



# PAUL O'DOHERTY

CALL – 2000

*“Excellent, commercial and a pleasure to work with.”*

✉ [podoherty@forumchambers.com](mailto:podoherty@forumchambers.com) ☎ 020 3735 8070

Paul O'Doherty is an experienced commercial barrister who has been advising businesses for over 20 years, from small owner-operated enterprises to large international corporates.

He is experienced in providing strategic, commercial advice and advocacy in complex, high value disputes. His main areas of practice are corporate insolvency, contractual disputes, financial services, civil fraud and construction.

A common theme in Paul's work is complicated financial evidence. Paul was an accomplished international corporate finance analyst prior to practising as a barrister. He worked on a diverse portfolio of international mergers & acquisitions, private equity, property investments and hedge fund transactions. With considerable experience undertaking due diligence and complex corporate valuation, Paul's forensic accounting skills set him apart.

Paul is as comfortable providing strategic advice to directors in the boardroom as he is in court. He understands what business people need their lawyers to tell them. A natural advocate with an easy style and a wealth of trial experience, Paul's blend of legal expertise and commercial insight delivers results for his clients.

## AREAS OF EXPERTISE

### INSOLVENCY

Paul has wide ranging experience in corporate insolvency and restructuring. His practical and technical advice is sought after in the most complex insolvency matters. He has advised and represented businesses and insolvency practitioners across industries from financial services to care homes, from pensions to property and construction.

*Recent Notable Cases:*

- **Johnson V Spooner[2022] EWHC 735 (Ch) (March 2022)**
- **Green & Anor v Johnson & Anor (Brookman Home Limited) [2021] EWHC 2610 (Ch):** Successfully representing the directors for claims by the Liquidator for monies (£1.2m) paid by directors into a failing company, thus not breaching Directors Duties.
- **Northern Powerhouse Developments Limited and the MBI Group (2018-2020):** Advising and representing the joint administrators in the 2019 collapse of the insolvent hotel and care home investment businesses, Northern Powerhouse Developments Limited ("NPD") and associated companies in the MBI Group of companies. NPD and MBI were businesses under the control of Gavin Woodhouse, which raised over £70 million investment from approximately 600 retail investors in the UK and overseas for the construction, refurbishment and operation of care homes and hotels. Investors' monies were primarily obtained through selling individual rooms in care homes and hotels, in a process known as "unitised sales" or "fractional ownership". The matter has received widespread national media attention, following an investigation by ITN and the Guardian into Northern Powerhouse Developments and Mr Woodhouse's investment activities. This complex series of administrations concerned over 20 separate companies, with more than 1,100 investments into over 30 investment schemes. The administrations and related litigation has involved: a series of urgent interim relief orders pursuant to Schedule B1 of the Insolvency Act; urgent relief in relation to disclosure; freezing injunctions; clarification of the law relating to directors' appointments in the context of administrations (Re MBI Hawthorn Limited (In Interim Management) [2019] EWHC 2365 (Ch)); successfully challenging Company Voluntary Arrangement proposals under section 6 of the Insolvency Act; and complex administrators' remuneration applications under the Practice Direction on Insolvency Proceedings. The administrations are continuing.
- **The Carlauren Group (2019):** Advising and representing the joint administrator in the collapse of the hotel and luxury care home investment group, which raised £75 million from private investors for the development and operation of care homes and hotels. The case has received widespread national media attention, in particular in the BBC and the Guardian. The administrations are continuing. The administration applications included seeking an administration order over a Jersey holding company under the Companies (Jersey) Law 1991 and a detailed consideration of COMI and the competing England & Wales/Jersey jurisdictional issues.
- **The Connaught Income Fund/Blue Gate Capital Limited (2014-2020):** Advising and defending financial advisory firm Blue Gate Capital Limited, which was the FCA regulated operator of the £100 million Connaught Income Fund. The Connaught Income Fund, an unregulated collective investment scheme in the property funding market, collapsed into insolvent liquidation due to fraudulent activity in its investee company, Tiuta. The claim involves a group action with approximately 1,000 claimants suing Blue Gate and Capita: see Connaught Income Fund, Series 1 (In Liquidation) V (1) Capita Financial Managers Ltd (2) Blue Gate Capital Ltd: [2014] EWHC 3619 (Comm). The case received widespread publicity and was the subject of a Parliamentary enquiry and regulatory investigation.
- **Re M (2019-2020):** Advising the director and shareholder of a property development business, placed into solvent administration with in excess of £40 million of assets. Advised on issues relating to conduct of the administration and the remuneration of the administrators.
- **Re A (2020):** Advising the directors of an insolvent technology company facing directors' disqualification proceedings concerning the execution of a £5 million corporate finance

transaction.

- **Re Carillion Qatar LLC (2018):** Advising Carillion Qatar LLC on business restructuring following the high profile collapse of Carillion PLC
- **The Jaeger Group (2017):** Advising and representing a consortium of unsecured creditors dissatisfied with the incumbent administrators of the well-known retail group put into insolvent administration by its private equity funders.
- **Re Travel Inn (Ireland) Ltd (2017):** Advising and representing the liquidator of a dissolved Irish Company, on procedural issues relating to obtaining a winding up order pursuant to section 225 of the Insolvency Act 1986 (winding up dissolved foreign company without the need to restore to the register, as if it were an unregistered company).
- **Re "R" Limited (in administration) (2017-18):** Advising the administrators of a specialist travel business in relation to a multi-million wrongful trading claim against former directors, involving a complex FX funding structure
- **KJK Investments/G-Loans Limited (2013-15):** Advising and defending a private pensions and investment business, subject to a public interest winding up petition, brought by the Secretary of State for Business Innovation and Skills. The companies marketed a novel product to allow private pension fund holders to access and exercise control over their pension fund earlier than retirement. The claim involved complex tax, pensions and accounting evidence, involving £7 million of pension investments.

## COMMERCIAL LITIGATION

Paul is an astute strategic lawyer, with a keen eye for detail but never losing sight of the bigger picture. Unravelling complex commercial disputes and getting to the heart of the problem, Paul delivers practical advice on how to achieve the best outcome.

### *Recent Notable Cases:*

- **Re X (2018-2020):** Advising and representing a group of private investors in a £5 million breach of contract claim involving investment advice on the trading of derivatives and alleged breaches of discretionary fund management agreements
- **Re R (2019-2020):** Advising and representing a family office investor in a £4 million breach of contract claim in relation to services provided to a FinTech lending business.
- **Re W (2019-2020):** Advising and representing a scriptwriter in relation to a claim for breach of contract/breach of copyright against a major international Hollywood producer/director. The subject matter of the dispute is the script for a film which took over US\$100 million at the box office.
- **Re Sevco 5088 Ltd (2019-2020):** Advising and representing the former chief executive officer and the former finance director of Glasgow Rangers Football Club in a £20 million+ in defending a claim for breach of fiduciary duties, breach of statutory duty under the Companies Act, dishonest assistance and unlawful means conspiracy, relating to the acquisition and flotation of the Club.
- **Re S (2018-2020):** Advising and representing a football agent seeking the recovery of unpaid fee commission relating to a £30million+ Premier League football transfer agreement.

- **Re Williams (2019-2020):** Advising and representing construction and hospitality entrepreneurs in a £4 million shareholders' dispute against investor shareholders, concerning the failure to invest pursuant to an investment agreement.
- **Fox Street Village (2019):** Advised a group of investors in the £10 million collapse of a property investment business, involving an incomplete off-plan development scheme, in relation to investors rights, considering competing secured and unsecured creditors' positions.
- **Re S (2019):** Advised and represented high net worth individuals in a £2 million dispute with a private investment bank concerning allegations of negligence investment advice.
- **R v F (2017-2018):** Advising and representing London based property developer in High Court proceedings relating to contractual dispute with its long standing construction contractor, involving injunctive relief, insolvent sub-contractors, unfinished construction works and breach of £15 million settlement agreement.
- **Re Justice Capital (2016-2017):** Advised and represented a litigation funder in High Court proceedings in London for the recovery of third party funding investment in relation to a US\$14 million international arbitration award.
- **Re Medgolf Properties (2016-2017):** Advised and represented a consortium of Cypriot developers and investment companies in group litigation action in relation to offshore property investment scheme, involving allegations of breach of contract and misrepresentation.
- **Re E (2015-2016):** Advised and represented a private equity investor to recover his investment into waste-to-energy group where investee was in breach of shareholders' agreement.
- **HM Revenue & Customs (2008-2015):** Advising and representing HM Revenue & Customs in numerous large scale VAT frauds, conducted through international/offshore banking conduits: see e.g. Wireless Wizards [2013] UKFTT 680 (TC), Masstech Corporation Limited [2012] Tax Tribunal TC/2009/10294 and TC/2009/10020).
- **JSC BTA Bank v Solodchenko and others (2012):** Advising and representing a group of offshore corporates opposing a summary judgment application for US\$260 million, part of the multi-billion pound collapse of the JSC BTA Bank/Ablyazov litigation.

## CONSTRUCTION AND ENGINEERING

### *Recent Notable Cases:*

- **Re Carillion Qatar LLC (2018):** Advising Carillion Qatar LLC on business restructuring following the high profile collapse of Carillion PLC
- **R v F (2017-2018):** Advising and representing London based property developer in High Court proceedings relating to contractual dispute with its construction contractor, involving injunctive relief, insolvent sub-contractors, unfinished construction works and breach of £15 million settlement agreement.
- **Nisbets PLC v St Modwens Developments and others (2017):** Defending specialist flooring contractor in relation to the installation of high specification warehouse concrete flooring, involving complex expert evidence on proprietary flooring technology.
- **Re K (2015-17):** Advising and representing a firm of architects concerning urban design and planning advice in relation to a £30 million mixed use town centre redevelopment.

- **Hydrodec v Whelan (2014):** Advising and representing owner/operator of an independent oil refinery in a dispute with feedstock provider, involving consequential losses arising from refinery closures.

## FINANCIAL SERVICES

Paul has considerable experience in financial services litigation, with particular expertise in collective investment schemes. Paul brings a comprehensive understanding of investment products to the table from his time in corporate finance.

### *Recent Notable Cases:*

- **The Connaught Income Fund/Blue Gate Capital Limited (2014-20):** Advising and defending financial advisory firm Blue Gate Capital Limited, which was the FCA regulated operator of the £100 million Connaught Income Fund. The Connaught Income Fund, an unregulated collective investment scheme in the property funding market, collapsed into insolvent liquidation due to fraudulent activity in its investee company, Tiuta. The claim involves a group action with approximately 1,000 claimants suing Blue Gate and Capita: see *Connaught Income Fund, Series 1 (In Liquidation) V (1) Capita Financial Managers Ltd (2) Blue Gate Capital Ltd*: [2014] EWHC 3619 (Comm). The case received widespread publicity and was the subject of a Parliamentary enquiry and regulatory investigation. Paul advised and represented Blue Gate Capital in related regulatory proceedings.
- **O'Hare v Coutts (2016-2018):** Advising and representing high net worth individuals in the High Court and Court of Appeal, together with Darragh Connell, in a £3 million claim for breach of contract, negligence, and breach of statutory duty arising from investment advice given by Coutts. The High Court judgment (see [2016] EWHC 2224 (QB)) involved setting a new standard of care for financial advisers, deviating from the traditional Bolam test.
- **Re P (2015-2016):** Advising and representing high net worth individual in a £2 million claim for breach of contract and negligence against his private bankers in relation to advice on foreign exchange and private equity transactions.
- **Re JACC v Barclays (2015-2016):** Advising and representing a care home SME pursuing its bankers in relation to consequential losses arising from a mis-sold interest rate swap.

## PROFESSIONAL NEGLIGENCE

Paul's professional negligence practice encompasses claims against financial services professionals, solicitors and construction professionals.

### *Recent Notable Cases:*

- **The Connaught Income Fund/Blue Gate Capital Limited (2014-2020):** Advising and defending financial advisory firm Blue Gate Capital Limited, which was the FCA regulated operator of the £100 million Connaught Income Fund. The Connaught Income Fund, an unregulated collective investment scheme in the property funding market, collapsed into insolvent liquidation due to fraudulent activity in its investee company, Tiuta. The claim involves a group action with

approximately 1,000 claimants suing Blue Gate and Capita: see *Connaught Income Fund, Series 1 (In Liquidation) V (1) Capita Financial Managers Ltd (2) Blue Gate Capital Ltd*: [2014] EWHC 3619 (Comm). The case received widespread publicity and was the subject of a Parliamentary enquiry and regulatory investigation.

- **O'Hare v Coutts (2016-2018)**: Advising and representing high net worth individuals in the High Court and Court of Appeal, together with Darragh Connell, in a £3 million claim for breach of contract, negligence, and breach of statutory duty arising from investment advice given by Coutts. The High Court judgment (see [2016] EWHC 2224 (QB)) involved setting a new standard of care for financial advisers, deviating from the traditional Bolam test.
- **Re K (2015-2018)**: Advising and representing a firm of architects concerning urban design and planning advice in relation to a £30 million mixed use town centre redevelopment.
- **Xenakis v Birkett Long [2014] EWHC 171 (QB)**: Advised and represented restaurant entrepreneur claimant against his former solicitors, relating to negligent advice on a property acquisition and related personal guarantees, requiring the analysis and consideration of complex offshore financial evidence.

## EDUCATION

- BA (Hons) Law, Magdalene College, Cambridge