement
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INSOLVENCY & ASSET RECOVERY

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

- Instructed in respect of various applications brought under the Insolvency Act 1986 (including applications for vesting orders and validation orders, applications to set aside statutory demands, and applications for permission to act as a director of a company with a prohibited name)
- Instructed by a petitioning creditor in a disputed debt winding up petition presented against a motor insurance agent (and resisting a subsequent application for permission to appeal: ***ERS Syndicate Management Ltd v Larksway Investments Ltd*** [2018] EWHC 2420 (Ch))
- Instructed by liquidators in respect of a liquidator remuneration application
- Advised the supervisors of a CVA on a petition for the company to enter into compulsory liquidation
- Advised the purchaser of a high-performance car on their rights after the seller entered into administration
- Regularly represents both creditors and debtors in bankruptcy petitions

- Regularly instructed to advise on matters relating to company winding up petitions and to appear on behalf of both petitioners and debtors in the Companies Court Winding Up List
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INTELLECTUAL PROPERTY

Amanda advises and represents clients in a variety of intellectual property disputes concerning copyright, trade marks, design rights, trade secrets and misuses of confidential information. In 2021 she completed a Postgraduate Diploma in Intellectual Property Law and Practice at the University of Oxford and was awarded a Distinction.

She is currently instructed by Warner and Sony on **Warner Music UK Ltd & Ors v Tuneln Inc** [2021] EWCA Civ 441; [2019] EWHC 2923 (Ch); [2019] EWHC 3374 (Ch), acting (led by **Edmund Cullen KC**) for the claimant record companies in a copyright infringement claim against an online internet radio service concerning breaches of the communication to the public right.

THJ Systems v Sheridan [2023] EWHC 927 (Ch) acted on behalf of the defendant defending claims for copyright infringement and passing off in relation to an options trading software

REAL ESTATE

Amanda has a broad property practice. She advises clients on matters of real property and frequently advises lenders in relation to mortgage litigation. She acts on behalf of commercial and residential landlords and tenants in possession claims, claims for breach of covenant, service charge disputes, and claims relating to LPA receivers.

- **Pickering v Hughes & Ors** [2021] EWHC 1672 (Ch): acted (led by Richard Wormald KC) in the trial of various claims between members of a family relating to a portfolio of residential and commercial properties and certain chattels, chiefly concerning an alleged constructive trust and/or proprietary estoppel claimed to have arisen over a valuable residential property and surrounding land
- Instructed by a number of commercial tenants disputing their liability for outstanding rent arrears as a result of the effects of the COVID-19 pandemic
- **Perkins v Nieuwenhuizen** [2018] EWHC 918 (Ch): acted in an application for permission to appeal in a case involving disputed rights of way and the abandonment of easements
- Advised the Competition and Markets Authority in relation to its investigation into the leasehold housing market and potential leasehold mis-selling, including whether leasehold contractual terms are onerous and unfair
- Instructed (led by John McGhee KC) on a dispute relating to the termination of a limited partnership joint venture for the development of a hotel in the City of London
- Instructed (led by John McGhee KC) on a case concerning whether an agreement for lease for a large retail premises contained onerous conditions
- Instructed (led by Thomas Grant KC) by a client seeking a declaration as to their beneficial interest in a

residential property and restitution for sums expended on the property

- Acted in the trial of a possession claim for rent arrears and breach of an assured tenancy agreement by sub-letting a property through Airbnb
- Instructed by a landlord in a claim to set aside a prior judgment on the basis that it was procured through fraud and/or the trial judge was deliberately misled at trial
- Acted on behalf of a bank in an application to strike out a claim by a former mortgagee for damages for the alleged conversion of personal possessions
- Settled proceedings for a mortgagee in a claim seeking rectification of the register in order to remove an allegedly forged charge
- Acted for a bank defending a claim brought by a borrower seeking injunctive relief and damages relating to the actions of LPA receivers appointed over a property
- Instructed by a mortgagee seeking a possession order against a mortgagor who disputed the validity and enforceability of the mortgage on grounds including purported administrative errors in a transfer of title and an assignment
- Advised a company on matters relating to a purported succession by an individual to a tenancy alleged to be protected under the Rent Act 1977
- Instructed on behalf of a lender to resist an application in which the claimant sought injunctive relief to prevent the sale of a secured property
- Instructed in relation to a dispute between local residents and a winery in relation to breaches of planning and licensing conditions
- Advised a freehold management company on issues relating to the level of service charge attributable to a proposed airspace development that had arisen as the result of a collective enfranchisement
- Advised a firm of solicitors on the legal ramifications of a conveyancing mistake
- Instructed by the claimant in a boundary dispute between two neighbouring properties
- Acted for a freeholder applying to alter the terms of an injunction obtained against multiple defendants relating to the use of a boatyard
- Acted for a landlord seeking to strike out a disrepair claim brought by a tenant for non-compliance with various court orders
- Instructed by a bank making and resisting interim applications in a high value possession action
- Regularly instructed to draft, advise on, and appear in possession proceedings (including mortgage proceedings and appeals therefrom, landlord and tenant proceedings, and claims against trespassers)

MEMBERSHIPS

- COMBAR
- Chancery Bar Association
- Asset Recovery Next Gen
- IPSoc
- ConTrA
- Female Fraud Forum
- Young Fraud Lawyers Association

LANGUAGES

- German (conversational)

AWARDS

Gray's Inn Bedingfield Scholarship

Kaplan Law School Advocacy Scholarship

Gray's Inn David Karmel Award

Queens' College Bachelor Scholarship

QUALIFICATIONS

- University of Oxford, Postgraduate Diploma in Intellectual Property Law and Practice (2021), Distinction
- Kaplan Law School, Bar Professional Training Course, Outstanding
- The City Law School, Graduate Diploma in Law, Commendation
- University of Cambridge, MA (Cantab), History, First Class