



## EMILY GAILEY



CALL: 2017

### OVERVIEW

Emily has a thriving commercial chancery practice, with an emphasis on commercial, contractual, company, and trust disputes.

She welcomes instructions in all of these areas, either led or as sole counsel. She is regularly instructed as junior counsel in large scale and high-profile commercial litigation (including appearing in the appellate courts), and as a former solicitor is experienced in working as part of a wider legal team. She also often appears unled in both the High Court and County Court, and has drafted pleadings in, and advised in relation to, numerous commercial disputes and interlocutory applications.

During the 2017 -2018 legal year Emily worked as a judicial assistant to Lord Wilson, in both the United Kingdom Supreme Court and the Judicial Committee of the Privy Council. She assisted with numerous cases including:

- ***Morris-Garner and another v One Step (Support) Ltd*** [2018] UK SC20 (leading case on Wrotham Park damages)
- ***Rock Advertising Limited v MWB Business Exchange Centres Limited*** [2018] UK SC24 (leading case on 'no oral modification' clauses)
- ***Steel and another v NRAM Limited*** [2018] UKSC13 (determining when a solicitor assumes responsibility towards the other side for a misrepresentation)
- ***Whitlock and another v Moree (Bahamas)*** [2017] UKPC 44 (determining whether the beneficial interest in a deceased's joint bank account passed by survivorship)

Between 2013 and 2017 Emily trained and practiced as a solicitor at Paynes Hick Beach, a leading private client law firm, specialising in commercial disputes and contentious trusts and estates matters.

### EXPERTISE

#### COMMERCIAL LITIGATION & ARBITRATION

Emily has experience of commercial disputes across a wide range of business sectors, having worked on many such disputes both as a solicitor and at the Bar.

As junior counsel she recently assisted (led by **Andrew Twigger KC** and **Jonathan Allcock**) in the three-week Commercial Court trial of *Raiffeisen Bank International AG v (1) Asia Coal Energy Ventures Limited, (2) Ashurst LLP* (2020) one of the Lawyer's Top 20 cases of 2020. The case concerned the sale by the Claimant bank of defaulted loans and associated security. She has also assisted (led by **Gregory Banner KC** and **Narinder Jhittay**) in a restitution claim made by over ninety claimants against several public authorities across the United Kingdom.

Unled, she recently appeared for the successful defendant at trial in the county court on two separate occasions, both concerning contractual disputes.

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## CIVIL FRAUD

Many of Emily's cases include issues of civil fraud and asset recovery. In particular, she has assisted in proceedings on the Isle of Man on behalf of a wealthy investor in a US\$50m fraud claim, and has appeared unled in the trial of a dispute concerning breach of fiduciary duty (including an alleged secret commission). In addition, she has considerable expertise in disputes concerning the creation and enforcement of trusts, having specialised in contentious trusts and estates matters when practising as a solicitor.

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## COMPANY & PARTNERSHIP

Much of Emily's practice concerns claims arising out of company disputes, particularly unfair prejudice petitions and associated shareholder disputes.

She has appeared (led by **Christopher Parker KC**) in the Court of Appeal for the successful appellant in the case of *Griffith v Gouragey and others*, concerning two unfair prejudice petitions. She has also assisted (led by Andrew Ayres KC of Twenty Essex, and Fraser Campbell of Blackstone) with the case of *Krishna Holdco Limited v Gowrie Holdings Limited & others* (ChD): a shareholder and joint venture £150m dispute relating to the importation and distribution of pharmaceuticals (unfair prejudice petition and Part 7 proceedings).

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## PROFESSIONAL NEGLIGENCE

Emily regularly acts in professional negligence disputes and recently appeared (led by **Rebecca Page**) in *Harrington Scott Ltd v Coupe Bradbury Solicitors Ltd* [2022] EWHC 2275(Ch) a 5-day High Court summary judgment / strike out application successfully striking out a multi-million-pound claim for professional negligence against a firm of solicitors.

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## INSOLVENCY & ASSET RECOVERY

Emily has appeared in numerous bankruptcy and insolvency matters including (as sole counsel) the widely reported case of *Re Triumph Furniture Ltd*, concerning the appointment of administrators out of hours.

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## PRIVATE CLIENT

As a solicitor, Emily acted in numerous contentious trusts and probate matters, including claims contesting the validity of wills, applications for the removal of executors and trustees, and claims under the Inheritance (Provision for Family and Dependants) Act 1975. She has maintained this expertise since coming to the Bar and has advised on various probate and private client matters.

## QUALIFICATIONS

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- First-class degree in Modern History from Lincoln College, Oxford.
- GDL with distinction
- LPC with distinction

## MEMBERSHIPS

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- COMBAR
- Chancery Bar Association

## AWARDS

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**Distinction - STEP Advanced Certificate in Trust Disputes**

**Worldwide Excellence Award for obtaining the highest mark globally**

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