

# Kira King

Called to the Bar 2011

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Kira has a commercial chancery practice with an emphasis on civil fraud, insolvency and commercial litigation. In addition, Kira has over fifteen years' experience of both onshore and offshore contentious trusts matters. She is particularly experienced in applications for pre-emptive and interim relief and has successfully obtained and responded to high-value freezing orders both within the jurisdiction and offshore.

Kira is recommended as a leading junior in insolvency and private wealth and probate. The legal directories have described her as **“extremely knowledgeable of the relevant case law and able to explain it clearly and succinctly for a foreign audience”**, who has **“strong analytical skills and an easy going approachable manner”** and who **“clients would not hesitate to instruct again.”**

She is an experienced trial advocate who frequently appears as sole counsel in the Chancery and Commercial Divisions of the High Court. She has appeared in all levels of court including the Supreme Court (with a leader) and succeeded in a number of claims that have required her to undertake extensive cross-examination in relation to allegations of fraud and dishonesty.

Kira also has substantial offshore experience having been called to Bar of the Eastern Caribbean Supreme Court (BVI) and the Gibraltar Bar (on an ad-hoc basis) and has been instructed on cases in the Cayman Islands, Dubai, Gibraltar, Guernsey, Jersey and the BVI.

Kira's recent experience includes:

- *IIG Global Trade Finance Fund (in Official Liquidation), et al. v. International Investment Group L.L.C.* - Instructed by US Counsel for the joint liquidators of IIG Global Trade Finance Fund Ltd (in official liquidation) (“GTFF”) and IIG Structured Trade Finance Fund Ltd (in official liquidation) (“STFF”) in respect of a fraudulent/ponzi scheme valued at over \$100 Million with Tom Smith KC acting as an expert witness on Cayman Law in New York in respect of a claim for fraudulent trading brought pursuant to section 147 of the Cayman Companies Act (2023 Revision).
- *Global Steel Holdings Limited (in Liquidation) & Ors v Direct Investments Limited & Ors* - instructed on behalf of Vartika, Sangeeta, Shristi and Divyesh Mittal with Tom Sprange KC in respect of a claim for in excess of \$300 million alleging that a loan agreement, transfers pursuant to that loan agreement and sums paid in settlement of a arbitration amount to transactions at an undervalue contrary to section 238 of the Insolvency Act 1986, transactions defrauding creditors within the meaning of s. 423 of the Insolvency Act 1986, fraudulent trading within the meaning of s.213 of the Insolvency Act 1986, breach of fiduciary duty, dishonest assistance, unjust enrichment and unlawful means conspiracy.
- *Barnett v General Subsidiary 2 Limited* - represented the administrators of Hartley Pensions Limited (“HPL”) in a six-day trial in the Chancery Division of a preliminary issue to determine beneficial ownership of funds held by Mr Barnett as administrator of three companies whose business consisted of the lending of monies pursuant to the Coronavirus Business Interruption Loans Scheme.
- *Exporien Mining v Aggreko International Projects Limited (Commercial Division)* [2024] EWHC 1463 - instructed to represent the Claimant in a multimillion- pound breach of contract dispute arising out

of a consultancy agreement in the energy sector.

- Successfully obtained relief from sanctions in respect of late filing of witness evidence in breach of a debarring order.
- Represented the Claimant in an application for security for costs.
- Successfully resisted application for strike out made by the Defendant.
- *Investec Bank v Rizvi* (Commercial Division) – Successfully obtained as sole counsel a multi-million pound worldwide freezing order for Investec, the well-known international banking group in respect of the breach of a promise to pay clause contained in a charge over shares agreement.

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## Civil Fraud, Asset Tracing & Recovery

Kira began her career being instructed on the restitutionary claims brought by the liquidators of Fairfield Sentry Limited, the largest of the feeder funds into Bernard L. Madoff Investment Securities LLC (the largest Ponzi scheme of all time). Civil fraud cases and, in particular their intersection with insolvency, have been a large part of her practice ever since.

Accordingly, Kira has extensive experience of applying for and responding to applications for freezing injunctions, applications for Norwich Pharmacal relief and other forms of interlocutory relief with the aim of preserving assets prior to trial.

- *IIG Global Trade Finance Fund (in Official Liquidation), et al. v. International Investment Group L.L.C.* – Instructed by US Counsel for the joint liquidators of IIG Global Trade Finance Fund Ltd (in official liquidation) (“GTFF”) and IIG Structured Trade Finance Fund Ltd (in official liquidation) (“STFF”) in respect of a fraudulent/ponzi scheme valued at over \$100 Million with Tom Smith KC acting as an expert witness on Cayman Law in New York in respect of a claim for fraudulent trading brought pursuant to section 147 of the Cayman Companies Act (2023 Revision).
- *Barnett v General Subsidiary 2 Limited* – represented the administrators of Hartley Pensions Limited (“HPL”) in a six-day trial in the Chancery Division of a preliminary issue to determine beneficial ownership of funds held by Mr Barnett as administrator of three companies whose business consisted of the lending of monies pursuant to the Coronavirus Business Interruption Loans Scheme. Kira argued on behalf of HPL that the funds were impressed with a constructive trust in favour of the HPL Pensioners on the basis that the origin of the funds was that they had been fraudulently taken from HPL without consent.
- *Investec Bank v Rizvi (Commercial Division)* – Successfully obtained as sole counsel a multi-million pound worldwide freezing order for Investec, the well-known international banking group in respect of the breach of a promise to pay clause contained in a charge over shares agreement.
- *Credit Suisse (Switzerland) Limited v Ashok Kumar Goel & Ors* – instructed with Michael Black QC (in the DIFC Court) on a claim for in excess of £100 million in respect of liability under multiple personal guarantees in respect of the trade financing liabilities of Gulf Petroleum
  - Successfully established that the DIFC Court had jurisdiction over the claim where that jurisdiction was derived and involved consideration of a hybrid jurisdiction
  - Successfully obtained a freezing injunction in the DIFC court to prevent dissipation of assets

prior to trial.

- *Majeed v Moralee* - instructed to represent the Claimant in breach of fiduciary duty claim brought by the co-founder of a boxing management business against the sole shareholder and director of that boxing management business.
  - Successfully resisted application for strike out (against Leading Counsel) made by the Defendant.
- *Abdullah v Siddiqi* - Instructed with David Phillips KC (Wilberforce) to represent the Claimant on a civil fraud claim for in excess of £25 million.
  - Successfully obtained a freezing injunction to prevent dissipation of assets prior to
  - Successfully resisted an application to set aside the freezing injunction [2020] EWHC 1132.
  - Successfully obtained a receivership order over the Defendant's assets in support of the freezing order.
  - Successfully obtained a debarring order on the basis that the Defendant had failed to pay a costs order and had consistently failed to comply with Court orders and procedural requirements.
- In *Baxter v McGill* - Kira successfully obtained (as a sole advocate) a freezing injunction and a proprietary injunction in the Chancery Division in support of a fraud claim (brought as a derivative claim).
- In *Skelwith v Armstrong* - Kira was instructed in the Chancery Division on a case where it was alleged that the mortgagees in possession of a multimillion-pound property had wrongfully exercised their power of sale in order to sell the property at a substantial Kira acted as sole Counsel in this matter.
- In *Mansfield v Innovate Baits* - Kira successfully obtained a without notice freezing injunction in the Queen's Bench Division, High Court in circumstances where there had been substantial delay in bringing proceedings.
- In *Barnett v Barber-Hughes* - Kira represented the Respondent to a freezing injunction in the Queen's Bench Division and succeeded in having the freezing injunction discharged on the basis that there had been a breach of the duty of full and frank disclosure.

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## Commercial Litigation

Kira acts in and advises on a wide variety of commercial disputes including jurisdictional disputes, contractual and/or restitutionary disputes and claims for professional negligence. Kira is also regularly instructed in relation to injunctive relief proceedings, including obtaining and resisting freezing injunctions, both in the UK and various offshore jurisdictions.

Kira's recent experience includes:

- *Plainvim International Science Industrial Parks Holdings Limited v Mountain Road Holdings Limited*- instructed with Tom Smith KC in respect of a jurisdiction challenge before the High Court of the Hong Kong Special Administrative Region alleging that the relief sought by the Claimant did not arise from a dispute under the arbitration agreements but instead concerned relief available under the Cayman Companies Act which fell within the exclusive jurisdiction of

the Cayman Court.

- *Exporien Mining Private Limited Company v Aggreko International Projects Ltd [2024] EWHC 1463* - instructed by Hogan Lovells LLP to represent the Claimant in a multimillion- pound breach of contract dispute arising out of a consultancy agreement in the energy sector.
  - Successfully obtained relief from sanctions in respect of late filing of witness evidence in breach of a debarring order.
  - Represented the Claimant in an application for security for costs.
  - Successfully resisted application for strike out made by the Defendant.
- *Phibatec v Cooper* - instructed to represent the Claimant in respect of the enforcement of a compromise agreement subsequent to the breach of a multi-million pound facility agreement.
- *Wigan Athletic AFC Limited (In Administration) v The English Football League* - instructed with David Phillips QC (Wilberforce) to represent Wigan in its appeal against the sporting sanction imposed by the EFL by reason of Wigan going into administration. The issue in the case (which was settled by arbitration) was whether Wigan's entry into administration was a force majeure event.
- *Ted Baker Plc v Bluefin Insurance Services* - Instructed with Stephen Cogley KC on a high value dispute in the Commercial Division against an insurance broker where it was alleged that the insurance broker negligently failed to obtain an insurance policy which covered employee theft.
- *Teutonic Energy Services E.S. Limited v Vana- Viru* - Instructed on a jurisdictional challenge relating to a dispute between a Cypriot and an Estonian company in the Commercial Division.
- *Rreef European Value Added Fund I P v Deutsche Alternative Asset Management (UK) Limited* - instructed on a claim for damages of at least €158 million by an investment fund against its investment manager for breach of contract and/or negligence in relation to the decision in 2008 to cause the fund to invest in a German real estate transaction.

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## Company

Kira is frequently instructed to represent directors and shareholders in company law disputes. Her recent experience includes:

- *Node Living Limited* - instructed on behalf of minority shareholder in respect of just and equitable winding up proceedings pursuant to article 155 of the Companies (Jersey) Law 1991.
- *TMG Limited* - instructed with Tom Smith KC to represent the company in respect of a capital reduction valued at in excess of £500 million in the media sector.
- *GO DPO EU Compliance Limited [2021] EWHC 1765 (Ch)* - represented the majority shareholder in a six-day unfair prejudice trial in respect of four companies in the Chancery Division.
- *PIA Investments Limited* - instructed with Stephen Moverley Smith KC on BVI Plan of Arrangement.
- *Fronting the Challenge Limited v Caroline Bird* - (Chancery Division) advised on the prospects of success of unfair prejudice proceedings against the majority shareholder.
- *Ellis v Blunham Properties* - (Chancery Division) instructed to advise a minority shareholder as

to his options for redress of alleged unfairly prejudicial conduct pursuant to section 994 of the Companies Act 2006.

- *Sarrington Limited* - advised holders of bearer share warrants as to the implications of Schedule 4 of the Small Business, Enterprise and Employment Act 2015 and successfully obtained a suspended cancellation order in the Chancery Division, High Court.

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## Insolvency

A significant proportion of Kira's practice is insolvency focused and she is frequently instructed by Liquidators and Administrators in contested applications under the Insolvency Act/Rules.

Her experience includes:

- *Project Turbo* - instructed by the plan company with Richard Fisher KC in respect of a contested restructuring plan to restructure in excess of \$1.5 billion of debt. There is a material valuation dispute in respect of the proposed plan so the both convening and sanction hearings are likely to be extremely contested.
- *JP Morgan Chase Bank v Avara Pharmaceutical Technologies Inc & ors* - instructed on behalf of JP Morgan with The Rt. Hon. Dame Elizabeth Gloster DBE, PC acting as an expert witness in Oklahoma proceedings concerning the enforceability of JP Morgan's fixed charge security interests over cash, book debts, plant and machinery, the validity of floating charge security in light of section 245 of the Insolvency Act 1986 and the legality of their conduct in the administration of Avara Avlon Pharma Services Limited. Successfully obtained summary judgment against the Defendants.
- *Global Steel Holdings Limited (in Liquidation) & Ors v Direct Investments Limited & Ors* - instructed on behalf of Vartika, Sangeeta, Shristi and Divyesh Mittal with Tom Sprange KC in respect of a claim for in excess of \$300 million alleging that a loan agreement, transfers pursuant to that loan agreement and sums paid in settlement of an arbitration amount to transactions at an undervalue contrary to section 238 of the Insolvency Act 1986, transactions defrauding creditors within the meaning of s. 423 of the Insolvency Act 1986, fraudulent trading within the meaning of s.213 of the Insolvency Act 1986, breach of fiduciary duty, dishonest assistance, unjust enrichment and unlawful means conspiracy.
- *IIG Global Trade Finance Fund (in Official Liquidation), et al. v. International Investment Group L.L.C.* - Instructed by US Counsel for the joint liquidators of IIG Global Trade Finance Fund Ltd (in official liquidation) ("GTFF") and IIG Structured Trade Finance Fund Ltd (in official liquidation) ("STFF") in respect of a fraudulent/ponzi scheme valued at over \$100 Million with Tom Smith KC acting as an expert witness on Cayman Law in New York in respect of a claim for fraudulent trading brought pursuant to section 147 of the Cayman Companies Act (2023 Revision).
- *Reaction Engines Limited* - instructed on behalf of the administrators of Reaction Engines Limited ("REL") with Daniel Bayfield KC to advise as to whether the sale of a specific technology would amount to a breach of an exclusive license granted by REL prior to its entry into administration.

- *Geden Holdings Limited* - instructed with Felicity Toube KC to advise on enforcement of an English court judgment against Geden in the sum in circumstances in which Geden Holdings entered into liquidation in Malta on 15 June 2017 and a Maltese liquidator appointed. We advised on the applicable insolvency recognition regime which in this case was Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings, which has a limited residual effect, rather than the Regulation (EU) 2015/848 (the "Re-cast Insolvency Regulation").
- *Elemento Martham Ltd v Lili Rogers* - represented the Respondent to an application in the Chancery Division for an injunction to restrain presentation of a winding up petition on the basis that the debts underlying the petition could not be said to be bona-fide disputed on real and substantial grounds or the subject of a genuine cross-claim since such cross-claim was bad in law.
- *Brittain v McCarthy* - instructed on behalf of the liquidators of Emerald Meats (London) Limited in respect of an application for disclosure in respect of a remuneration application against the liquidators.
- *Alltrust Services Limited* - advised as to whether the terms of an asset purchase agreement required the purchaser of a business to join a class action or whether the cause of action remained with the administrators.
- *BKUK Limited* - instructed by BKUK to advise on a dispute with a franchisee and the prospects of success of an injunction to restrain presentation of a winding up petition.
- *BMA Specialist Coatings v Rennie Construction Limited* - successfully obtained an injunction to restrain presentation of a winding up petition.
- *British Academy of Jewellery Limited v GB Bank Limited* - successfully challenged the scope of a validation order sought by the Company.
- *Re A Company* - successfully obtained an injunction to restrain presentation of a winding up petition before Trowers J.
- *Re Pavlov Protopapa* - instructed on behalf of Investec Bank Plc as respondent to an application to set aside a statutory demand on the basis of an alleged lack of jurisdiction due to the debtor's not being domiciled in England and Wales.

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## Offshore

Kira has substantial offshore experience having been called to Bar of the Eastern Caribbean Supreme Court (BVI) and the Gibraltar Bar (on an ad-hoc basis) and in addition has been instructed on cases in the Cayman Islands, Dubai, Guernsey, and Jersey.

Kira's experience includes:

- *IIG Global Trade Finance Fund (in Official Liquidation), et al. v. International Investment Group L.L.C.* - Instructed by US Counsel for the joint liquidators of IIG Global Trade Finance Fund Ltd (in official liquidation) ("GTFF") and IIG Structured Trade Finance Fund Ltd (in official liquidation) ("STFF") in respect of a fraudulent/ponzi scheme valued at over \$100 Million with Tom Smith KC acting as an expert witness on Cayman Law in New York in respect of a claim for fraudulent trading brought pursuant to section 147 of the Cayman Companies Act (2023

Revision).

- *Plainvim International Science Industrial Parks Holdings Limited v Mountain Road Holdings Limited*- instructed with Tom Smith KC in respect of a jurisdiction challenge before the High Court of the Hong Kong Special Administrative Region alleging that the relief sought by the Claimant did not arise from a dispute under the arbitration agreements but instead concerned relief available under the Cayman Companies Act which fell within the exclusive jurisdiction of the Cayman Court.
- *Scully Royalty v Raiffeisen Bank International AG (Cayman)* - instructed with John Wardell QC (Wilberforce) on behalf of the Defendants in respect of a €43 million claim under the Fraudulent Dispositions Law (15 of 1989) (1996 Revision) and/or in the tort of unlawful means
  - Instructed on appeal of permission to serve out of the jurisdiction on two of the
  - Instructed on appeal of an uncapped worldwide freezing injunction in respect of the €43 million claim.
- *Credit Suisse (Switzerland) Limited v Ashok Kumar Goel & Ors* - instructed with Michael Black QC (in the DIFC Court) on a claim for in excess of £100 million in respect of liability under multiple personal guarantees in respect of the trade financing liabilities of Gulf Petroleum
  - Successfully established that the DIFC Court had jurisdiction over the claim where that jurisdiction was derived and involved consideration of a hybrid jurisdiction clause.
  - Successfully obtained a freezing injunction in the DIFC court to prevent dissipation of assets prior to trial.
- *LTC v OA & others (Gibraltar)* - represented the minor and unborn beneficiaries in a case in which the wife of the settlor of the trust in question sought ancillary relief in the sum of £350 million and argued that the trust was a nuptial settlement.

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## Trusts, Probate & Estates

Kira has over seventeen years' experience of contentious trusts matters. Kira appears in a broad range of contentious trust matters including fraud and tracing claims, claims for relief in relation to breach of trust and/or fiduciary duty and disputes concerning beneficial ownership of property and mistake.

Kira also acts in relation to administration disputes including the removal of trustees/personal representatives and claims involving allegations of breach of trust/duty. Kira also has experience of representing executors in account proceedings. Her recent work includes acting in:

- *LG v AB* - represented a class of beneficiaries in a final blessing application (in long-running proceedings) in the Chancery Division pursuant to the authority in *Public Trustee v Cooper* [2011] WLTR 901 in respect of a share sale transaction valued in excess of £100 million. I was instructed to oppose the blessing application on behalf of my class of beneficiaries (who were to receive nothing in the Trustees' proposed distribution) on the basis that the Trustees decision was *Wednesbury* unreasonable and irrational.
- *Re MK*- advising joint executors and trustees of a will trust (with a value in excess of £12 million) as to the process for winding up/terminating the will trust in light of the principles in

Saunders v Vautier. Drafting final deeds of termination.

- *Klein v Levy (Gibraltar) 2018 ORD 059* - Successfully represented minor and unborn beneficiaries in respect of an application for a declaration that a \$56million payment was within the scope of the powers of the Trustees, for rectification of the trust deed in respect of a trust fund valued in excess of \$85million.
- *L v L* - Successfully represented the Claimant trustee in respect of an application pursuant to the Variation of Trusts Act 1958 which consisted of amending the wording of the power of advancement in the trust in order to make a distribution of approximately £6m.
- *LTC v A (Gibraltar)* - represented the minor and unborn beneficiaries in a case in which the wife of the settlor of the trust in question sought ancillary relief in the sum of £350 million and argued that the trust was a nuptial settlement.

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## Academic history

BA (Hons) Law (Jurisprudence), Oxford University, St Hugh's College, First Class, (Double first)

BCL (Law), Oxford University, St Hugh's College, Distinction

Postgraduate Diploma in Legal Practice, Distinction

Graduate Diploma in Spanish, University of Dundee, Distinction.

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## Awards

Scholarship to attend University of Florida's Advanced Civil Trial Advocacy course, South Eastern Circuit.

Walter Wigglesworth scholarship, Lincoln's Inn.

Gibbs Book Prize for overall performance in contract, tort, trusts and land law, (Oxford University).

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## Professional memberships

Admitted to the Roll of Solicitors in 2009

Admitted as a solicitor of the Eastern Caribbean Supreme Court (British Virgin Islands) 2011  
Chancery Bar Association

COMBAR

ConTrA (Contentious Trusts Associates)

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## Professional Appointments

2018 - 2023: Chair of Junior COMBAR

2016 - 2023: Committee member of ConTrA

Judicial Assistant to Lord Justice Mummery in the Court of Appeal

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## Publications

Kira is an editor of the 2018 edition of the Encyclopedia of Forms and Precedents (Company).

Kira is an editor of the 20th and 21st editions of Williams, Mortimer and Sunnucks: Executors, Administrators and Probate.

“Forum disputes & freezing orders - a warning”, *Fraud Intelligence*, April/May 2013

“Privilege against self-incrimination, civil proceedings & the Fraud Act 2006”, *Fraud Intelligence*, August/ September 2009 4 (co-authored with Henry Garfield)

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## Languages

Spanish (bilingual)

German (basic)

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