

## EMILY GAILEY

CALL: 2017

[egaley@maitlandchambers.com](mailto:egaley@maitlandchambers.com) Email Clerks



## OVERVIEW

Emily has a busy commercial chancery practice, with a particular emphasis on civil fraud and commercial and contractual disputes.

She welcomes instructions in 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.

Prior to coming to the bar, Emily trained and practised as a solicitor at Payne Hicks Beach, a leading private client law firm, specialising in commercial disputes and contentious trusts and estates matters. 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. In that role she assisted with numerous cases including *Morris-Garner and another v One Step (Support) Ltd* [2018] UK SC20 (leading case on Wrotham Park damages) and *Rock Advertising Limited v MWB Business Exchange Centres Limited* [2018] UK SC24 (leading case on 'no oral modification' clauses).

## EXPERTISE

### COMMERCIAL LITIGATION & ARBITRATION

Emily has experience of commercial disputes across a wide range of business sectors, and has acted (both led and unled) in numerous high-profile and high-value matters.

Recent highlights:

- Appeared (led by Gregory Banner KC) in *Assos of Switzerland GMBH v ASOS Plc* (2025 - ), an international dispute concerning the alleged breach of a co-existence agreement between two well-known clothing manufacturers.
- Appeared (led by Gregory Banner KC) in *Tangent Properties (North) Limited v Evans Homes (Skelton) No.2 Limited* (2024 - ), a dispute relating to a valuable property development in the north of England. The case involves issues of contractual interpretation and limitation in relation to an alleged ancillary agreement.
- Appeared (led by Gregory Banner KC) in *ML Technology Limited v BEAT SAM Limited* (2023 - ), an international dispute concerning the transfer of valuable intellectual property rights arising from the sale and purchase of a successful consultancy group.
- Instructed (led by David Mumford KC and James Kinman) in the trial of *Asturion v Alibrahim* [2023] EWHC 3305 (CH), one of the The Lawyer's Top 20 Cases of 2023. This dispute concerned the transfer of a valuable property from a Liechtenstein foundation and gave rise to several important and difficult issues of English law including the proper characterisation of foreign powers of representation.

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## CIVIL FRAUD

Much of Emily's practice concerns issues of civil fraud and asset recovery, and 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.

Recent highlights:

- Instructed (led by Ben Valentin KC of Fountain Court and Jonathan Allcock) in *JSC BTA Bank v Monstrey & others* (2022 - ), representing the Defendants in a substantial fraud and conspiracy claim in the Commercial Court arising from the *JSC BTA Bank v Ablyazov* litigation.
- Appeared (led by Thomas Munby KC) in *Kireeva v Zolotova* (2022 - 2025), representing the Defendant in a dispute concerning the ownership of a valuable foreign property, involving serious allegations of misappropriation and dishonesty, and the scope of s.423 of the Insolvency Act 1986.

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## COMPANY & PARTNERSHIP

Many of Emily's cases involve claims arising out of company disputes, particularly unfair prejudice petitions and associated shareholder disputes, and partnership disputes of various kinds.

Recent highlights:

- Appeared (led by Fraser Campbell KC of Blackstone) in *Griffiths v Griffiths* (2024 - 2025), a complex shareholder dispute, involving two unfair prejudice petitions, and relating to a very valuable builders' merchant business.

- Instructed (unled) in dispute relating to two valuable farming partnerships. This involves very serious allegations of fraud, misappropriation of assets, undue influence and breach of fiduciary duty.
- Instructed (led by Matthew Parker KC of 3VB) in a partnership dispute relating to a valuable property development site (2023 - 2025). A without notice freezing injunction was obtained in 2023.
- Instructed (led by Andrew Ayres KC of Twenty Essex, and Fraser Campbell KC of Blackstone) in the case of *Krishna Holdco Limited v Gowrie Holdings Limited & others (ChD)* (2020): a shareholder and joint venture £150m dispute relating to the importation and distribution of pharmaceuticals (unfair prejudice petition and Part 7 proceedings).
- Appeared (led by Christopher Parker KC) in the Court of Appeal for the successful appellant in the case of *Griffith v Gourgey and others* (2019), concerning two unfair prejudice petitions.

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## PROFESSIONAL NEGLIGENCE

Emily regularly acts in professional negligence disputes and appeared (led by **Rebecca Page KC**) 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.

## 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)**

## DIRECTORY QUOTES

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*"Emily can get under the skin of a case remarkably quickly. Her advice is always tailored to instructions - it can be detailed and forensic, and also practical and high level as needed. She has fantastic attention to detail."*

**Legal 500 Partnership (2026)**