

## Charlotte Cooke

Called to the Bar 2008

+44 (0)20 7696 9900

charlottecooke@southsquare.com



Charlotte specialises in domestic and cross-border insolvency and restructuring, banking and financial services, commercial litigation and company law.

She has appeared in high profile cases at all levels, including three times as a junior in the Supreme Court (most recently in *Lehman Brothers Waterfall I*) and twice as sole counsel in the Court of Appeal.

She also has significant experience of a wide range of applications under the Insolvency Act and Rules, regularly appearing in County Courts and the High Court in respect of such applications, as well as undertaking advisory and drafting work.

In the restructuring context, Charlotte has advised in relation to proposals for, and challenges to, IVAs and CVAs and has appeared in hearings to convene/sanction a number of schemes of arrangement and restructuring plans, including *DeepOcean*, the first restructuring plan to use the new cross-class cram down mechanism.

Charlotte is recommended for restructuring and insolvency in Chambers & Partners where she is “singled out as a junior who is well equipped to handle sophisticated cases” and described as “friendly, helpful” and “extremely impressive”. Who’s Who Legal has described Charlotte as “a rising star”.

In February 2017 Charlotte was appointed to the Attorney General’s Panel of Junior Counsel to the Crown (C Panel).

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## Insolvency and Restructuring

Recent cases include:

- **Re DeepOcean** [2020] EWHC 3549 (Ch)/[2021] EWHC 138 (Ch) - The first restructuring plan to use the cross-class cram down mechanism
- **Re Nationwide Accident Repair Services** [2020] EWHC 2420 (Ch) - Urgent administration application
- Acting for OFGEM on an application for a declaration of insolvency to enable the appointment of a supplier of last resort
- **Re New Look Secured Issuer Plc** [2019] EWHC 920 (Ch) - scheme of arrangement
- **Interserve** - Administration application
- **Cannon Corporate v Primus Build** [2019] EWCA Civ 29 - Acted for the appellant on an appeal concerning the interplay between the construction adjudication and insolvency regimes
- **Re Nortel** [2018] EWHC 2766 (Ch) - Acted for the administrators on applications for orders approving remuneration and terminating the administrations

- **Mothercare** (2018) – Advised in relation to CVA proposals
- **London Trocadero (2015) LLP v Shinnors & Others** [2018] EWHC 3200 (Ch) – Acted for a landlord in relation to a claim for a rent deposit top up to be paid as a liquidation expense
- **Re Lehman Brothers International (Europe)** [2018] AC 465 – Acted as junior counsel for a creditor at all levels to the Supreme Court on an application by the administrators concerning issues including whether currency conversion claims rank as non-provable claims in an insolvency
- **Mir v Jaafri** LTL 2/2/2017– Acted for the respondent to an appeal against the dismissal of an application to set aside a statutory demand
- **WorldSpreads** (2012-2017)– Acted for the special administrators of WorldSpreads
- **Bowles v Trefilov** LTL 1/6/16 – Acted for the trustee in bankruptcy on an application to suspend discharge from bankruptcy
- **Gardner v Lemma Europe Insurance Company** [2016] EWCA Civ 484 – Acted as sole counsel in the Court of Appeal for the liquidator on an appeal against the dismissal of an application to lift the stay on proceedings against a company in liquidation
- **Re Powertrain** [2016] BPIR 456 – Acted for the liquidator on an application to authorise the making of a distribution
- **Re Codere Finance (UK)** [2015] EWHC 3778 (Ch) – scheme of arrangement
- **Re Privatbank** [2015] EWHC 3299 (Ch) – scheme of arrangement
- **Re DTEK Finance BV** [2015] EWHC 1164 (Ch) –scheme of arrangement
- **Javelin Wholesale v Waypharm** LTL 9/9/2014 – Acted for the petitioner on a winding up petition raising cross-border issues in respect of a limited partnership
- **Re Lemma Europe Insurance Company** [2013] EWHC 389 (Ch) – Acted for the liquidator on an application for the recognition of foreign insolvency proceedings
- **Re Digital Satellite Warranty Cover** [2013] 1 AC 605 (SC) – Acted as junior counsel for the Financial Conduct Authority at all levels to the Supreme Court in relation to petitions to wind up entities carrying on unauthorised insurance business
- **Official Receiver v Keelan** [2012] BPIR 613 – Acted for the bankrupt on an application to annul a bankruptcy order
- **Re Law for All** [2011] BCLC 217– Acted for the directors on an application for a retrospective administration order
- **Re SO Finance** [2011] JCA 189 – Acted for the appellant on an appeal against the dismissal of a winding up petition
- Acting for the Financial Conduct Authority on applications to appoint administrators and provisional liquidators

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## Banking and Finance

Recent cases include:

- **Mitchell v Royal Bank of Scotland Plc** [2017] EWHC 1025 (Ch) – Acted for the applicant on an application to strike out a claim for unlawful means conspiracy
- **Citicorp International v Castex Technologies** [2016] EWHC 349 (Ch) – Acted for the trustee on a claim regarding construction of convertible bonds
- **Black Diamond Offshore v Fomento de Construcciones y Contratas**[2015] EWHC 1035 (Ch), Acted for noteholders on a claim concerning the construction of loan notes and, in particular, jurisdiction clauses

- **US Bank Trustees v Titan Europe 2007-1 (NHP)** [2014] EWHC 1189 (Ch) - Acted for the “Back Up Advance Provider” on a claim concerning the construction of loan notes/servicing agreement
- **Citicorp Trustee Co v Barclays Bank** [2013] EWHC 2608 (Ch) - Acted for the issuers on a claim concerning the construction of loan notes
- **Highbury Pension Fund Management Co v Zirfin** [2013] EWCA Civ 1283 - Appeared as sole counsel in the Court of Appeal on a claim concerning marshalling securities
- **Re Digital Satellite Warranty Cover** [2013] 1 AC 605 (SC) - Acted as junior counsel for the Financial Conduct Authority at all levels to the Supreme Court in relation to petitions to wind up entities carrying on unauthorised insurance business
- Acting for the directors and liquidators of various credit unions

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## Commercial Litigation and Arbitration

Recent cases include:

- **Black Diamond Offshore v Fomento de Construcciones y Contratas**[2015] EWHC 1035 (Ch), Acted for noteholders on a claim concerning the construction of loan notes and, in particular, jurisdiction clauses
- **Smithton v Nagg** [2013] EWHC 1961 (Ch) - Acted for the Defendant to a claim concerning the test for de facto directorship, directors duties and misrepresentation
- **AI Airports International v Pirrwitz** [2013] JCA 177 - Acted for the Defendant to claim concerning whether certain exit payments were made in breach of directors’ duties
- **Ilott v Williams** [2013] EWCA Civ 645 - Acted as junior counsel in the Court of Appeal on a claim concerning what constitutes a partnership and when a partner can be removed
- **SerVaas v Rafidain Bank** [2013] 1 AC 595 (SC) - Acted as junior counsel in the Supreme Court on a claim concerning state immunity in the context of the enforcement of a judgment
- Acting for the claimant in a claim concerning fraud and breach of warranties in relation to the acquisition of a business
- Acting for a mining company in a claim relating to the assignment of a mining lease
- Acting for the claimant in a claim concerning the level of a banker’s bonus
- Acting for the defendant to a claim concerning allegedly mis-sold payment protection insurance

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## Company

Recent cases include:

- Acting for the Secretary of State on various directors’ disqualification claims
- Acting for the petitioner in relation to a just and equitable winding up
- **Re New Look Secured Issuer Plc** [2019] EWHC 920 (Ch) - scheme of arrangement
- **Re Codere Finance (UK)** [2015] EWHC 3778 (Ch) - scheme of arrangement
- **Re Privatbank** [2015] EWHC 3299 (Ch) - scheme of arrangement
- **Re DTEK Finance BV** [2015] EWHC 1164 (Ch) -scheme of arrangement
- **Smithton v Nagg** [2013] EWHC 1961 (Ch) - Acted for the Defendant to a claim concerning

the test for de facto directorship, directors duties and misrepresentation

- **AI Airports International v Pirrwitz** [2013] JCA 177 - Acted for the Defendant to claim concerning whether certain exit payments were made in breach of directors' duties
- Acting for the applicant on an application under the Companies (Cross Border Merger) Regulations
- Acting for the executors of a deceased sole shareholder/director's estate on an application to rectify the register of shareholders
- Acting for the applicant company (by its liquidator) in a claim against directors in respect of unlawful dividends

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## Offshore

Recent cases include:

- **Re Lemma Europe Insurance Company** (Gibraltar)
- **Re a Company** (BVI, Cayman Islands)
- **AI Airports International v Pirrwitz** [2013] JCA 177 (Jersey)
- **Re SO Finance** [2011] JCA 189 (Jersey)

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## Insurance

Recent cases include

- **Re Lemma Europe Insurance Company** (Gibraltar) - Acting for the liquidator on various applications
- **Re Digital Satellite Warranty Cover** [2013] 1 AC 605 (SC) - Acted as junior counsel for the Financial Conduct Authority at all levels to the Supreme Court in relation to petitions to wind up entities carrying on unauthorised insurance business

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## Career

2008 Called to the Bar of England and Wales

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## Memberships

Insolvency Lawyers Association  
Chancery Bar Association

## Publications

- Contributor to ***Company Directors: Duties, Liabilities and Remedies*** (OUP, 2017)
  - Contributor to ***Ranking and Priority of Creditors*** (OUP, 2016)
  - Contributor to ***Treatment of Contracts in Insolvency*** (OUP, 2013)
  - Contributor to ***Totty and Moss on Insolvency*** (Sweet and Maxwell, 2012)
  - Contributor to ***Rowlatt on Principal and Surety*** (OUP, 2011)
  - Contributor to and editorial board member of ***International Corporate Rescue***
  - Contributor to ***Corporate Rescue and Insolvency***
  - Contributor to ***Insolvency Intelligence***
  - Contributor to ***Journal of International Banking and Financial Law***
  - Contributor to ***CPDcast*** (Podcast, *The Minmar Muddle*)
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## Education and Qualifications

2009 Balliol College, Oxford University, BCL

2007 City University, GDL, Distinction

2006 St Catharine's College, Cambridge University, MPhil Philosophy of Science, Distinction

2005 St Catharine's College, Cambridge University, MA Philosophy, First Class

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## Prizes and Scholarships

Busfield Prize for Excellence in Legal Research (Inns of Court School of Law)

3 Verulam Buildings Prize for Best Performance on the GDL (City University)

Queen Mother Scholarship (Middle Temple)

Graduate Scholarship (St Catharine's College, Cambridge University)

Senior Scholarship (St Catharine's College, Cambridge University)

Lacey Prize (St Catharine's College, Cambridge University)

College Book Prize (St Catharine's College, Cambridge University)

Mrs Julian Stafford Scholarship (St Catharine's College, Cambridge University)