

Clara Johnson

Called to the Bar 2005

+44 (0)20 7696 9900

clarajohnson@southsquare.com



 SOUTH
SQUARE

3-4 South Square
Gray's Inn
London WC1R 5HP
+44 (0) 7696 9900

Clara has a well-established practice in Restructuring and Insolvency, Civil Fraud and Company law. She has been recommended as a leading junior for Restructuring and Insolvency for a number of years in both the Legal 500 and Chambers & Partners.

Clara is frequently instructed to act for office holders, directors, creditors and individual debtors. Her experience extends to fraudulent and wrongful trading claims, misfeasance and breach of fiduciary duty, unlawful distributions, disputes involving trusts of land, antecedent transactions, provisional liquidations, liquidators' remuneration, director's disqualification proceedings and all aspects of bankruptcy.

Clara is frequently instructed on cases which have cross-border elements, or where urgent injunctive relief is required (most often, freezing or asset preservation orders, including worldwide freezing orders, where assets are located out of the jurisdiction), freezing orders against third parties under the *Chabra* jurisdiction, orders for disclosure in relation to the whereabouts of assets or the tracing of funds.

Clara's civil fraud practice has particular emphasis on multijurisdictional claims, which raise issues of jurisdiction, foreign law and international sanctions. Clara recently acted for the joint liquidators in *Maplecross Properties Limited*, a case involving a Guernsey company whose 50% ultimate beneficial owner is the Libyan Investment Authority; and for two defendants in case where it was alleged the sale of an oil rig was in breach of EU sanctions: *IOEC v Dean* 8 ors [2019] 1 WLR 82.

Clara's practice also extends to claims involving bribery, conspiracy, knowing assistance and breach of trust in a range of civil and commercial contexts. Clara was junior counsel to Aeroflot in *OJSC Aeroflot v Berezovsky & Forus Group* (ChD, 2017) in its application for freezing orders and for permission to enforce them in Switzerland (applying the Dadourian Guidelines); and junior counsel to the Defendants in *BFS Group Limited v Ricotta* (QBD, 2017) in a claim for rescission of a share purchase agreement worth £45 million on the grounds of bribery and deceit.

Clara regularly acts in shareholder and/ or company law disputes, including claims against directors, unfair prejudice petitions, winding up petitions and derivative claims. Clara was recently junior counsel to the claimant in *Stubbins Marketing Limited v Stubbins Food Partnerships Limited & 6 ors* (ChD, 2019) in proceedings against its former directors in relation to a management buyout.

She is commended in the legal directories for providing "*excellent advice*" and as having "*incredible*" knowledge of the insolvency regime, as well as being "*excellent on her feet*" and "*well-liked by clients*".

Insolvency and Restructuring

- ***Joannou & Paraskevaides (Overseas) Limited (In Liquidation)***: acting as junior counsel

to the Joint Liquidators of a Guernsey company with construction business based in Middle East, Libya and Cyprus, with debts of c.\$1b. Obtained recognition order under s.426 in High Court. Led by Stephen Atherton QC.

- Acting for Liquidator of group of companies, including a Guernsey limited partnership, in relation to claims against its directors and third parties for alleged fraudulent trading in relation to a scheme which defrauded hundreds of consumers
- **Maplecross Properties Limited (In Liquidation)**: advising Joint Liquidators of Guernsey company (whose 50% UBO is the Libyan Investment Fund)
- **BHS Limited (In Liquidation)**: acted for former director of BHS Limited in relation to disqualification proceedings brought by the Secretary of State
- Acting for bankrupt in relation to declaratory relief, and whether under the Insolvency Regulation (Council Regulation 1346/2000) the court which opened main proceedings has exclusive jurisdiction in relation to disputes arising out of the insolvency
- **Hinton v Purvis**: three-day High Court trial against bankrupt's spouse under sections 339 and 423 of the Insolvency Act
- **TMG Brokers Limited (In Liquidation)**: acting for liquidator in respect of claims against former directors in respect of unlawful dividends and breach of fiduciary duty
- Advising Joint Administrators in relation to claims against former director arising out of management buyout
- Advising creditor in relation to unpaid fees by an art gallery under an art commission agreement in context of imminent administration
- **Hilsdon v Weir**[2017] EWHC 983; [2017] B.P.I.R 1088: appeal by bankrupt against order suspending discharge from bankruptcy indefinitely.
- **Inn Take (UK) Limited (In Liquidation)**: three-day High Court trial against four defendants arising out of "creditor-resistance" fraud perpetrated against various utility companies
- **Rahman v Pickard** [2017] EWHC 770: appeal by bankrupt's spouse in relation to order for possession and sale of matrimonial property
- **Coventry v Lawrence** [2015] UKSC 50: acted for R3 as interveners in the ground-breaking Supreme Court costs appeal considering whether to strike-down CFAs under the Access to Justice Act ('AJA') scheme
- **Re Listowel Trading Limited (In Liquidation)** [2015] 2WLUK 238: three-day trial against director for wrongful trading, misfeasance and breach of fiduciary duty
- **Re Parkwell Investments Limited** [2014] EWHC 3381; [2014] BCC 721: acted for provisional liquidator in relation to the company's appeal against the provisional liquidation order. Company alleged to be engaged in MTIC fraud.
- **Ensygnia Limited v David Rickard** [2014] EWHC 1184: successfully represented creditor in opposition to an injunction restraining presentation of a winding up petition
- **Mahon v FBN Bank (UK) Limited** [2011] EWHC 1432; [2012] BCLC 83: debtor's appeal against order dismissing application setting aside statutory demand based on debt due under a personal guarantee
- **UK Communications Limited (In Liquidation) v Nahim** [2010] EWHC 1691: dishonest assistance and conspiracy arising out of MTIC fraud
- **Holmes v Mainstream Ventures Limited** [2009] EWHC 3330: costs following dismissal of winding petition
- **Brittain v Noskova** [2009] EWHC 2294: scope of a possession order under an order appointing an enforcement receiver
- **Official Receiver v Southey** [2009] BPIR 89: bankruptcy restrictions order

Commercial Litigation

- **General Bitrus Kwaji v Henry Shaw** [2019] EWHC 1467: Acting for Defendant in dispute concerning ownership of property, in which claimant alleges fraud and collusion. Obtained order for security for costs.
- Advising claimant in respect of claims against recipients of loan monies (domiciled in Switzerland, New York and UK) obtained from the claimant by a fraudster and against the banks which authorised the payments
- Representing claimant in relation to dispute concerning the value of consideration due to him under an Asset Purchase Agreement following the sale of an architectural practice.
- Acted as junior counsel to a creditor in relation to a claim against a FTSE-100 company. Claim raised issues of bribery and the interplay between a SFO investigation and the intended proceedings. Led by Peter Knox QC.
- Represented claimant in respect of a claim against a bank, as constructive trustee, arising out of the fraud of one of its customers
- **The Belgravia Trichological Group Limited v Exterion Media (UK) Limited** (QBD, 2014): acted as junior counsel to the defendant in respect of a claim for damages in respect of breach of an advertising agency contract. Led by Peter Knox QC.
- **Intertrade Europe SRL & Intertrade Europe (UK) Limited v Pearce** (ChD, 2011): obtained injunctions for the claimants to restrain defendant's continued unlawful use of and access to its domain names

Company

- **Stubbins Marketing Limited v Stubbins Food Partnerships Limited (In Administration) & 6 ors**: acted as junior counsel to the claimant in respect of claims against former directors and related parties arising out of a management buyout. Led by Thomas Roe QC.
 - **SIR Investments Limited v Andreev & Stour Side Investments Limited**: acting for claimant in respect of claims against former director and connected company for fraudulent breach of duty in respect of the purchase of shares in Margate Football Club
 - **Tonstate Group Limited; Matyas & ors v Wojakovski**: acted for Petitioner in respect of s.994 petition in relation to the Tonstate Group companies, which purchased and developed Hilton Hotels. Acted in relation to mandatory injunction requiring the repayment of a director's loan
 - **Woodvine v Woodvine**: section 994 petition in relation to demolition business that has entered liquidation
 - **Re Resourceful Earth Limited** [2018] EWHC 1185; [2018] 2 BCLC 251: represented defendants in relation to claim for allegedly wrongful use of 'Drag Along' provisions in a Shareholders' Agreement
 - **Biscardi v Springer**: section 994 petition in relation to quasi-partnership restaurant business
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Civil Fraud

- ***SIR Investments Limited v Andreev & Stour Side Investments Limited***: acting for claimant in respect of claims against former director and connected company for fraudulent breach of duty in respect of the purchase of shares in Margate Football Club
 - Acting for Liquidator of group of companies, including a Guernsey limited partnership, in relation to claims against its directors and third parties for alleged fraudulent trading in relation to a scheme which defrauded hundreds of consumers
 - ***OEC v Dean & 8 ors*** [2018] EWHC 2759; [2019] 1 WLR 82 represented two defendants in relation to a claim for \$87m arising out of the purchase of an oil rig in Iran
 - ***OJSC Aeroflot v Berezovsky & Forus Group*** (ChD, 2017): acted as junior counsel to *Aeroflot* in relation to its applications for freezing orders against the Defendants and permission to enforce the orders in Switzerland (applying the Dadourian Guidelines). Led by Aidan Casey QC.
 - ***BFS Group Limited v Ricotta*** (QBD, 2017): acted as junior counsel to a group of defendants in relation to claims brought by BFS for rescission of a share purchase agreement worth £45 million on the grounds of bribery and deceit. Led by Thomas Roe QC.
 - ***Inn Take (UK) Limited (In Liquidation)***: three-day High Court trial against four defendants arising out of “creditor-resistance” fraud perpetrated against various utility companies
 - ***Re Parkwell Investments Limited*** [2014] EWHC 3381; [2014] BCC 721: acting for provisional liquidators in relation to the company’s appeal against the provisional liquidation order. Company alleged to be engaged in MTIC fraud.
 - ***UK Communications Limited (In Liquidation) v Nahim*** [2010] EWHC 1691: dishonest assistance and conspiracy arising out of MTIC fraud
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Offshore

- ***Joannou & Paraskevaides (Overseas) Limited (In Liquidation)***: acting as junior counsel to the Joint Liquidators of a Guernsey company with construction business based in Middle East, Libya and Cyprus, with debts of c.\$1b. Obtained recognition order under s.426 in High Court. Led by Stephen Atherton QC.
 - Acting for Liquidator of group of companies, including a Guernsey limited partnership, in relation to claims against its directors and third parties for alleged fraudulent trading in relation to a scheme which defrauded hundreds of consumers
 - ***Maplecross Properties Limited (In Liquidation)***: advising Joint Liquidators of Guernsey company (whose 50% UBO is the Libyan Investment Fund) in relation to sanctions issues concerning the sale of land in England, the move from voluntary liquidation to compulsory liquidation and the merits of a claim against International Group pending in the High Court
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Awards and Recommendations

Chambers and Partners 2020

“Clara provides excellent advice and is well liked by clients, who appreciate her easy-going manner

and team approach.”

“She is very impressive – she provides very clear advice and she knows where to push and how hard. She is very good tactically and intellectually, and her drafting and advocacy skills are very good.”

“Her knowledge of the insolvency regimen is incredible. She is very good with clients and sees their legal problems in a commercial context and finds solutions to difficult situations.”

Chambers and Partners 2019

“She is technically brilliant and an extremely able barrister who is very easy to deal with. She is very bright, analyses things well and represents clients very well in court.”

“She is very hard-working and provides confident advice.”

Chambers and Partners 2018

‘She is very good on the paperwork, knowledgeable on the law and provides good client service – she is proactive and commercial.’

‘She works extremely hard for her clients and goes the extra mile.’

‘She is user-friendly, practical and efficient’.

Chambers and Partners 2017

‘She is personable and provides practical, timely advice.’

Chambers and Partners 2016

‘She deals with papers and advice promptly and her advice is sound and succinct.’

Legal 500 (2020)

“She is excellent on her feet and her document work is superb”

Legal 500 (2018)

‘Good attention to detail and a calm manner with clients.’

Legal 500 (2017)

‘She takes a commercial and practical approach to litigation.’

Legal 500 (2015)

‘Spots things that others miss.’

Legal 500 (2014)

‘Excels at unravelling complex and difficult issues.’

Memberships

London Common Law and Commercial Bar Association

Education

2003 UCL - Masters in Legal and Political Philosophy (Distinction)

2001 University College, Oxford, BA (Honours) Politics, Philosophy and Politics (2:1)

Prizes and Scholarships

Pegasus Scholar

Inner Temple Scholarship (Full Scholarship for CPE year)