



 DMH Stallard

Dispute Resolution

**Highlights
2023-24**

DMH Stallard has an established and very well-regarded Dispute Resolution practice. Whether it's a complex, high value dispute or a more routine matter, we are always pragmatic, to the point and adopt a commercial approach.

Over the years we have developed an industry-wide reputation for delivering consistently excellent results to a wide variety of clients.

We operate across many sectors and deal with all types of commercial disputes. This encompasses everything from stand-alone contractual disagreements to highly complex and often very high value disputes, including many with an international element and cross jurisdictional focus.

We have a particularly strong reputation in the banking, finance and professional services sectors and work closely with a number of international banks and well-known brands, as well as owner managed businesses and high net worth individuals.

Whatever the nature of the dispute, throughout our focus is on achieving the practical outcomes agreed with our clients in the most cost-effective and risk-free manner possible. Our aim is always to adopt the most appropriate approach to the issues at hand and this means that litigation is not always necessarily the best way forward. Whilst we will litigate, we are also experts in a range of other disciplines including arbitration, mediation and other forms of Alternative Dispute Resolution.

Over the following pages you will see highlights of some of the Dispute Resolution matters that we have dealt with in 2023-24.

Simon Elcock

Partner and Head of Dispute Resolution

“Our service is always partner led, tailored and highly responsive to the needs of our clients”

Some of our highlights from 2023 - 2024

Success across a range of sectors

Major national institution

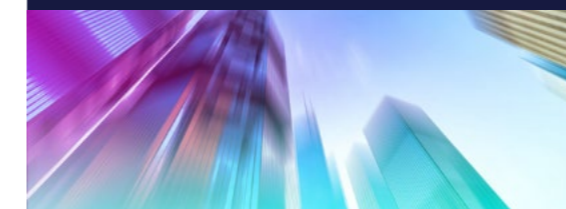


Resolving historical issues in a large scale remediation project with very high overall values in the tens of millions of pounds

High value risk mitigation

Assisting a national PLC with an ongoing project to address a myriad of financial and regulatory issues. We have worked with this client to identify and rectify these issues so as to achieve the client's objectives in a cost-effective manner whilst successfully managing what could have been significant potential reputational risk for our client.

Luxury real estate developer

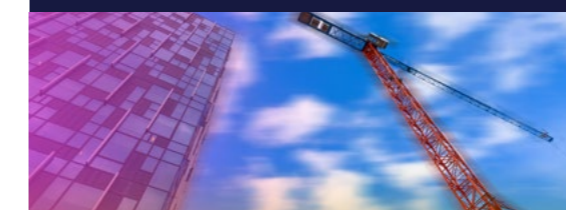


Charity trust complexities navigated for development company success

Complex charity trust advice

Assisting a development company by advising trustees on matters concerning a charity's current status, particularly focusing on complications arising from the charity's premises and a potential joint venture. The matter involved challenges relating to issues around the renewal of a lease, resulting in the trustees taking out a substantial loan. Working with Counsel, we addressed issues, including the original trusts, a draft scheme, an 1886 Indenture, property use, Charity Commission powers, and considerations under the Charities Act 2022. Our advice led to a highly favourable outcome for our client.

Construction business



Advising a construction company facing a complex shareholder dispute with tens of millions of pounds at stake

High value shareholder dispute

Acting for a construction company in a shareholder dispute and facing an unfair prejudice petition under the Companies Act 2006 (our clients are two of seven Respondents). The case is complex and involves valuation disagreements, contractual disputes, director issues, and aviation regulations, complicated further by the involvement of multiple litigants in person. The claim value is significant, involving share capital worth up to £40 million.

Business support company

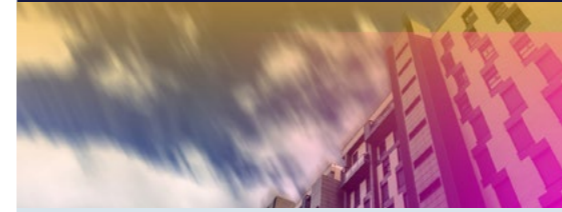


Advising one of a number of Respondents in a complicated multi million pound unfair prejudice petition

Complex unfair prejudice petition

Acting for a business support company, in an unfair prejudice petition filed by a shareholder against a firm which traces PPI (the Defendant). The Defendant faces allegations of unlawfully diverting business and intellectual property rights claims. The case, which proceeded to trial in the High Court in Spring 2023, involves multiple Respondents, and stems from a shareholder dispute within the regulated legal business (the value of the claim is around £30 million). The claims have been further complicated through legal actions against owners and directors, highlighting broader regulatory implications within the legal industry.

Bespoke UK house builder



Assisting the petitioner in a complex unfair prejudice dispute in the High Court

International shareholder dispute

Acting for a 50% shareholder in a complex dispute, alleging unfair prejudice stemming from management practices and competition concerns involving directors and a newly incorporated company. We are spearheading High Court proceedings to support the petitioner's pursuit of the petition – success in this dispute is crucial for preserving the client's core business focus, protecting brand reputation, and ensuring continued growth within the sector.

Offshore lender

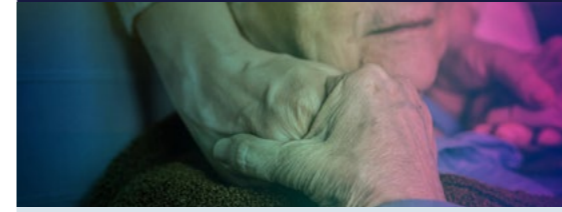


Assisting with enforcement action to recover a £6 million shortfall

High value enforcement action

Representing an offshore lender involved in a joint loan of approximately £12 million to two companies for land development in the North West of England, secured by legal charges and personal guarantees. After the companies defaulted, we assisted in various enforcement actions, including appointing receivers, and addressing issues with UN1 registrations from potential buyers. We are currently pursuing the directors under their personal guarantees to mitigate a substantial shortfall of over £6 million for the lender.

Large care group



Engaged in challenging negotiations in relation to a complex employee/ shareholder dispute

Multi-angled shareholder dispute

Acting for a large care home group embroiled in a dispute with a departing employee/director who is also a shareholder and involved in competing businesses. The case involves complex issues of constructive dismissal, unfair prejudice, and refusal to relinquish shares, compounded by allegations of fraudulent misrepresentation and discussions around rescission of shareholder agreements. We are actively engaging in negotiations to force share buybacks and defend against expected High Court claims, which have disrupted the group's growth plans, resulting in loss of management time and potential revenue.

Large real estate company

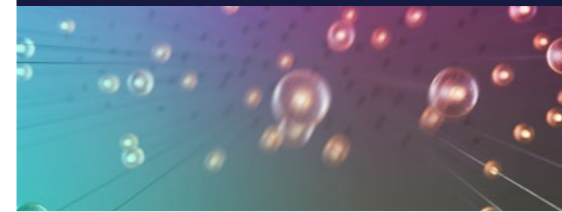


Defending a £3.9 million enforcement claim

Defending complex enforcement action

Acting for a property construction and development company facing enforcement action over two loans totalling approximately £3.9 million, secured by property and subject to multiple assignments. In response to the lender's actions, we challenged the loans on various grounds, including regulatory compliance under the Financial Services and Markets Act 2000, asserting that they constitute unfair relationships under the Consumer Credit Act 1974, and disputing the validity of receiver appointments and default interest provisions, arguing that they are unenforceable as a penalty.

Specialist design and creative direction agency



Advising on a drawn-out director dispute pertaining to breach of duties and shareholders' agreement

High value director dispute

Acting for a luxury IT system and creative design company in a dispute involving the forced removal of a director and 50% shareholder for breach of fiduciary duties and shareholders' agreement. The shareholder is aiming to recover its shares through a share buyback. The dispute, ongoing for over two years, has severely impacted our client's business growth and development, complicated by the absence of a shareholders' agreement and threats of unfair prejudice claims and attempts to wind-up the company.



“DMH is a very solid firm. They’re very strong in the commercial dispute area and they have a good, broad commercial practice.”

Chambers & Partners –
Litigation, 2024

Pet food supply business



Assisting with a competition law related claim against a food products supply company who were refusing to supply goods to our client

Competition Law advice

Advising on Competition Law, including abuse of a dominant market position, cartel-like behaviour, and the Vertical Agreements Block Exemption Order. We have one of the few specialist teams in the region outside of London who can advise companies if their conduct contravenes the Competition Act 1998, which prohibits monopolistic behaviour and anti-competitive agreements. We advised in a recent case where a food products supply company (which holds a 19% share of a market worth c.£14 million) proposed to refuse the supply of goods to a previously long-term customer who had a track record of prompt and regular orders and a good payment history.

London gymnasium chain



Successfully resolved a financial misconduct claim against a director amidst Covid backdrop

Defending allegations of financial misconduct

Acting for the director of a chain of companies in the leisure business. Its chain of gymnasiums was forced to close on Government Order because of the Covid lockdown, resulting in the companies entering into liquidation. Liquidators subsequently pursued a director over alleged financial misconduct.

This is a developing area of law as the director is effectively being tried with the benefit of hindsight due to the fact that no one could have predicted the impact of Covid on businesses. We were able to successfully resolve the claims with a negotiated settlement.

Russian investment bank



Acting for a creditor challenging the administrators' attempts to dispose of assets by an unsecured credit bid for the first time in English bankruptcy law

High profile insolvency of a Russian investment bank

Acting for a creditor challenging the sale of \$300 million of Russian shares by the administrators of a Russian investment bank to the bank's former owner. This was the first time in 150 years of bankruptcy law that an administrators' attempts to dispose of assets by way of an unsecured credit bid had been tested before the Courts. The decision raised novel and complex issues of law and received wide-spread media coverage given its relevance to legal and insolvency practitioners alike. We also had to navigate complex sanctions issues due to the location of the Russian shares, in a rapidly evolving and challenging geo-political landscape.

Major property developer



Assisting with a £1.6 million claim whilst defending a highly contentious counter claim centred on an inadvertent freehold transfer

Hotel developer dispute

Acting for a prominent property developer who built a prestigious central London Hotel in the early 2000s. The development sold 'rooms' in the hotel to individual investors who would receive a share of income from their room.

Regrettably, a transfer of the freehold (where the omission of an adjacent annex was intended) to the management company inadvertently transferred the entire freehold.

Our client is pursuing rent arrears of c.£1.6 million. However, a highly contentious counterclaim has been brought by the management company, alleging dishonesty and fraud, which aims to invalidate limitation issues. If successful, our client faces substantial loss in the capital value of the annex and rental income, plus retrospective rent repayments spanning approximately six years.

Structured loan portfolio

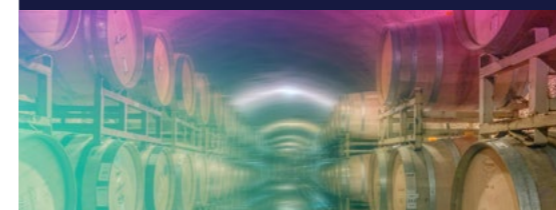


Defending multi-jurisdictional fraud and conspiracy claims related to a portfolio worth over £130 million

Complex multi-jurisdictional fraud and conspiracy claim

Acting for a director defending a fraud and conspiracy claim brought against him and 15 other defendants relating to the sale of a structured loan portfolio worth in excess of £130 million. The claimants argued that the defendants had conspired to sell the portfolio to a connected party below its true market value. The claims were both financially significant and had the potential to severely damage our client's reputation and future business prospects in a small but highly sophisticated market. Following over 12 months of hard-fought litigation, we successfully defended the claims and negotiated a highly favourable recovery in respect of our client's costs.

Leading English beverage producer



Acting for a prestigious producer seeking substantial compensation for disrupted production and reputational damage

High profile supplier dispute

Representing a prestigious beverage business in the UK known for producing a world-class product. The company is currently involved in a dispute with a supplier who backed out of an agreement to supply our client, causing substantial disruption to production and potential damage to our client's reputation. We are working to recover losses incurred due to the supplier's last-minute decision, including lost income and management time, as well as damages for unfulfilled orders and lost sales.

Our ability to resolve disputes and regulatory issues in a wide variety of guises efficiently and effectively sets us apart from competitor firms. Our Dispute Resolution team has strong specialist experience and expertise across all major dispute types, and we advise on national, international, complex, cross-border and high-value dispute resolution matters.

“The dedication and technical knowledge of the team is second to none.”

Legal 500 –
Dispute Resolution
(Commercial Litigation), 2023

Key contacts



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