

## Blair Leahy

CALL: 2001 (ENGLAND AND WALES); 2015 (BRITISH VIRGIN ISLANDS)

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### Overview

Blair is a commercial litigator specialising in complex multi-jurisdictional fraud and asset tracing claims, and disputes with technical insolvency or company law aspects.

She has extensive trial experience, and experience of obtaining urgent interim relief, including freezing injunctions in aid of foreign proceedings.

Blair was admitted to the Bar of the East Caribbean Supreme Court, British Virgin Islands in 2015 and has been admitted to the Bar of the Cayman Islands for specific cases.

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### Education

- BPP Law School: BVC
- City Law School: Diploma in Law
- York University: BA in Philosophy, First Class

### Publications

- 'Directors' Liabilities: Exemption, Indemnification and Ratification' in Simon Mortimore QC (ed), *Company Directors: Duties, Liabilities, and Remedies* (3rd edn, Oxford University Press 2017) (co-author).

### Professional memberships

- Association of Business Recovery Professionals (R3)
- Chancery Bar Association
- Commercial Bar Association
- Fraud Lawyers Association
- Insolvency Lawyers Association
- London Common Law and Commercial Bar Association

### Lectures/talks

- 'The War on Fraud - Opening Salvoes': Fraud Seminars (19 June 2018).
- 'Prest for an Answer: what to Do When you Can't Pierce the Corporate Veil': C5 Geneva Fraud Conference (17 March 2017).

## Example cases

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- *Gertner v CFL Finance Ltd* [2018] EWCA Civ 1781: acted for the successful respondent on an appeal to the Court of Appeal against a decision to set aside an IVA (promising a meagre return of c.0.07p/£) on grounds that there had been a breach of the good faith principle.
- *SHB Realisations Ltd (formerly BHS Ltd) (In Liquidation)* [2018] BPIR 818: acted for the successful respondent on an application by the liquidators of BHS in relation to the rights of landlords following the collapse of the company into formal insolvency.
- *XIO GP Ltd v XIE Zhikun* Cayman Court of Appeal, October 2017: acted for a Cayman fund seeking to set aside an ex parte injunction on the grounds that the underlying claims (for breach of fiduciary duty and conspiracy) were barred by the rule against reflective loss. Judgment is awaited.
- *ESO Capital Luxembourg Holdings II v GSA Invest Management SA* [2017] EWHC 1351 (Ch): acted for the successful fund in relation to a claim for damages arising out of the dilution of its shareholding in a luxury Swiss hotel.
- *SSRL Realisations Ltd (In Administration)* [2015] EWHC 2590 (Ch): acted for the successful applicant on an application for permission to forfeit the lease of premises in the Brunswick Centre in central London.
- *JSC Bank of Moscow v Kekhman* [2015] 1 WLR 3737: acted for a successful Russian national on a creditor's application to annul his bankruptcy.
- *Vivendi SA v Richards* [2013] EWHC 3006 (Ch): acted for the successful claimants in a claim against a director and a shadow director for breach of fiduciary duty and dishonest assistance.
- *Re HLC Environmental Projects Ltd* [2013] EWHC 2876 (Ch): acted for the successful claimants on a breach of fiduciary duty against a director of the insolvency company.
- *Cukurova Finance International Ltd v Alfa Telecom Turkey Ltd* [2013] UKPC 2; [2013] UKPC 20: acted for the respondents on appeals to the Privy Council in a case involving a battle between Turkish and Russian investors for control of Turkey's largest mobile phone operator.
- *Rubin v Eurofinance SA* [2013] 1 AC 236: acted for the New Cap Appellants (Lloyd's names) in a conjoined appeal to the Supreme Court seeking to overturn the controversial decision of the Court of Appeal in *Rubin v Eurofinance*.

## Further cases

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- LCIA Arbitration (2013): acting for the Claimants in a shareholder dispute over the ownership of a large CIS manufacturing company. The shareholders held their interests through a BVI company and their relationship was governed by a Shareholders Agreement with a London arbitration clause. The Claimants sought relief on the basis that the Respondents had sought to unfairly prejudice their minority shareholders' rights.
- *Trillium (Nelson) Properties v Office Metro* [2012] BCC 829: representing a foreign liquidator in the first reported English decision on the meaning of "establishment" in EC Regulation 1346/2000 on Insolvency Proceedings. The court held that company, which had dual registration in Luxembourg and England and whose centre of main interests had been transferred to Luxembourg, did not have an establishment in England, its English registered office notwithstanding. The Court further held that the correct date for determining the issue of establishment was the date on which the English winding-up petition was presented, and, obiter, that no useful purpose would have been served by secondary proceedings in any event.
- *Lazari GP v Jervis* [2013] BCC 294: appearing for a landlord of one of Game group's most prominent stores on Oxford Street, W1 on a successful application for permission to forfeit the lease of the property.
- *Leisure Norwich II Limited v Luminar Lava Ignite Limited* [2012] BCC 497: led by Stephen Jourdan QC (Falcon Chambers) on an application by landlords (all members of the X-Leisure group) in proceedings against administrators of the Luminar group of companies. The litigation involved an unsuccessful challenge to the controversial decision in *Goldacre* (rent as an expense) and other complex landlord & tenant/insolvency issues.
- (These are two recent examples of Blair's substantial recent experience of the landlord and tenant issues which arise in insolvency proceedings. She has also acted for the landlords in the *HMV*, *Dreams*, *Game*, *TJ Hughes and Blacks'* administrations, the landlords in *Goldacre Offices (UK) Limited v Nortel Networks (UK) Limited* [2010] Ch 455 and *Metro Nominees* [2008] BCC 40, the administrators of *Innovate Logistics (Sunberry Properties Limited v Innovate Logistics Limited* [2009] 1 BCLC 45) and for the successful objectors in *PRG Powerhouse CVA (Prudential v PRG Powerhouse* [2008] 1 BCLC 289.)
- *Re Integrated Medical Solutions Limited* [2012] BCC 215: acting for an Irish Examiner on an application under section 426 Insolvency Act 1986/CBIR requesting the English court to dismiss a winding up petition presented by HMRC against the

English registered company in examination in Ireland on the basis that the winding up would upset a sale of the business of the company.

- *HSBC v Rental Property Management Limited; Clydesdale Bank v Rental Property Management Limited* (October 2012): acting for HSBC and Clydesdale Bank in a c.£16m dispute over sham intermediate leases of mortgaged property granted without the consent of the banks to an associate company of the chargors.
- *ESO Capital Luxembourg Holdings II S.A.R.L v Duet Cayman LLP* (2011): acting for an investment fund in a €50+ million multi-jurisdictional dispute arising out of the refinancing of a property construction and development project in St Barts (French West Indies). The dispute, which settled in July 2011, involved three sets of arbitration proceedings in the London Court of International Arbitration and Court proceedings in the Cayman Islands and Luxembourg.
- *In re Mercury Tax Group Limited* [2011] 2 BCLC 301: acted for the Respondent administrators at first instance and on appeal to the Court of Appeal in a dispute about the administrators' rejection of HMRC's debt for voting purposes at a creditors' meeting to consider the company's administrators' proposals for the future of the administration.

Blair has also acted in relation to a number of major corporate restructurings and insolvencies including Lehman Brothers (for the US Trustee of Lehman Brothers Inc), Zavvi (for the administrators and liquidators), Madoff (for the English provisional liquidators), Woolworths (for a counter-party), Waterford Wedgwood (for the English administrators), T&N (for the trustees of the T&N Retirement Benefits Scheme (1989)) and BCCI (for the English liquidators in their fraudulent trading claims against Bank of India and State Bank of India (see *BCCI v State Bank of India* [2003] BCC 735, *BCCI v Bank of India* [2004] 2 BCLC 279 and *BCCI v Bank of India* [2005] 2 BCLC 328)).

## Recommendations

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She is amazing - her preparation is second to none and she is ready for every eventuality. [Chambers UK Bar 2020](#)

Blair is a complete joy to work with, and her advice is clear and punchy. [Chambers UK Bar 2020](#)

She is absolutely thorough in what she does and makes sure that she is fully familiar with the issues under consideration, however complex they are. She is also a good advocate and cross-examiner. [Chambers UK Bar 2020](#)

A strong choice for insolvency-related commercial litigation. [The Legal 500 UK Bar 2020](#)

She is extremely user friendly and always willing to go the extra mile to make sure that the quality of the work she produces is of an outstanding standard [The Legal 500 UK Bar 2020](#)

Advice was clear and punchy - she's a complete joy to work with. [Chambers UK Bar 2020](#)

She's brilliant, a very solid operator who knows what she's doing. [Chambers UK Bar 2019](#)

She is an insolvency intellectual and an impressive and persuasive advocate, guiding complex points in effective ways. [Chambers UK Bar 2019](#)

A stellar senior junior who picks the case up by the scruff of the neck. [The Legal 500 UK Bar 2018](#)

Hugely experienced and knows the insolvency world and courts very well. She is good on her feet, flexible in her thinking, very persuasive and someone who talks through arguments well. [Chambers UK Bar 2019](#)

Fantastically industrious. She has a real eye for detail and very sound judgement. [Chambers UK Bar 2019](#)