

## Kira King

Called to the Bar 2011

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Kira has a commercial chancery practice with an emphasis on civil fraud, insolvency, company and commercial litigation. In addition, Kira has over ten years' experience of both onshore and offshore contentious trusts matters which she combines with her commercial chancery expertise.

Kira is an experienced advocate who frequently appears in the High Court and has experience of both trial and appellate advocacy. Kira has appeared in all levels of court including the Supreme Court (with a leader).

Kira is particularly experienced in applications for pre-emptive and interim relief and both as a sole advocate and led has successfully obtained and responded to high value freezing orders both within the jurisdiction and offshore.

Kira also has significant experience of a wide range of applications under the Insolvency Act and Rules, regularly appearing in the High Court in respect of such applications.

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.

Prior to coming to the Bar, Kira trained and qualified as a solicitor at Baker & McKenzie LLP, where she gained experience in contentious trusts, international fraud and general commercial litigation. Kira subsequently worked for Forbes Hare in the British Virgin Islands where she specialised in insolvency, civil fraud and distressed investment fund litigation. Her experience included 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.

Kira's recent experience includes:

- *Exporien Mining v Aggreko International Projects Limited* (Commercial Division) - instructed to represent the Claimant in a multimillion- pound breach of contract dispute arising out of a consultancy agreement in the energy sector.
- *APLv Al-Amiri* - instructed to represent the Defendant directors of an investment fund in

respect of an alleged breach of fiduciary duty by one of the directors arising out of the purchase of a property for a price significantly in excess of its market value.

- *Orex Consultancy Limited v WSL-Cyan Limited (Commercial Division)* - instructed to represent the Claimant in respect of a dispute concerning a £15 million loan facility. Instructed to obtain an interim prohibitory injunction against the Defendants to prevent enforcement of their security under the loan facility.
- *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.
- *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.
- *LG v AB* - instructed to represent a representative beneficiary in a blessing application 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.

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## Civil Fraud, Asset Tracing & Recovery

Kira is frequently instructed on civil fraud matters which form a large part of her practice. 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.

- *MP Ltd v Paypal* - instructed to obtain Norwich Pharmacal relief in respect of an alleged fraud in which a technical glitch in Multipass' system was exploited and used to transfer over £13m to persons unknown.
- *APL v Al-Amiri* - instructed to represent the Defendant directors of an investment fund in respect of an alleged breach of fiduciary duty by one of the directors arising out of the purchase of a property for a price significantly in excess of its market value.
- *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 FZC.
  - 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.
- *Scully Royalty v Raiffeisen Bank International AG (Cayman)* - instructed with John Wardell KC (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 conspiracy.

- Instructed on appeal of permission to serve out of the jurisdiction on two of the Defendants.
  - Instructed on appeal of an uncapped worldwide freezing injunction in respect of the €43 million claim.
- *Abdullah v Siddiqi* - Instructed with David Phillips QC (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 trial.
  - 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) for in excess of £1.5m.
- 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 Kira 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:

- *Exporien Mining v Aggreko International Projects Limited (Commercial Division)* - instructed to represent the Claimant in a multimillion- pound breach of contract dispute arising out of a consultancy agreement in the energy sector.
- *Phibatec v Cooper* - instructed to represent the Claimant in respect of the enforcement of a compromise agreement subsequent to the breach of a \$4m 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 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 QC 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 T.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 L.P v Deutsche Alternative Asset Management (UK) Limited* - 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:

- *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 QC 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.

Kira is also experienced in numerous aspects of company law, including litigation and advice in relation to the following:

- Shareholders' disputes and minority shareholders' remedies
- Shareholders' agreements
- Directors' duties, including directors' disqualification proceedings
- Wrongful trading claims
- Schemes of Arrangement

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## Insolvency

A significant proportion of Kira's practice is insolvency focused and she is frequently instructed by

Liquidators and Trustees in Bankruptcy in contested applications under the Insolvency Act/Rules.

Her experience includes:

- *Popely v Popely* - instructed to advise on the prospects of success of a claim pursuant to section 423 of the Insolvency Act 1986 in respect of the transfer of a property into a trust structure.
- *McCollin Bryan Limited v Wolfson* - Kira successfully obtained an injunction to restrain presentation of a winding up petition in the Chancery Division.
- *Hi-Street Digital Media Limited v Digivan Limited* - Kira successfully resisted an application for an injunction to prevent advertisement of a winding up petition in the Chancery Division.
- *Mubarik v Najam* - Kira successfully represented a Trustee in Bankruptcy in a three-day trial consisting of a challenge to his administration of the bankrupt's estate under sections 303 and 304 of the Insolvency Act 1986.
- *Birdi v Petitt* [2017] EWHC 1859 (Ch) - Kira successfully represented Trustee in Bankruptcy in a 5-day hearing before Newey J as to the proper construction of section 283 of the Insolvency Act 1986.
- *Mubarik v Malima* - Kira successfully represented a Trustee in Bankruptcy in a series of applications under the Insolvency Act 1986 including multiple applications for an annulment of the bankruptcy pursuant to section 282(1)(b) of the Insolvency Act 1986, a challenge to the Trustees remuneration and expenses pursuant to Rule 142 of the Insolvency Rules and an application to suspend and/or vary an income payments order.
- *Stephen Evans v Dexter Christopher Gaul* - Kira successfully represented the Supervisor of a failed Individual Voluntary Agreement in a two-day trial regarding the validity of that individual voluntary arrangement.

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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:

- *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 conspiracy.
  - Instructed on appeal of permission to serve out of the jurisdiction on two of the Defendants.
  - 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 FZC.
  - 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 fifteen 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* - instructed to represent a representative beneficiary in a blessing application 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.
- *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

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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).

Centenary Scholarship, St Hugh's College, 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

2009: 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)