



Bridget Lucas KC

Call 1989 | Silk 2018

"Really incisive and very bright, she is both a good team player and a great strategist."

Chambers & Partners

 bl@fountaincourt.co.uk  +44 (0)20 7583 3335

Bridget Lucas KC is a “team player and experienced advocate” who applies a commercial, common sense approach.

She has a broad commercial / chancery practice and specialises in civil fraud, company and insolvency law. She appears for individuals, corporations and officeholders, and is regularly retained in cases involving serious allegations of misconduct including breach of fiduciary duty; applications relating to wrongful and fraudulent trading, transactions at an undervalue and disqualification cases. She frequently appears in unfair prejudice proceedings and boardroom, joint venture and LLP disputes. She acts on breach of warranty and misrepresentation claims arising out of business acquisitions and investments.

Experienced in large scale litigation, she acted as lead counsel in *Ahmad Hamad Algoasibi and Brothers Company v Saad Investments Company Ltd*, successfully defending the AwalCo defendants at the year-long civil fraud trial in the Cayman Islands, leading a substantial team of junior counsel, London solicitors and local attorneys.

She frequently advises on the interpretation of complex commercial agreements in various industry sectors (e.g. energy and telecommunications), and on technical issues arising in specialist areas (e.g. insolvent law firms, cross-border merger applications and insurance business transfer schemes).

She has “a track record of offshore fraud cases”, and regularly advises clients in the Cayman Islands, the British Virgin Islands, Guernsey and Jersey.

Bridget has presented a number of lectures and seminars on a range of subjects connected with her practice.

Recent Highlights

Defending law firm in connection with investment scheme

Acting for a major law firm defending a client’s claims relating to fraudulent misrepresentation and breach of fiduciary duty in relation to an investment scheme.

Defending unfair prejudice proceedings

Acting for the defendants in unfair prejudice proceedings against allegations of misappropriation, breach of fiduciary duty, excessive remuneration, and exclusion from management.

COVID-19 related advice regarding “Letters of Comfort”

Advising on the enforceability of “Letters of Comfort” provided by parent undertakings in light of the adverse impact of COVID-19 on subsidiaries’ financial position.

Defending claims relating to £11 million investment

Acting for the defendant regarding claims of conspiracy and fraudulent misrepresentation relating to an investment of £11 million in a group of care home companies.

Resisting injunction

Defending an application for an injunction restraining the transfer and shipment of marine equipment from UAE to South America.

Expertise

Civil Fraud

Bridget is regularly instructed in cases involving allegations of breach of fiduciary duty (in particular against directors) dishonest assistance, knowing receipt, and conspiracy and in relation to complex asset tracing.

Notable Civil Fraud cases

Ahmad Hamad Algozaibi & Brothers Company v Saad Investments Company Ltd

Represented the “AwalCo” defendants in the 12-month trial against claims relating to fraudulent breaches of fiduciary duty, and seeking restitution, damages and compensation on the basis of conspiracy, knowing assistance, and knowing receipt. Bridget led a substantial team including two junior Counsel, London solicitors and Cayman Islands attorneys. It involved a discovery exercise of millions of documents; cross-examination of AHAB’s witnesses via video link through Arabic translators; and the use of sophisticated electronic trial systems. AHAB’s claims were comprehensively dismissed in a landmark (1,345 page) judgment in which the Chief Justice found that the AHAB Partners knew and approved of Mr Al Sanea’s activities, and were complicit in “one of the largest Ponzi Schemes in history”.

European Consolidated Debt Fund (Cayman) Limited v Treon (& Others)

Defending allegations of fraudulent misrepresentation inducing investment of £11 million.

Acting for claimants seeking damages for breach of a franchise agreement relating to Saudi Arabia, an injunction restraining the franchisor's wrongful exploitation of intellectual property rights in various Gulf states, damages for conspiracy and an account of profits.

Solfado SA (& Others) v Jones

Allegations of breach of fiduciary duty against a former director who seized control of the companies by means of forged documents.

FindmyClaim.com Ltd v Playle

Allegations of breach of fiduciary duty against director; secret profits.

Acting in proceedings in the Family Division defending claims under section 423 Insolvency Act relating to alleged transactions at an undervalue.

Commercial Disputes

Bridget has represented clients – both private and substantial corporations – in a wide range of commercial disputes, often with an international dimension and involving applications for urgent injunctive relief. She frequently advises on the construction and effect of complex commercial agreements.

Notable Commercial Disputes cases

Ahmad Hamad Algosaiabi & Brothers Company v Saad Investments Company Ltd

Numerous contested interlocutory hearings in the litigation relating to injunctive relief; 'Berkeley Applegate' orders; security for costs; disclosure, interim damages; and applications to seal the Court File.

Ahmad Hamad Algosaiabi & Brothers Company v Saad Investments Company Ltd

Acting as lead counsel successfully defending the "AwalCo" Defendants in the 12-month trial against claims relating to fraudulent breaches of fiduciary duty, conspiracy, knowing assistance, and knowing receipt.

Advising on the enforceability of "Letters of Comfort" provided by parent undertakings.

Advising on the enforcement of obligations in the oil and LNG industry, including on the interpretation and trigger of force majeure clauses as a result of the "Arab Spring".

Combifloat Middle East B.V. (Dubai) v Essar Projects (India) Limited

Defending an application for an injunction restraining the transfer and shipment of marine equipment to South America.

Advising in connection with a multi-million pound dispute arising out of the completion accounts prepared following the acquisition of a substantial telecoms business.

Advising on various disputes arising from complex agreements for the implementation of telecoms infrastructure.

Advising on various distribution agreements in the telecoms sector.

Gorton v McDermott Will & Emery

Defending a major law firm against claims of fraudulent misrepresentation, breach of duty and breach of FSMA.

Tradinvest Fund Limited v Standard Bank Fund Administration Jersey Limited; Puritan International Fund PCC Limited (in liquidation) v Kleinwort Benson (Guernsey) Limited

Defending allegations of breach of duty brought against investment managers and custodians.

Applications for urgent injunctive relief prior to the appointment of an arbitral tribunal in a substantial dispute between Russian entities relating to a share option and management agreement concerning African mining entities.

Appearing in a substantial arbitration regarding the construction of terms in a complex commercial arrangement relating to the printing and production of magazines and supplements.

Varga Limited v Tiger Aspect Productions Limited

Acting in litigation relating to the quality of animation in the production of the Mr Bean series.

Acting for banks and other entities following the Icelandic Banking collapse.

Company

Bridget is regularly retained by claimants and defendants in cases involving serious allegations of misconduct against directors. She appears both in court and arbitrations in unfair prejudice proceedings, derivative actions and other boardroom, joint venture and LLP disputes including on issues of share valuation. She also acts in director disqualification cases.

Bridget regularly advises on and appears in insolvency matters and complex disputes arising from competing claims to assets in the context of restructuring and following corporate collapse.

Notable Company cases

Acting for the defendants to an unfair prejudice petition and threatened derivative action (allegations of wrongful exclusion from management; misuse of company assets).

Advising on the lawfulness of declaration of dividends under the Companies (Jersey) Law 1991 and the implications of a complex SPA.

KPN Mobile NV v Hutchison Whampoa Ltd

A dispute involving proceedings in both the Commercial and Companies Court arising in connection with a substantial joint venture in deadlock.

Various joint venture disputes between the participants in energy projects (oil and LNG) in Africa and the Middle East.

Townsend v Boden & Lock

A dispute between the members of an LLP relating to an alleged oral contract relating to the purchase of the claimant's interest.

Unwin v Boden & Lock

An arbitration involving whether the claimant had a right to wind up the LLP and/or bring a claim for unfair prejudice; and whether such claims could be brought by arbitration.

BNM Parkstone LLP v Khazai

Allegations of breach of an LLP Agreement; breach of fiduciary and statutory duty, dishonest assistance and knowing receipt.

Playle v Verschuur; FindmyClaim.com Ltd v Playle

Defending an unfair prejudice petition and related proceedings involving allegations of breach of fiduciary duty, diversion of business and wrongful exclusion from management.

Re Ward Sherrard Ltd [1996] BCC 418; Secretary of State v Barnett [1998] 2 BCLC 64; Packaging Direct Ltd

[1994] BCC 213; Secretary of State for Trade and Industry v Becker [2003] 1 BCLC 555 Re NorthWest Holdings Plc [1999] 1 BCLC 425 CA; Secretary of State for Trade and Industry v Backhouse [2001] BCLC 468 CA

Appearing in numerous disqualification proceedings, and public interest winding up petitions involving complex structures and foreign companies.

Construction, Energy & Infrastructure

Bridget regularly advises a major client in relation to the correct construction and interpretation of various agreements common in the electricity, oil and LNG industry often in the context of joint venture deadlock involving state entities.

International Arbitration

Bridget has been recommended as “first rate” for her arbitration work.

Notable International Arbitration cases

Appearing for a number of farmers in their compensation claims against DEFRA arising out of the cessation of mink farming in the UK.

Appearing in an LCIA arbitration involving the interpretation of a complex commercial agreement relating to the capital funding of a substantial industrial plant.

Appearing in an arbitration relating to coverage under the Bermuda Form.

Appearing in ad hoc arbitrations relating to disputes between partners and shareholders.

Offshore

Bridget regularly advises on, and appears in Commercial, Civil Fraud, Company, and Insolvency disputes in offshore jurisdictions.

Notable Offshore cases

AHAB v SICL (Cayman Islands)

Interlocutory hearings relating to injunctive relief; Berkeley Applegate orders; security for costs; disclosure, interim damages; and applications to seal the Court File. Acting as lead counsel successfully defending the “AwalCo” against claims relating to fraudulent breaches of fiduciary duty, conspiracy, knowing assistance, and knowing receipt.

In the matter of an application by Mashreqbank PSC (& Others) (Cayman Islands)

Applications to seal the Court File.

Tradinvest Fund Limited v Standard Bank Fund Administration Jersey Limited (Jersey)

Allegations against investment managers and custodians.

Puritan International Fund PCC Limited (in liquidation) v Kleinwort Benson (Guernsey) Limited (Guernsey)

Allegations against investment managers and custodians.

Advising on the legality of the declaration of dividends pursuant to the Companies (Jersey) Law 1991, and commercial consequences under an SPA.

Professional Discipline & Financial Services

Notable Professional Discipline & Financial Services cases

Conducting a substantial investigation on behalf of a major city law firm in relation to its obligations to self-report to the SRA, leading a team of junior counsel.

Advising the SRA in relation to insolvent law firms, and proposed pre-pack administrations, including on general policy issues as to the interaction between the effect of the Insolvency Act 1986, and Legal Services Act 2007.

Appearing for various applicants in insurance business transfer schemes under Part VII FSMA including the Scottish Provident Fund reorganisation, the Hamilton Scheme, the M&S Life/ HSBC Life Scheme, and the Royal Scottish Assurance/ NatWest Life Assurance Scheme.

Restructuring & Insolvency

Bridget regularly advises on and appears in insolvency matters and complex disputes arising from competing claims to assets in the context of restructuring and following corporate collapse.

Notable Restructuring & Insolvency cases

Ahmad Hamad Algosaibi and Brothers Company v Saad Investments Company Ltd

Representing the liquidators of the AwalCo defendants alleged to have received part of the proceeds of an alleged \$9.2 billion fraud.

Acting in proceedings in the Family Division defending claims under section 423 Insolvency Act relating to alleged transactions at an undervalue.

Appearing at section 236 private examinations.

Advising on the enforceability of “Letters of Comfort” provided by parent undertakings in light of the adverse impact of COVID-19 on subsidiaries’ financial position.

Advising on insolvency issues arising on the administration of project co in a substantial PFI project.

Clydesdale Financial Services Limited v Smailes [2009] BCC 810

Acting in this case concerning a proposed pre-pack administration of a solicitors’ limited liability partnership.

Providing advice during the restructuring of British Energy Plc and advising a major bank in relation to its claims arising out of the collapse of the Mayflower Group of companies.

Re Pantmaenog Timber Co. Ltd [2001] 1 WLR 730; [2002] 2 WLR 20 CA

Use of documents obtained pursuant to Section 236 Insolvency Act 1986.

Re Ward Sherrard Ltd [1996] BCC 418; Secretary of State v Barnett [1998] 2 BCLC 64; Packaging Direct Ltd [1994] BCC 213; Secretary of State for Trade and Industry v Becker [2003] 1 BCLC 555 Re NorthWest Holdings Plc [1999] 1 BCLC 425 CA; Secretary of State for Trade and Industry v Backhouse [2001] BCLC 468 CA

Appearing in numerous disqualification proceedings, and public interest winding up petitions involving complex structures and foreign companies.

Advising the SRA in relation to insolvent law firms and proposed pre-pack administrations, including on general policy issues relating to the interaction of the Insolvency Act and Legal Services Act.

Defending preference claims arising out of the Icelandic Banks collapse.

Various applications under the Companies (Cross Border Mergers) Regulations.

Directory Quotes

"Great brain and fantastic advocate. Clients love her."

The Legal 500

"Bridget has a first class brain and her analysis is superb."

The Legal 500

"Insanely bright and a really fine advocate, she is particularly good for the heavier cases."

Chambers & Partners

"Her advice is very robust and she is detail-oriented."

Chambers & Partners

"A prominent offshore silk."

Chambers & Partners

"She is very easy to deal with." "She is really excellent procedurally and a good tactician."

Chambers & Partners, Global

"She grasps the commercial essence of a situation immediately and inspires confidence."

The Legal 500

"Provides good analysis and persuasive presentation. A very bright performer and a dependable counsel to rely upon when matters are complex and difficult."

The Legal 500

"A good all-rounder and wonderful advocate."

The Legal 500

Directory Rankings

Chambers & Partners – Global

- Dispute Resolution: Commercial Chancery – UK (Global Guide)

Chambers & Partners – UK

- Chancery: Commercial
- Company

The Legal 500 – UK

- Company
- Fraud: Civil

The Legal 500 – Caribbean

- The English Bar Offshore

Education

- Henry SQ Henriques Prize, Worcester College, Oxford
- BA Jurisprudence (First Class Honours), Worcester College, Oxford
- Gordonstoun School, Elgin

International Bar / Court Appointments

- Ad hoc admission to the Cayman Islands Bar

Appointments, Memberships and Prizes

- Member of the panel of chairmen of the Competition Appeal Tribunal
- CEDR Accredited Mediator
- The Chancery Bar Association
- COMBAR
- BILA

Awards

