

## Jonathan Brettler

Called: 1988



### Areas of Practice

Jonathan Brettler's practice includes litigation and advisory work in the fields of company, commercial, financial services and insolvency law.

**Company law** - shareholder disputes (unfair prejudice; just and equitable winding up proceedings); acting for proposers of and objectors to Companies Act schemes of arrangement and insurance business transfer schemes; eg. for commutation of insurance liabilities, changing jurisdiction of group holding companies.

**Insolvency law** - including directors' disqualification proceedings.

**Financial services** - acted for major insurers in trials relating to: the alleged mis-selling of pensions and life assurance products; whether insurer validly terminated a sales joint venture; and the validity of suspensions and terminations of sales agents' appointments on regulatory grounds. Advising whether arrangements constitute unauthorised collective investment schemes.

### Cases

Insolvency litigation: recent cases include *In 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.

Commercial & company litigation: recent cases include *Debt Collect London Ltd v SK Slavia Praha-Fotbal AS [2009] EWHC 2726* - art. 27, 28, 30 Judgments Regulation; art. 20 Service Regulation; impact of failure to pay court fee on court first seised under Judgments Regulation; effect of failure to notify treaty to EC Commission.

*Relfo Ltd v Varsani [2009] EWHC 2297* - whether defendant could be served without permission at an address in jurisdiction where limited time spent; interpretation of CPR 6.9.

*Re Starlight Developers [2007] EWHC 1660* - whether jurisdiction to stay (rather than strike out) unfair prejudice proceedings where the petitioner not a registered shareholder but applies for retrospective rectification of the register of members.

*Re Hambrook & Greenstock AG* - representing petitioner in English public interest winding up proceedings against Swiss company which operated unauthorised collective investment scheme.

Company cases, representing petitioner claiming public interest winding up also include: *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).

Other cases of interest include: *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

### Areas of Practice

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



© 4 Stone Buildings 2009

**4 Stone Buildings**

Lincoln's Inn, London WC2A 3XT

tel: 020 7242 5524

fax: 020 7831 7907

DX: 385 Chancery Lane