

## Daniel Judd

Called to the Bar 2018

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Daniel joined South Square as a tenant in October 2019.

Daniel's practice covers all of South Square's area of expertise, including cross-border insolvency and restructuring, commercial litigation and arbitration, banking and finance, bankruptcy and personal insolvency, offshore and fund litigation, civil fraud, company law, and trusts.

Daniel is instructed in high-profile commercial litigation, often with an insolvency element. He acted as junior counsel for the successful joint administrators of Force India Formula Team in ***Uralkali PJSC v Rowley and Baker*** [2020] EWHC 3442 (Ch) (with Jonathan Crow QC, in a team of four), dismissing allegations of negligence and breach of confidence after a two-week trial. Daniel is currently instructed in high-value proceedings relating to the enforcement of security (with Alain Choo-Choy QC and Marcus Haywood).

Daniel has a developing specialist restructuring practice, including restructuring plans under Part 26A, schemes of arrangement under Part 26, and CVAs, and has experience of landlord restructurings. Daniel acted company-side in the ***National Car Parks Limited*** [2021] EWHC 1653 (Ch) restructuring plan (with Tom Smith QC and Henry Phillips), and is a contributor to the forthcoming specialist publication *Company Voluntary Arrangements*, due to be released in early 2022.

Daniel acts and advises in relation to a wide range of insolvency and company law matters, often with cross-border elements. He is familiar with a variety of claims and applications under the Insolvency Act 1986 and the Companies Act 2006, including winding-up petitions, unfair prejudice petitions, directions applications, claims based on breach of directors' duties, office-holder and transaction avoidance claims, rescission applications, and applications to set aside statutory demands.

Daniel is also instructed in commercial and civil matters without any insolvency element, and is familiar with a variety of applications under the CPR, including applications for summary judgment, interim relief, and injunctive relief.

Prior to starting practice, Daniel was a Judicial Assistant in the High Court, based in the Chancery Division, from October 2019 until January 2020.

Daniel graduated with a First Class degree in Jurisprudence from Oxford University, where he ranked joint third in his year and won a number of prizes. He completed an LL.M. at McGill University as a Canada Memorial Foundation scholar. Daniel is fluent in Italian and French.

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## Insolvency and Restructuring

- *National Car Parks Limited* [2021] EWHC 1653 (Ch): restructuring plan under Part 26A of the

Companies Act 2006 (with Tom Smith QC and Henry Phillips)

- Expedited bankruptcy petition in respect of a Russian national based on a Russian judgment debt (with Clara Johnson).
- Analysis of whether numerous security documents gave rise to qualifying floating charges (with Matthew Abraham).
- Advice on *ipso facto* clauses in the context of a CVA, in light of the new provisions of the Corporate Insolvency and Governance Act 2020 (with Tom Smith QC and Henry Phillips).
- Advice on the rights of holders of call options in respect of property of a company in administration (with Tom Smith QC).
- Application to rescind winding-up petition.
- Advice on stakeholder proceedings under CPR Part 86 and the consequences of a Hong Kong bankruptcy order on assets held by receivers.
- *Bresco Electrical Services Ltd v Michael J Lonsdale (Electrical) Ltd* [2019] EWCA Civ 27: the interaction of insolvency set-off under section 323 of the Insolvency Act 1986 with the construction adjudication regime (assisting Charlotte Cooke).
- *Bundeszentralamt Für Steuern v Heis* [2019] EWHC 705 (Ch): whether proof of debt was caught by the rule against double proof in the liquidation of *MF Global* in the context of ‘cum-ex’ transactions (assisting Adam Al-Attar).
- Advice on the payment of pre-liquidation administration interest under the insolvency rules in the light of the *Waterfall* litigation (assisting Adam Al-Attar).
- Application to regularise the out-of-court appointment of administrators (assisting Adam Al-Attar).
- Advice on claiming the price of international sale of goods contracts as expenses in the liquidation (assisting Stephen Robins).
- Advice on disallowing the costs of a prior voluntary liquidation in a subsequent compulsory liquidation (assisting Stephen Robins).
- Drafted skeleton argument for trial alleging that a number of transactions by a bankrupt were made at an undervalue (assisting Marcus Haywood).

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## Banking and Finance

- Proceedings relating to the enforcement and redemption of high-value security (with Alain Choo-Choy QC and Marcus Haywood).
- Advice on interpretation of Note Trust Deed and Servicing Agreement, concerning whether a sale of assets by a special servicer was to an affiliate (with Daniel Bayfield QC).
- Advice on the extent of a security trustee’s rights of indemnity and rights of retention (assisting Adam Al-Attar).
- Drafted particulars of claim on behalf of the lender in respect of various credit facilities extended to a state-owned energy company (assisting Adam Al-Attar).
- Drafted defence and counterclaim seeking to appoint receivers over overseas assets on behalf of the lender (assisting Charlotte Cooke).
- Drafted a research note on the characterisation of second fixed charges over book debts as fixed or floating (assisting Robin Dicker QC).
- Drafted skeleton argument opposing the appointment of administrators over a mortgage-backed securitisation vehicle (assisting Henry Phillips).

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## Commercial Litigation and Arbitration

- *Uralkali PJSC v Rowley and Baker* [2020] EWHC 3442 (Ch): two-week trial, successfully dismissing allegations of negligence and breach of confidence against former administrators of the Force India Formula One Team (with Jonathan Crow QC, Stephen Robins, and Stephanie Wilkins).
- Claim for rectification of a share purchase agreement (with Matthew Abraham).
- Advice on potential multi-million pound damages claim for accounting losses against construction contractors (with Barry Isaacs QC).
- *Magdeev v Tsvetkov*: conspiracy claims made against individuals involved in a jewellery business (assisting Stephen Robins).
- Drafted advice on whether a share subscription agreement was entered into as the result of economic duress, in arbitration proceedings (assisting Henry Phillips).
- Drafted advice on the interpretation of a liability cap in a PFI project contract relating to transport infrastructure (assisting Marcus Haywood).
- Drafted particulars of claim in a class action arising out of an environmental disaster caused by a dam collapse in Brazil (assisting Alexander Riddiford).

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## Offshore

- *Primeo v HSBC*: appeal against dismissal of a \$2 billion claim brought by a Madoff feeder fund in the Cayman Islands (assisting William Willson).
- *AHAB v SAAD*: appeal in a \$9 billion claim brought in the Cayman Islands by members of the Alghosaibi family against Maan Al Sanea and others (assisting Marcus Haywood).
- Advice on jurisdiction issues connected with the enforceability of English law-governed security in a Cayman Islands liquidation (assisting Charlotte Cooke).

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## Civil Fraud and Asset Recovery

- *Re APW Asset Management*: claim by liquidators for fraudulent trading against former directors of a wine investment business (with Clara Johnson).
- *Re Dalal*: setting aside freezing injunctions for material non-disclosure (assisting Stephen Robins).
- Advice on the recoverability of payments made pursuant to a settlement agreement liable to be rescinded for misrepresentation (assisting William Willson).

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## Company Law

- Advice on just and equitable winding-up petitions.
- Applications for the late registration of a company charge under section 859F of the Companies Act 2006.

- Advice on defending an unfair prejudice petition presented by a former spouse.
  - Advice on the validity of special resolutions under section 283 of the Companies Act 2006 where only two out of three members vote on the resolution (assisting Alexander Riddiford).
  - Advice on the meaning of 'interim accounts' under section 836 of the Companies Act 2006 in the context of an unlawful dividends claim (assisting Alexander Riddiford).
  - Drafted skeleton argument for trial seeking the disqualification of a company director on behalf of the Secretary of State (assisting Charlotte Cooke).
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## Trusts and Property

- Advice on whether premium monies in the administration of an insurance broker were held on trust.
  - Claim addressing whether amounts in the bank account of an insolvent trading platform were held on trust for the traders (assisting Adam Al-Attar).
  - Advice on the application of the court's jurisdiction to remunerate trustees to trusts created by specifically enforceable contracts (assisting Henry Phillips).
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## Languages

Daniel is fluent in Italian and French.

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## Education and Qualifications

2018 Called to the Bar of England and Wales

2017-2018 City University, Bar Professional Training Course

2016-2017 McGill University, LL.M.

2012-2016 Jesus College, Oxford University, BA Jurisprudence with Law Studies in Europe, First Class (joint third in year)

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## Scholarships and Prizes

2018 The Michael Mustill Essay Prize (2018)

2018 The Sweet & Maxwell Law Prize for Company Law (City University)

2018 The ICLR Busfield Prize for Opinion Writing (City University)

2017	Postgraduate Scholarship (City University)
2017	The Holt Award (Gray's Inn)
2017	Residential Scholarship, Victoria League (Gray's Inn)
2017	Pilarczyk Graduate Award (McGill University)
2017	Colin Macdonald Award (McGill University)
2016	Canada Memorial Foundation Scholarship (Canada Memorial Foundation)
2016	University Gibbs Book Prize (Oxford University)
2016	Law Faculty Prize, Personal Property (Oxford University)
2016	Davies Prize, shared, for best performance in any subject (Jesus College)
2016	Various prizes for performance in FHS Jurisprudence (Jesus College)
2014	Nikolas Tarling Scholarship (Jesus College)
2014	Open Scholarship (Jesus College)

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## Interests

Languages, choral singing, squash, cycling, and reading.