

## MARIA MULLA

CALL: 2005



### OVERVIEW

Maria has a busy commercial chancery litigation practice with a particular emphasis on commercial disputes (domestic and international), civil fraud, joint venture disputes, all aspects of company and partnership law (particular emphasis on shareholder remedies, director duties, and derivative claims), and corporate and personal insolvency.

Maria is registered in Part II of the Dubai International Financial Centre's Register of Legal Practitioners and is presently instructed on several high value matters proceeding in the DIFC.

Maria is appreciated for her robust clear advice and strong advocacy in Court.

### EXPERTISE

---

#### CIVIL FRAUD

Maria has substantial experience of dealing with matters where allegations of fraud have been alleged.

Her experience includes:

- Advising, and representing several Defendants in a complex multi-million-pound joint venture dispute (with an overseas element) where unlawful means conspiracy was alleged;
- Claims against directors and defending directors where breaches of fiduciary duty and civil fraud are alleged;
- Advising and representing a Defendant in a multi-million-pound claim where fraud and breach of fiduciary duty is alleged;
- Advising and representing the Estate of a deceased Defendant accused of fraud and breach of fiduciary duty;
- Presently instructed on a high value matter to advise on fraudulent banking transactions undertaken in this jurisdiction but with related overseas litigation. Maria is currently reviewing all material and identifying proposed Defendants and assets.
- Maria has experience of representing her clients in claims dealing with a variety of economic torts including unlawful means conspiracy and procuring a breach of contract by unlawful means.
- Maria has experience in High Court urgent injunctions (*ex parte* and on notice) arising out of the above. This includes freezing injunctions, world-wide freezing injunctions, search orders, and prohibitory and mandatory injunctions. Maria is also able to advise on the merits of the same and advise on evidential matters.
- Maria is able to advise on jurisdictional issues and on applications to serve out of the jurisdiction and is able to advise and appear in the same.
- Maria likes to get instructed on such matters at an early stage so she can help her clients plan the best litigation strategy and advise on important evidential matters.

---

## COMMERCIAL LITIGATION & ARBITRATION

Maria has substantial experience of dealing with all aspects of commercial litigation and frequently appears in the High Court dealing with a wide variety of matters.

Commercial disputes constitute a large proportion of Maria's practice and encompasses contractual disputes (UK, and overseas), disputes where allegations of misrepresentation and fraudulent misrepresentation have been raised, enforcement of foreign judgments (from several different jurisdictions), shareholder and business disputes (see separate CV), breach of fiduciary duties and civil fraud (see separate CV).

Maria has experience in urgent injunctions (*ex parte* and on notice) and frequently appears in the High Court dealing with the same. This includes freezing injunctions, world wide freezing injunctions, search orders, and prohibitory and mandatory injunctions. Maria is also able to advise on the merits of the same and advise on evidential matters.

Maria is able to advise on jurisdictional issues and on applications to serve out of the jurisdiction and is able to advise and appear in the same.

Maria's recent experience includes:

- Instructed on a multi-million SPA breach of warranty dispute;
- Instructed on a multi-million Sale Purchase Agreement dispute;
- Instructed on a large value claim to advise on fraudulent banking transactions undertaken in this jurisdiction but with related overseas litigation. Maria is currently reviewing all material and identifying proposed Defendants and assets.
- Advising, and representing several Defendants in a complex multi-million-pound joint venture dispute (with an overseas element) where unlawful means conspiracy was alleged;
- Maria is frequently instructed on franchise disputes;

Maria is also registered as a Part II Practitioner in the DIFC, Dubai and is presently instructed on several multi-million-pound claims in the DIFC and is confident appearing in the DIFC.

Maria also has experience in dealing with international commercial arbitration matters and has been instructed as a junior and sole counsel in domestic and international mediations and arbitrations.

Maria's past experience in arbitration matters includes:

- Dealing with a large ICC dispute concerning the supply of goods and materials between the UK and Brazil;
- Being instructed on two very large value ICC disputes concerning matters of insurance/reinsurance;

Maria also has extensive experience of High Court enforcement and is a legal advisor to the High Court Enforcement Officers Association advising on High Court enforcement issues.

Maria is Public Access registered and is happy to be instructed on a Public Access basis where appropriate.

---

## COMPANY & PARTNERSHIP

Maria deals extensively with Company and Partnership disputes and has a number of ongoing matters currently proceeding in the High Court.

The nature of the disputes that Maria has been involved in are varied and includes:-

- Advising, and representing several Defendants in a complex multi-million-pound joint venture dispute (with an overseas element) where unlawful means conspiracy was alleged;
- Specifically advising on relational contracts and any implied duty of good faith;
- Advising and representing a Defendant in a multi-million-pound claim where fraud and breach of fiduciary duty is alleged;
- Advising and representing the Estate of a deceased Defendant accused of fraud and breach of fiduciary duty;
- Shareholder Disputes;
- Maria is currently instructed on a several high value partnership disputes;
- Partnership Disputes (including partnerships at will and advising on a point of variation pursuant to s. 19 of the Partnership Act 1890);
- Partnership disputes in specific areas including healthcare, and agricultural partnerships.
- Derivative claims and preparing the pleadings for derivative claims. Maria is presently instructed on a large derivative claim where a number of breaches are alleged in the context of a family business;
- Claims against directors and defending directors where breaches of fiduciary duty and civil fraud are alleged;
- Unfair prejudice petitions (and several ongoing presently);
- Drafting the pleadings in unfair prejudice petitions;
- Quasi partnerships;
- Company director disqualification proceedings;
- Advising on a just and equitable winding up;
- Drafting all pleadings in a just and equitable winding up;
- Applications to restore a Company to the register;
- Derivative claims;
- Transactions at an undervalue;
- Advising on the removal of directors;
- Advising on claims where competing businesses have been established out of a joint venture and associated unlawful means conspiracy claims;

Maria also advises extensively on franchise agreements and the relationship between franchisor and franchisee (often when there has been a fall out between the two, or a competing business established). Maria has a number of these claims ongoing presently dealing with allegations of breaches of fiduciary duty and associated economic tort claims including, unlawful means conspiracy, and procuring a breach of contract by unlawful means.

Maria is preferred Counsel for the UK's largest second-hand retailer which has an extensive franchise network and deals with all the disputes that arise in their network.

Maria is also experienced in sale distributor agreements and is also preferred Counsel for a leading LPG supplier and deals with all the disputes arising out of their network.

Maria advises on many of her claims from the outset. Her input will include advice (in conference or written), and any drafting required to take the matter from a pre-issue stage through to Trial. Many of Maria's matters are listed for multi-day trials.

Often Maria is instructed on urgent applications (including freezing injunctions, mandatory/prohibitory injunctions, and search orders) arising out of these disputes which will often be on an ex-parte notice and require her to undertake all of the advice and associated drafting urgently and at short notice.

Maria is happy to work as part of a team and often gets involved early at the start of the dispute to help her clients ensure they have sufficient evidence required to succeed in such applications.

Interestingly, Maria also has an understanding of corporate governance and human rights and is able to advise corporations on their corporate due diligence and the Guiding Principles on Business and Human Rights which builds on Maria's academic and practical experience obtained in this area prior to coming to the Bar. This is an area which is likely to expand in UK in the future. Maria also advises directors on their individual duties in this area. Maria also mediates on the above matters as both advocate, and mediator.

Maria is a member of the Chancery Bar Association, and the Commercial Bar Association.

Maria is also Public Access registered and is happy to be instructed by a Company or Directors directly to advise when appropriate.

---

## INSOLVENCY & ASSET RECOVERY

Maria is experienced in all aspects of insolvency.

Maria regularly provides advice, advocacy, and drafting in the following areas:-

- Administrations;
- Allegations of misfeasance (Maria is presently instructed on several matters);
- Preference claims;
- Transactions defrauding creditors;
- Void dispositions;
- Transactions at an undervalue and whether such transactions may be set aside in accordance with s.339 of the Insolvency Act 1986;
- Directors Disqualification proceedings;
- Fraudulent and wrongful trading;
- Reported test cases pursuant to Schedule 10 CIGA;
- Liquidation;
- Statutory demands;
- Winding up petitions;
- Winding up in the public interest;
- Advising Trustees in Bankruptcy on whether property may be disclaimed;
- Advising Trustees in Bankruptcy on whether property forms part of the Estate in accordance with s. 283 Insolvency Act 1986;
- Advising Trustees in Bankruptcy on search orders to retrieve assets;
- Injunctions in the High Court on the behalf of the Petitioning Creditor and Debtor to restrain the presentation of a winding up petition;
- Substantive hearings on whether a genuine triable issue has been raised to set aside a statutory demand;
- Validation orders;
- Advice on, and all drafting in relation to the use of a prohibited name;
- Advising on overlapping property and insolvency matters.
- Advising on substantive issues that arise out of the above.

Maria is a speaker for the Insolvency Practitioner's Association.

Maria is founder of the 'Women's Insolvency Network' ('WIN') – a unique networking initiative that brings together individuals in the insolvency sector for bespoke networking events to ensure meaningful connections can be made.

Maria is a member of IWIRC.

---

## ADR

Maria is an accredited Mediator and mediates a large variety of disputes including those in her practice area but also in other practice areas.

Maria is known for her approachable but straight-talking manner when acting as Mediator to ensure the parties achieve the outcomes they desire.

Maria mediates disputes remotely and in -person in the UK and in other jurisdictions if needed.

---

## TECHNOLOGY