



Rachael Earle

Call: 2013

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Clerks' Details

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Qualifications and Appointments

- LLM in Commercial Law (First Class) (Ranked 1st in College), Darwin College, University of Cambridge
- Bar Professional Training Course (Very Competent) BPP Holborn
- LLB Law with French Law (First Class), University College London
- Darwin College Dean's Award (2014)
- Blackstone Entrance Exhibition (2012)

Memberships

- Chancery Bar Association
- Commercial Bar Association
- Insolvency Lawyers' Association
- R3: Association of Business Recovery Professionals

Practice Overview

Rachael has a busy insolvency practice which encompasses all areas of corporate and individual insolvency but with a particular emphasis on complex directors' misfeasance claims (in which she acts both for Liquidators and for defendant directors).

She is also frequently instructed on company and commercial disputes, in which she has significant experience dealing with allegations of fraud and dishonesty.

Rachael appears regularly in the High Court, both as sole and junior counsel.

Notable ongoing and recent cases include:

- Acting for Joint Liquidators in a £2 million fraudulent trading and misfeasance claim against former directors of a national firm of solicitors who misled clients into investing into a fraudulent scheme.
- Acting for Joint Administrators in misfeasance claims against former directors for their involvement in EBT tax avoidance schemes, worth over £1 million.
- Advising Joint Liquidators on claims against former directors for diverting a significant business opportunity (a development worth £14.5 million).
- Acting for Joint Liquidators in a £1million fraudulent trading and misfeasance claim against former directors of the company involved in a complex MTIC scheme.
- Led in a \$2.5million arbitration relating to a telecommunications contract dispute.
- Acting in a £2million claim for breach of a Sale and Purchase Agreement involving allegations of fraudulent concealment of key documents during disclosure.



Insolvency

Rachael is often instructed on insolvency cases which are of a complex or urgent nature. She appears regularly in the High Court before ICC Judges.

Recent work includes:

- Currently advising investment managers on the status of client funds after Reyker Securities plc went into special administration.
- Currently advising Joint Liquidators on claims against former directors of a building company who defrauded elderly customers. Claims in the liquidation exceed £5million.
- Currently advising Joint Liquidators on claims against former directors who operated a fraudulent VAT scheme, failing to declare some £3million to HMRC.
- *DCL Hire Limited (in liquidation)* (2019). Led in a 5 day misfeasance trial against a former director who made significant payments out of the company for nil consideration on the instruction of a shadow director.
- *Parkers Developments Limited* (2019). Acted on behalf of two directors in defending a misfeasance and unlawful return of capital claim in respect of their involvement in an EBT scheme worth over £1.2million.
- *Pico's Limited* (2019). Acted on behalf of the company in seeking an urgent validation order to allow the company to continue trading pending the first hearing of the winding up petition.
- *So Sienna Limited v (1) HMRC (2) The Official Receiver* (2019). Acted for the company in an application for the rescission of a winding up order and dismissal of the petition.
- *HS Works Limited (in liquidation)* (2018). Led in a 5 day High Court trial against a former administrator for breach of his schedule B1 and fiduciary duties, worth £4 million.

Commercial

Rachael undertakes a wide range of company and commercial work including directors' disqualification proceedings, partnership disputes, shareholder disputes, unfair prejudice petitions and derivative claims. She also has experience in applications for cross-border mergers.

Recent work includes:

- Currently advising on a partnership dispute worth over £1.2million which involves allegations of fraud and concealment.
- *Kilimanjaro Limited v Dikoh* (2020). Successful application for a freezing injunction against a former employee who had misappropriated significant sums of company money.
- *Kwaji v Shaw, Balogun* (2018). Successfully opposed an application for an urgent injunction in respect of a jointly owned property.
- *Re M2 Property Invest Limited* [2018] B.C.C 324. Successful application for approval of the merger of a Polish company with its English parent company.
- *Frank Warren v Paul Smith* (2018). Led in an arbitration appeal before the Boxing Board of Control concerning manager / promoter contracts and issues of breach of fiduciary duty and the duty of trust and confidence.