Jonathan Brettler

Called: 1988

Areas of Practice

Litigation and advice in the fields of company, commercial, financial services and insolvency law.

Company law - including shareholder disputes, unfair prejudice proceedings and schemes of arrangement.

Commercial & financial services law - including oil & gas disputes between joint venture parties; oil & gas disputes between state and commercial parties; applicable arbitration clause disputes where related agreements contain different provisions; and claims relating to the scope of arbitration agreements.

Financial services work - eg. defending mis-selling claims relating to pension and life assurance products; advising whether arrangements constitute collective investment schemes; winding up companies carrying on unauthorised investment business; professional negligence litigation relating to investment advice and financial services products.

Insolvency law - including directors' disqualification proceedings.

Cases

Recent commercial & company cases

- Debt Collect London Ltd v SK Slavia Praha-Fotbal AS [2011] 1 WLR 866 - art. 27, 28 & 30 Judgments Regulation; interpretation of art. 30 Judgments Regulation; Czech proceedings lodged before English proceedings; Czech court fee paid after the English proceedings were commenced; English court was first seised under art. 30 Judgments Regulation.
- Tullow Uganda Ltd v Heritage Oil and Gas Ltd (2011, Commercial Court): member of the counsel team acting for the defendant in a dispute as to whether the claimant is entitled to an indemnity in respect of a payment of some $313m which it made to the Ugandan Government.
- Swift Technical Group Holdings Ltd v Cantley & Ors (2010, QBD): instructed by a private equity fund defending allegations that it participated in a conspiracy to damage a competitor by unlawful means.
- Enic Football Management SARL v Key Investments AS (2010, Ch.D): acting for the claimant in proceedings concerning the validity of an option agreement relating to a substantial shareholding in a Czech football club; successfully applying to strike out the defendant's allegations of forgery, breaches of Czech law and the UEFA regulations.
- Ex Cellar Investments Ltd v Nicolas UK Ltd (2011, QBD): instructed by the defendant in proceedings concerning the sale of the shares in Oddbins. Successfully applying to strike out breach of warranty claims for failure to comply properly with the contractual notification provisions.
- Relfo Ltd v Varsani [2009] EWHC 2297 - instructed by the defendant in proceedings raising a question concerning the interpretation of CPR 6.9; whether the defendant could properly be served at an address in the jurisdiction at which limited time was spent.
- Re Starlight Developers [2007] EWHC 1660 - whether there was jurisdiction to stay (rather than strike out) unfair prejudice proceedings where the petitioner was not a registered shareholder but had applied for retrospective rectification of the register of members.
- Re Hambrook & Greenstock AG - representing petitioner in English public interest winding up proceedings against a Swiss company which operated an unauthorised collective investment scheme. Public interest winding up cases also include: Re Virtual World Direct Ltd (2010) (e-lottery operator making misleading statistical claims); Re London Citylink Ltd [2005] All ER (D) 188 (provider of nominee director services wound up in the public interest); Re Get Me Tickets Ltd [2006] EWHC 1058 (public interest winding up of secondary ticket agent).

Recent insolvency cases

- Re Airbase Services International Ltd [2008] 1 WLR 1516 - representing unsecured creditors; decides that a floating chargeholder is not able to prove against the prescribed part fund (s. 176A Insolvency Act 1986) in respect of an unsecured shortfall on its security.
- Law Society v Shah [2008] 3 WLR 1401 - representing trustee in bankruptcy; decides that bankruptcy discharge bars remedy against former bankrupt not the underlying claim; and that Third Party (Rights Against Insurers) Act 1930 liability may be established within a bankruptcy, without determination of proof by office-holder.

Other cases of interest include

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Areas of Practice

- Company and commercial law
- Insolvency litigation
- Financial services law
- Directors disqualification
- Professional negligence
- Schemes of arrangement, capital reductions

- Serious Organised Crime Agency v Lundon [2010] WTLR 875: instructed by the claimant in proceeds of crime claim raising the question whether the performance of family duties by a wife can constitute the giving of "value", so that a potential defence under s. 308 Proceeds of Crime Act 2000 may apply.
- Cook v Norlands Ltd [2001] UKPC 52 (Privy Council decision on contractual certainty requirements); Liggins v Lumsden Ltd [1999-2001] MLR 601 (Isle of Man Court of Appeal; liability of partnership for partner's assistance of breach of trust); Nel v Kean [2003] P&CR (presumed/inferred undue influence).

Publications

Contributor, Annotated Companies Acts (Oxford University Press)

Overseas Qualifications

Admitted as advocate in Isle of Man for specific cases

Professional

Member of COMBAR & Chancery Bar Association

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