

# 4 STONE BUILDINGS

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**Andrew Clutterbuck**

**BA (Oxon)**

**Called: 1992**

## **Areas of Practice**

Company Law and Shareholder Disputes

Commercial litigation, Corporate Fraud and Asset Recovery

Financial Services regulation

Corporate and Personal Insolvency

## **Cases of Interest**

### **Commercial**

Concord v Law Debenture [2005] 1 WLR 1591 (HL): Corporate Bonds, position of bond trustee in bondholder-lender dispute;

Law Debenture v Elektrim (1) [2005] 2 Lloyd's Rep 755: Stay of arbitration, court's jurisdiction; (2) [2005] EWHC 1999: summary judgment on bond acceleration, costs under indemnity; (3) [2006] EWHC 1305: Saunders v Vautier in a commercial trust context; (4) [2007] EWHC 1380: chargor's right to redeem, trustee's right to retain security & trust property; (5) [2007] EWHC 2255: anti-suit injunction;

Geniki v Ellis [2008] 1 BCLC 662: Stockbroker's authority to deal;

Koonmen v Bender [2002] JLR N 45: \$100 million US/Anguillan/Jersey trust issues;

Equant v Ives [2002] EWHC 1992: Senior employees of listed company faced with proceedings and prosecution for fraud;

Re Sulfex Technologies: Intellectual property and specific performance claim against director/shareholder/inventor in Texas;

Temple Trust v Barclays: Bank's liability for forged cheques (Turks & Caicos Islands);

Standard Star: Vicarious liability for fraudulent off shore trust officer (Turks & Caicos Islands);

Shahar v Privatbank [2004] EWHC 2659: Setting aside service out for want of jurisdiction and non-disclosure.

### **Company law**

Roe v Doughty Hanson [2008] 1 BCLC 404 & Davenport v Cream Holdings [2008] EWHC 298: Expert Determination of share value under provisions in articles;

Re Flying Colours: S.459 CA85 Petition for management shareholders in a dispute over large and successful venture capital vehicle;

Re Hick Lane Bedding: S.459 & J&E winding up Petition. Family run manufacturing company;

Re a Company (No 004415 of 1996) [1997] 2 BCLC 479: s.459 & J&E winding up, strike out;

Coleman Taymar v Oakes [2001] 2 BCLC 749: Corporate claim against director for breach of duty;

Capital Corporation: Corporate claims against director and senior employees for breach of duty and conspiracy;

s.459 Petitions for shareholders in software and electronic industries, security industry, ship chartering, sports clubs etc.

### **Insolvency**

Re Griffin Trading [2000] BPIR 256: Provisional Liquidation and winding up of an insolvent LIFFE and EUREX futures broker;

Re Guardian Bank: Litigation arising out of financial authorities' closure of bank (Cayman Islands);

Commerzbank v Arvind Mills: UK stay of proceedings pending Indian insolvency proceeding;

Re Magellan Reinsurance Company Limited: Creditors winding up petition, locus standi (Turks & Caicos Islands).

### **Financial Services**

Advising major endowment mortgage provider on strategic treatment of misselling claims and specific cases.

Advising large family trust on regulatory impact on investment policy and practice.

### **Other Areas**

Andrew Clutterbuck also practices in the field of mining and quarrying rights and has appeared for large estates and local authorities in the Court of Appeal, the High Court, Lands Tribunal and in arbitral proceedings.

### **Publications**

Butterworths Practical Insolvency: Pension Rights in Bankruptcy.

Atkins Court Forms: Vol 27 Mines & Quarries.

### **Overseas Qualifications**

Called to the Cayman Islands Bar. Called to the Turks & Caicos Islands Bar for specific cases

### **Professional**

Member of the Commercial Bar Association and the Chancery Bar Association.