



IAIN SHIPLEY

CALL - 2019

*"Iain is focused, commercial and legally sharp...
a genuine pleasure to work with."*

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Iain is a commercial Barrister with an extensive range of experience in civil disputes with a focus on commercial litigation, insolvency, fraud and commercial property disputes.

Iain regularly appears in the County Court and High Court on Commercial Disputes, Security for Costs Applications, Summary Judgement Applications, Strike Out Applications and Statutory Demands.

Iain is also a qualified South African attorney, having completed his attorney's training contract at a large commercial law firm where he worked on a variety of commercial matters involving opinions on company law, contract law, and public procurement law, drafting, and reviewing commercial contracts, and the establishment and restructuring of South African companies.

AREAS OF EXPERTISE

Commercial Litigation

Iain regularly advises on, drafts pleadings in, and appears in commercial litigation cases. Iain's practice is a broad mix of being led as well as acting as sole counsel.

Notable Commercial Litigation Cases

- Being led by Francis Tregear KC of XXIV Old Buildings, acting in an arbitration for a prominent celebrity being sued for c.£7m for litigation funding monies allegedly owed (Seat London, English Law).
- Being led by Laurence Emmett KC of One Essex Court in a claim by a property development personal services company for commission owed to it pursuant to a consultancy agreement in relation to the development of the UK's largest solar park.
- Acting for an individual defrauded of property purchase monies following an authorised push

payment fraud, and obtaining an urgent worldwide freezing injunction and Norwich Pharmacal / Bankers Trust order, ultimately leading to the recovery of the majority of the funds.

- Acting as sole Counsel, advising on a professional negligence claim against a firm of accountants worth £1m with a significant cross border element.
- Representing a professional football club and successfully obtaining an order for security for costs against a claimant company in a High Court matter involving a breach of contract claim for £350k.
- Advising on a claim involving breach of contract, negligence, breach of statutory duty, and misrepresentation against a financial services provider, valued in excess of £4m.
- Representing a number of clients involving breach of contract and/or negligence against a firm of solicitors which advised a company which is now in liquidation in relation to (amongst others) the lawfulness of proposed dividends, valued in excess of £6m.
- Advising on a Singapore Arbitration, concerning a cryptocurrency exchange in relation to a security agreement (Seat Singapore, English Law).
- Advising on a claim involving breach of contract, breach of directors' duties, unlawful means conspiracy, procuring a breach of contract, and knowing receipt against former directors of a company, valued at £3m.
- Acting for a defendant who is being sued under a guarantee for in excess of £130,000.
- Acting for a defendant homeowner being sued by an architect in a construction arbitration.
- Acting for a client and successfully obtaining an order for the discharge of a charging order in the unusual circumstances that the holder of the charge was a company in liquidation but with no appointed liquidators, such that there was no one able to receive payment of the secured judgment debt or consent to the discharge of the charging order.

Insolvency

Iain regularly appears in bankruptcy and winding up petitions and other insolvency-related hearings, including applications to set aside statutory demands and applications for validation orders he regularly advises on a number of directors duties disputes and has been led by members of chambers in relation to dealings with directors.

Notable Insolvency Cases

- Representing a shareholder-director of a quasi-partnership company opposing a petition for the winding up of the company on just and equitable grounds, and in response petitioning for a remedy for unfair prejudice, with the company valued at c.£3.5-£4m.
- Representing directors and shadow directors in relation to mis-appropriated funds resulting in a liquidation, resulting in non-breach of directors' duties.
- Acting for a director accused of breaches of directors' duties with cross border elements in France and Germany where VAT and Tax breaches had been alleged. Settlement discussions ongoing.
- Representing clients in Misfeasance and Transaction at undervalue claims.
- Successfully obtaining an annulment of bankruptcy order.

- Representing a liquidator and settling the application for liquidator's remuneration in a creditors' voluntary liquidation, which application was ultimately successful.
- Representing a bankrupt, and seeking annulment of a bankruptcy order.
- Representing a client and successfully obtaining an order granting a director permission to be involved in a "phoenix company" under s.216(3) of the Insolvency Act 1986.

Property Litigation

Iain regularly advises on, drafts pleadings for, and appears in residential property disputes, including mortgage possession hearings and appeals, and residential tenancy possession proceedings. Iain has acted for mortgagees, private and social landlords, and tenants.

Notable Property Litigation Cases

- Acting for a mortgage lender and successfully opposing an application to suspend a warrant of eviction in respect of a Grade I listed manor valued at approximately £4.5m
- Acting for a commercial landlord and obtaining summary judgment for rent arrears, costs, and damages following forfeiture of the leased property.