

EMILY GAILEY

CALL: 2017

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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:

- 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.
 - Currently instructed (led by Gregory Banner KC) in an international dispute concerning the transfer of valuable intellectual property rights arising from the sale and purchase of a successful consultancy group.
 - Currently instructed (led by James Aldridge KC) in 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.
 - Assisted (led by Andrew Twigger KC and Jonathan Allcock) in the trial of **Raiffeisen Bank International AG v (1) Asia Coal Energy Ventures Limited, (2) Ashurst LLP** (2020) one of the Lawyer's Top 20 cases of 2020. The case concerned the sale by the Claimant bank of defaulted loans and associated security.
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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:

- Currently 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.
 - Currently instructed (led by Thomas Munby KC) in **Kireeva v Zolotova** (2022 -), 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.
 - Advised (led by Dean Armstrong KC) in a wide-ranging and high-value fraud claim brought by a prominent Georgian national against a well-known Georgian oligarch (2023).
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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:

- Currently instructed (led by Matthew Parker KC of 3VB) in a partnership dispute relating to a valuable

property development site. The Claimant has made allegations of undue influence and the misappropriation of partnership assets. A without notice freezing injunction was obtained in 2023.

- Currently instructed (unled) in dispute relating to a valuable farming partnership. This involves very serious allegations of fraud, misappropriation of assets, undue influence and breach of fiduciary duty.
- Instructed (led by Andrew Ayres KC of Twenty Essex, and Fraser Campbell 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).
- She appeared (led by Christopher Parker KC) in the Court of Appeal for the successful appellant in the case of ***Griffith v Gorgey and others*** (2019), concerning two unfair prejudice petitions.

PROFESSIONAL NEGLIGENCE

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

INSOLVENCY & ASSET RECOVERY

Emily has appeared in numerous bankruptcy and insolvency matters including (as sole counsel) the widely reported case of ***Re Triumph Furniture Ltd*** (2019), concerning the appointment of administrators out of hours.

PRIVATE CLIENT

As a solicitor, Emily acted in numerous contentious trusts and probate matters, including claims contesting the validity of wills, applications for the removal of executors and trustees, and claims under the Inheritance (Provision for Family and Dependents) Act 1975. She has maintained this expertise since coming to the Bar and has advised on various probate and private client matters.

QUALIFICATIONS

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- First-class degree in Modern History from Lincoln College, Oxford.
 - GDL with distinction
 - LPC with distinction

MEMBERSHIPS

- COMBAR
- Chancery Bar Association

AWARDS

Distinction - STEP Advanced Certificate in Trust Disputes

Worldwide Excellence Award for obtaining the highest mark globally

NOTABLE CASES

- *Harrington Scott Ltd v Coupe Bradbury Solicitors Ltd [2022] EWHC 2275 (Ch)*
- *Griffith v Gourgey (2019)*