MAITLAND

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OLIVER PHILLIPS

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OVERVIEW

Oliver's practice covers a broad range of commercial and commercial chancery disputes, particularly in the areas of company and partnership law, joint ventures, insolvency, asset recovery, and contentious trust matters. Much of his work has an international element and his experience includes cases in the British Virgin Islands, the Channel Islands, France, Gibraltar, Greece, Hong Kong, and St Kitts & Nevis. He is often brought in to assist with shareholder disputes and other cases arising from the breakdown of business or family relationships, especially those which raise detailed questions of law or which require expertise spanning a number of different practice areas.

Oliver's work in England consists predominantly of High Court trials and applications in the various lists of the Business & Property Courts, acting unled and as sole or senior junior. He has appeared in appeals to the Court of Appeal and the Supreme Court.

EXPERTISE

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COMMERCIAL LITIGATION & ARBITRATION

Oliver has a broad commercial chancery practice covering a wide range of commercial disputes, often with an international or offshore element.

Examples of Oliver's commercial work include:

- Acting for a firm of accountants in a High Court professional negligence claim arising out of the collapse of a German corporate structure, raising issues of German law and the application of the exclusive jurisdiction provisions of the EU Brussels I Regulation post-Brexit
- Acting for a large number of former investors in a failed film finance scheme in a class-action fraudulent misselling claim to recover >£1bn losses
- Acting in an asset tracing claim for breach of fiduciary duty against a constructive trustee
- Acting for an aircraft broker on a claim for unpaid commission fees on an aircraft sale
- Advising an investor in a Macau casino on an offshore application for interlocutory relief to restrain the wrongful enforcement of security over the investor's shareholding by a US venture capitalist (led by Matthew Collings KC)
- Acting for the majority shareholder in an English football club in various applications concerning enforcement of a £31m judgment
- Acting in an LCIA arbitration concerning ownership of a Cayman-incorporated mobile phone business
- Acting (led) in an adjudication concerning the supply of facilities management services to a national public service body
- Acting (led) in an ICC arbitration concerning termination of a substantial Nigerian oil mining project
- Acting (led) for an offshore company seeking to discharge restraint orders granted under the Criminal Justice Act 1988 over assets worth several billion dollars
- Acting (led) in a civil fraud claim brought by former investors in the uSwitch price comparison business against its founder
- Acting (led) in an urgent application for a proprietary and freezing injunction in support of Israeli proceedings concerning the beneficial ownership of shares in a property investment company
- Advising on a claim for injunctive relief to enforce restrictive covenants against a former employee of an oil & gas business (led by Richard Morgan KC)
- Acting for the developers of a luxury offshore property in the French overseas collectivity of Saint Barthélemy in a sub-contractor's claim for payment
- Acting (led) for the manufacturer of industrial mixing equipment in a substantial TCC claim alleging defective workmanship and repair
- Acting (led) on an urgent application for interim relief in support of an arbitration claim relating to the transfer of ownership of an Eastern European bank
- Advising on the enforcement of Swiss arbitration awards in the Channel Islands

COMPANY & PARTNERSHIP

Oliver's company law practice is focused on shareholder disputes, including unfair prejudice petitions under s. 994 Companies Act 2006, winding-up petitions on the "just and equitable" ground, and derivative claims. He has extensive experience of dealing with applications in the High Court Insolvency and Companies List.

Examples of Oliver's company work include:

- Acting (led) for the minority shareholder in the 9-day trial of an unfair prejudice petition concerning exclusion from the family business
- Acting for the majority shareholders in an unfair prejudice petition concerning a director's

misappropriation of investors' funds from a Hollywood film investment company
- Acting and advising on numerous strike-out and summary judgment applications made in the early stages of unfair prejudice petitions, often raising legal issues relating to the petitioner's status as member of the company or the likelihood of obtaining particular forms of relief
- Advisory work on the structuring of a new business venture, including the drafting of articles of association and a shareholders' agreement
- Acting for the husband in a jointly-owned husband-and-wife company in a winding-up petition on the just and equitable ground following the parties' divorce
- Acting (led and unled) in a series of unfair prejudice petitions and related actions, arising out of a number of hotel development projects in and around London
- Acting (led) in several applications in an unfair prejudice petition between a Jordanian businessman and certain members of the Saudi royal family
- Acting in a claim against the Stobart group of companies for non-payment of commission by an offshore subsidiary
- Acting (led) in a substantial unfair prejudice petition concerning the development of a luxury shopping precinct in Russia
- Assisting, while on secondment to an offshore firm's Guernsey office, with the first derivative claim brought in the Guernsey courts, following a breakdown in relations between the executive directors of a large closed-ended investment company

INSOLVENCY & ASSET RECOVERY

Oliver practises in all areas of contentious bankruptcy and insolvency work. He has a particular expertise in cases where insolvency proceedings are running alongside other proceedings (such as shareholder disputes), and in insolvency cases involving secured creditors, but he also acts in a wide variety of Insolvency Act claims and applications by and against liquidators, administrators, trustees in bankruptcy, and other office-holders.

Oliver has extensive experience of dealing with applications in the High Court Insolvency and Companies List, such as applications to restrain presentation and/or advertisement of winding-up petitions,

Examples of Oliver's insolvency work include:

- Acting for a minority shareholder in a dispute concerning the appointment of administrators to conduct a pre-pack sale of company assets
- Acting for a Hollywood film investment company in bankruptcy proceedings against a former director to recover c. £2.2m of misappropriated funds
- Acting for a secured creditor in a dispute over whether security was waived in bankruptcy
- Acting for the respondent to an application under s. 423 Insolvency Act 1986 which was opposed on limitation grounds
- Advising on a liquidator's claims for alleged director's misfeasance and transactions at an undervalue under sections 212 and 238 Insolvency Act 1986
- Advising in matters arising out of the administration of a former Formula 1 motor racing company (led by Matthew Collings KC)

- Acting for a community interest company (CIC) in an application by HMRC for the appointment of provisional liquidators
- Advising a Gibraltar e-money business on potential challenges to the conduct of joint administrators of an English company, including a challenge to a pre-pack sale
- Acting in two High Court applications arising in the winding-up of a dissolved partnership
- Advising on proceedings brought in Hong Kong by liquidators of a motor insurer against the company's former auditors for negligence in failing to detect a fraud being committed by the insurer's shareholder and director (led by David Mumford KC).

OFFSHORE & TRUSTS

Oliver was seconded to one of the leading offshore firms in the Channel Islands in his early years of practice, and retains an active interest in international and offshore work.

Examples of Oliver's offshore and contentious trusts work include:

- Advising in relation to a large and long-running offshore family trust and contentious probate dispute (with a large team of English and local counsel)
- Advising trustees of a discretionary trust in relation to the interest of a bankrupt beneficiary
- Advising an investor in a Macau casino on an offshore application for interlocutory relief to restrain the wrongful enforcement of security over the investor's shareholding by a US venture capitalist (led by Matthew Collings KC)
- Advising on various shareholder disputes arising under the Nevis Limited Liability Company Ordinance in St Kitts & Nevis
- Advising (with David Mumford KC) on proceedings brought in Hong Kong by liquidators of a motor insurer against the company's former auditors for negligence in failing to detect a fraud being committed by the insurer's shareholder and director
- Advising on a beneficiary's claim against a pension fund
- Advising on various issues in Gibraltar property law concerning beneficial ownership and grants of security, including claims for undue influence
- Advising on the recognition of judgments of the French courts (the Tribunal de Commerce, the Cour d'Appel, and the Cour de Cassation) in England under the Brussels I Regulation, the 1934 Convention between the UK and France, and the English common law

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REAL ESTATE

Oliver acts in a wide range of real estate cases, both contentious and non-contentious.

Examples of Oliver's real estate work include:

- Advising a landlord on the enforceability of covenants for reinstatement and the tenant's potential

defences
- Advising the owners of a riparian property on a claim against a neighbouring property for water ingress
- Acting in a claim for estate agent's commission on the sale of a £4.95m property development site in West London
- Acting (led) for a Seychelles-incorporated, Ukrainian-owned company in proceedings concerning the beneficial ownership of residential property in central London
- Acting in an Upper Tribunal appeal in a residential service charge case, which raised issues about qualifying long term agreements and the First-tier Tribunal's costs jurisdiction
- Acting (led) in a two-week High Court trial of claims concerning the adequacy of reinstatement work following a fire in a multimillion pound property in central London
- Acting for the management company of a residential estate in Surrey in a building services dispute between the residents, the management company, and the developer
- Advising on an adverse possession and proprietary estoppel case concerning the acquisition of a private right of way over a driveway
- Advising a national transport infrastructure manager on a claim for adverse possession of part of the transport network

Day v. Hosebay Ltd [2012] UKSC 41, [2012] 1 WLR 2884: appearing (with Edwin Johnson KC) for the successful appellants before a seven-judge panel of the Supreme Court in an appeal concerning the meaning of the word 'house' in the Leasehold Reform Act 1967

MEDIA & ENTERTAINMENT

Oliver is often instructed in media & entertainment disputes which overlap with his core areas of expertise, particularly company and insolvency cases. His work in this area includes acting in a shareholders' dispute and a bankruptcy matter concerning a Hollywood film investment company; a substantial class-action lawsuit concerning a failed film finance investment scheme; the long-running dispute between STV and ITV; the Monty Python Spamalot royalty case; and insolvency proceedings concerning the Africa Channel. He has also acted for the estate of the film and musicals composer Lionel Bart.

PRIVATE CLIENT

Oliver's private client work is mainly focused on advising in contentious trust and probate matters in England and other jurisdictions. His experience in this area includes advising on a large and long-running offshore family trust and probate dispute, working with a large team of English and local counsel; advising trustees of a discretionary trust in relation to the interest of a bankrupt beneficiary; and advisory work in relation to a beneficiary's claim against a pension fund. Oliver has also acted in an unusual dispute concerning the right of burial where the deceased died intestate.

ADR

Oliver is always willing to advise and act in cases where ADR is contemplated. He has direct experience of acting and advising in mediations, judicial early neutral evaluations, and contractual adjudications. His input can be sought at any stage and on a flexible basis depending on the client's requirements, whether that is advice on settlement, drafting a position statement, or appearing at the mediation itself.

DIRECTORY QUOTES

"A strong professional with sound instincts, Oliver is a very powerful advocate. who is always reasonable, responsible and careful in the advice he gives. Persuasive and clear in his advocacy, he knows where the real strengths of the case lie and focuses on the points that matter."

Chambers UK Chancery: Commercial (2027)

"Able to exercise commercial judgment in view of the bigger picture to help the client achieve their objectives quickly."

Legal 500 UK Insolvency (2027)

"Oliver is really bright, a truly exceptional junior. A first-rate legal mind."

Legal 500 UK Partnership (2027)

"Oliver is a bright cookie who is very thorough in his approach. He had a lot of work to do in our case and he did it very well."

Chambers UK Chancery: Commercial (2027)

"Oliver is technically brilliant. He has a formidable eye for detail, and he exudes confidence."

Legal 500 Company (2026)

"He engages well with the judge's difficult questions."

Legal 500 English Bar Offshore (2026)

"An impressive and responsive advocate with great intellect."

Legal 500 UK Insolvency (2022)

"A very diligent junior."

Legal 500 UK Private Client: Trusts and Probate (2021)

MEMBERSHIPS

- CamARB
- Chancery Bar Association
- COMBAR
- Financial Services Lawyers Association
- INSOL
- Inter-Pacific Bar Association
- Property Bar Association
- R3

QUALIFICATIONS

- Gonville & Caius College, Cambridge: MA Classics (double first class honours), MPhil
- City University: GDL, BVC (Outstanding)

AWARDS

Mooting
Scarman Shield (ESU/Essex Court Mooting Competition), Maitland Advocacy Prize

Middle Temple: Queen Mother Scholarship
Certificate of Honour, Baron Dr Ver Heyden de Lancey Prize

City University
BACFI Prize for Commercial Practice, Sweet & Maxwell Prize for Company Law

University of Cambridge
Members' Prizes for Greek and Latin, Craven Scholarship, Hallam Prize, Chancellor's Medal (Classics

Gonville & Caius College, Cambridge:

Senior Scholarship, Schuldham Plate

NOTABLE CASES

- *Julian Cohen v Stobart Holdings Ltd (2018)*
- *In The Matter Of Bankside Hotels v Maurice Gourgey (2018)*
- *In The Matter Of Pedersen (Thameside) Ltd v Maurice Saleh Gourgey & Ors (2017)*
- *Bretby Hall Management Co Ltd v Christopher Pratt (2017)*
- *Apex Global v FI Call (2016)*
- *Lord Chancellor v John Blavo & MSP Capital (2016)*
- *Apex Global v F1 Call (2015)*
- *Day v Hosebay Limited; Howard de Walden Estates Limited v Lexgorge Limited (2012)*
- *Munib Masri v Consolidated Contractors International Co SAL & 6 Ors (2011)*