

muckle<sup>LLP</sup>



# Insolvency Practitioners and Litigation

Hugo Groves

Barrister

Enterprise Chambers

# Housekeeping

- Please mute your phones
- Ask questions via the chat option (privately or to everyone)
- Post-webinar email with presentation, Q & A's and link to webinar recording



# Your speakers



## **Hugo Groves**

### **Barrister**

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Hugo has many years experience of dealing with insolvency related matters including those with an American and cross border element. He also deals with a broad range of company, partnership and commercial matters. Hugo previously worked as a solicitor in a City firm which has given him an insight into the demands and expectations of business clients. Hugo's approach to problem solving is both practical and commercial, which has given him the reputation of being both user friendly and responsive to client demands. Hugo is recommended as a leading junior in both the Chambers & Partners and Legal 500 directories (North East and London tables).



## **Andrew Cawkwell,**

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# Minimising litigation risks

- Assignments
- Drafting concerns
- Office holder claims
- CFAs / DBAs
- CFA issues



# Personal liability for legal costs

- Office holder as litigant
- Ordinary application of CPR
- Claiming time costs
- Office holder as respondent
- Office holder as applicant
- Litigation in name of the Company



# Discontinuance

- CPR provisions
- Office holder approach



# Adverse costs and super priority

- Continuation of litigation by office holder
- Priorities



# Security for costs applications and funding issues

- Office holder claims
- Claims in name of the Company
- CPR 25.12
- “Stifling” defence
- Use of CFA





# How to make recoveries

- Choice of legal advisers
- Strategy
- Use of coercive powers
- Tactical considerations
- Asset intelligence



# Undertakings in damages on a Freezing Injunction

- Limited undertakings
- Evidence
- Profile of creditors
- Full and frank disclosure
- Registration of Freezing Injunction Orders



# Litigation and sanction

- Creditor sanction
- Court sanction
- Retrospective sanction
- Permission to settle



# Litigation and floating charge assets

- Expenses of liquidation and floating charge
- s.176ZA Insolvency Act 1986
- Approval or authorisation
- *“Property comprised in or subject to a floating charge”*



# Update on Clawback claims and director claims

- Meaning of “transaction”
- Insolvency
- Shadow directors



# Post-webinar



- Email with slides and notes
- LinkedIn: Insolvency and Turnaround Group
- Twitter: @company rescue
- Restructuring and Insolvency eNews
- [www.muckle-llp.com/resources/sign-up-for-newsletters](http://www.muckle-llp.com/resources/sign-up-for-newsletters)



Any Questions?

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