

STEFAN RAMEL

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Stefan Ramel is a specialist **Insolvency** and **Commercial** barrister, who undertakes litigation and advisory work in all aspects of **Insolvency** and **Commercial** litigation work, including **Banking & Finance**, **Company Law**, **Sports Law** and **Professional Negligence**.

He is recognised by the legal directories as a leading junior in both **Insolvency** and **Commercial, Company, Banking and Finance** and Partnership work. Stefan is particularly noted as a cross-border expert and he has recently advised and appeared in cases which have grappled with the legal consequences of Brexit. Stefan is regularly instructed directly by lawyers and practitioners from other jurisdictions and he has given written expert evidence on English law in other jurisdictions.

Stefan is a member of the Chancery Bar Association, Insol Europe, the Insolvency Lawyers Association and R3. He is also a member of the Attorney General's Panel of Junior Counsel to the Crown (A Panel). He regularly acts for the Secretary of State for Business, Energy and Industrial Strategy, and the Official Receiver in **Director Disqualification** cases and bankruptcy restrictions order cases.

Expertise

Insolvency

Stefan is an Insolvency specialist who accepts instructions in all aspects of Insolvency Litigation, both corporate and personal.

He is recognised as a leading junior by both Chambers & Partners and Legal 500 for his Insolvency work, and has been instructed in numerous high-profile insolvencies, including Alitalia, Wind Hellas, Madoff, Caterham F1 Team, and Kaupthing.

Stefan is also noted for his interest and expertise in Cross-Border Insolvency work, and regularly acts in cross-border cases both for UK Insolvency lawyers, and on the instruction of Insolvency lawyers and practitioners from other jurisdictions.

His recent work includes instructions from French lawyers, German insolvency practitioners, Italian lawyers and Irish lawyers. Stefan has also been involved in advising in connection with two recent, high-profile Court Justice of the European Union (CJEU) cases.

Other recent examples of work undertaken or being undertaken by Stefan include:

- Acting for a Yo! Sushi landlord in a challenge to the Yo! Sushi CVA.
- Advising insolvency practitioners in relation to the insolvency of a well-known deceased Russian oligarch.
- Representing insolvency practitioners in a professional negligence / misfeasance claim brought against them in the context of a trading administration (public houses).
- Appearing on behalf of the UK administrators of Karen Millen in connection with a distribution to secondary proceedings concerning the same entity.
- Acting on behalf of insolvency practitioners in numerous breach of directors duties and unlawful distribution claims.
- Advising a creditor in the context of a Personal Insolvency Statutory Demand challenge in which jurisdiction is raised as a preliminary issue.
- Advising an administrator in relation to a case involving a dispute between secured creditors as to their entitlement to a substantial fund derived from fixed charge realisations.

In addition, Stefan contributes to Gore-Browne on Companies, and Tolley's Insolvency Law. He also writes for LexisNexis PSL, and has written for *Corporate Rescue and Insolvency Journal and Recovery*. He is a co-author of *Insolvency Practitioners* (Edward Elgar Publishing) (2020).

Featured Insolvency cases

Re Fitness First Clubs [2023] EWHC 1699 (Ch)

Stefan led John Churchill in a challenge by a commercial landlord to a Part 26A Restructuring Plan. Fitness First, the family-owned gym group pursued a restructuring plan by which it sought to cram down certain landlord creditor classes. Several landlords challenged the Plan. Stefan and John's client attacked the Plan from the perspective of the court's discretion and in doing so, challenged the orthodox interpretation of an 'out of the money' creditor.

Hamilton v Attorney-General [2022] EWHC 2132 (Ch) [2022] BPIR 1427

Stefan led Nicholas Evans in a claim by trustees in bankruptcy and a Guernsey company for a vesting order in relation to a castle in North Somerset. The case raised complex issues of international company, insolvency and property law including in relation to the consequences of dissolution of a company, bona vacantia and escheat.

Re Yurov [2022] EWHC 2112 (Ch) [2022] BPIR 1616

Stefan appeared on behalf of joint trustees in bankruptcy in the case of a Russian bankrupt in which it was necessary for the court to rule upon issues concerning the proper approach to the waiver of legal

professional privilege in an insolvency context.

Harfield v GML International [2021] EWHC 713 (Ch) and Harfield v GML International Ltd [2021] EWHC 3299 (Ch)

Stefan represented the creditors in applications made by Mr Harfield to set aside statutory demands served under the Insolvency Act 1986. The cases considered, for the first time, whether it is appropriate at the statutory demand stage to consider whether the court would have territorial jurisdiction to hear a bankruptcy petition.

Arboretum Devon (RLH) Ltd, Re [2021] EWHC 1047 (Ch)

Stefan appeared on behalf of the administrators of Arboretum Devon (RLH) Limited, in an application by the administrators for directions in relation to a dispute between two secured creditors of the company. The outcome of the case turned on the correct construction of a clause in the intercreditor deed.

In the matter of NMUL Realisations Limited [2021] EWHC 94 (Ch)

Hugh Sims QC and Stefan Ramel acted on behalf of applicant administrators in a successful application for a declaration that they had been validly appointed as administrators.

Wilson and another (joint trustees in bankruptcy of Michael Bernard McNamara) v McNamara and others [2020] EWHC 98 (Ch) (Nugee J)

Stefan represented the pension scheme trustees (Mr McNamara's wife and Marine House Trustees Ltd) of Mr McNamara's Irish pension at the hearing of a preliminary issue before Nugee J (whether or not Mr McNamara's Irish pension had vested in his English trustees in bankruptcy, and specifically whether s. 11 of the Welfare Reform and Pensions Act 1999 should be 'read down' in accordance with EU treaties so as not to infringe Mr McNamara's rights of free movement).

Hosking & Anor v Apex Partners LLP [2016] EWHC 1986 (Ch)

Stefan was a junior in this case in which the applicant officeholders were seeking a stay of UK proceedings in favour of parallel US proceedings against private equity investors.

Doyle v Quinn [2015] BPIR 226

This case was to establish whether the court had territorial jurisdiction to make a bankruptcy order against an Irish individual under the EU insolvency regulation.

Commercial Dispute Resolution

Stefan is a Commercial litigation specialist. He is recognised by both Chambers and Partners and Legal 500 as a leading junior in the field of Commercial Dispute Resolution.

He is regularly instructed in complex and substantial Commercial litigation cases, and has extensive court, trial and appellate experience, to go with his 'thorough, meticulous and calm' approach to cases.

Recent examples of work undertaken or being undertaken by Stefan include:

- Representing the vendors of a care home group in a substantial and complex claim by the purchaser for breach of warranties under the SPA.
- Acting on behalf of the assignee of a company in liquidation in a claim against former directors, a bank, and a law firm for breach of duties, professional negligence and unlawful means conspiracy.
- Defending an individual in a claim based on an alleged joint venture agreement in which the claimant's claim included a claim of unlawful means conspiracy.
- Acting for the claimant in a substantial sale of goods claim in which the goods were defective.
- Representing the Defendant dentist in a claim concerning the sale of a dental practice, and a subsequent mediation agreement.
- Advising a claimant in a claim under a loan agreement in respect of which the defendant has challenged jurisdiction.

Featured Commercial Dispute Resolution cases

Henderson and Jones Ltd v Ross [2023] EWHC 1276 (Ch) and [2023] EWHC 1585 (Ch) [2023] Costs L.R. 947

Stefan acted on behalf of the claimant, Henderson & Jones Limited, along with several other counsel in a claim against company directors and third parties alleging that a corporate restructuring of the Hospital Medical Group undertaken in the knowledge of potential substantial known liabilities arising out of the PIP scandal was a transaction defrauding creditors contrary to s. 423 of the Insolvency Act 1986. The claim also advanced allegations of dishonest assistance and conspiracy.

Jones v Hamilton [2023] EWHC 1216 Ch

Stefan appeared on behalf of the claimant in a committal claim against Mr John Jones alleging numerous breaches of freezing orders as well as making a false statement of truth (CPR r. 32.14). The underlying facts involved a multi-million Euro property transaction in Luxembourg, the purchase of a multi-million £ black diamond, as well as properties on the Spanish island of Mallorca. Mr Jones was found to be in contempt of court and received a custodial sentence.

Henderson and Jones Ltd v Ross [2022] EWHC 2560 (Ch)

Stefan appeared as part of a counsel team on behalf of the claimant, Henderson & Jones Limited in

connection with an application by the claimant for a declaration with consequent orders that Barclays Bank Plc had waived legal professional privilege in email communications between the Bank and its lawyers.

BW Legal Services Ltd v Glassdoor Inc [2022] EWHC 979 (QB) [2022] B.C.C. 927

Stefan acted on behalf of the Claimant, BW Legal Services Ltd in a Norwich Pharmacal claim against Glassdoor Inc. The case gave rise to issues relating to service out of the jurisdiction, the proper construction of an exclusive jurisdiction clauses, and aspects of defamation law.

Britannia Parking Group Ltd v Semark-Jullien [2020] E.C.C. 25

Involving consideration of issues relating to the Consumer Rights Act 2015 and penalty clauses following *Makdessi v Cavendish Square Holdings BV* [2015] UKSC 67, [2016] A.C. 1172, [2015] 11 WLUK 78.

Openwork Ltd v Forte [2018] EWCA Civ 783, [2018] All ER (D) 97

Stefan successfully opposed Mr Forte's appeal against a first instance judgement following a trial (in which Stefan had also acted) arising out of Openwork's claim against Mr Forte.

Mahmood v Big Bus Co Ltd [2017] EWHC 3582 (QB)

This was Mr Mahmood's successful appeal against Big Bus Co Ltd from a summary judgement granted against Mr Mahmood and in favour of Big Bus by a Master of the Queen's Bench.

Shaw v Lighthouseexpress Ltd [2010] EWCA Civ 161

A Financial Services dispute involving the construction of a contract between an independent Financial Advisor and a network of independent financial advisers.

Nursaw v Dansk Jersey Eksport [2009] I.L.Pr. 19

Whether the phrase "Court: DK-6100 Haderslev, Denmark" could amount to a choice of jurisdictions for the purposes of the Brussels Regulation.

Company Law

Stefan is on the Attorney General's Regional Panel of Counsel. He is regularly instructed in claims against directors seeking disqualification orders under the Company Directors Disqualification Act 1986. He has appeared in several trials on behalf of the Secretary of State, and has obtained disqualification orders in

each of the Sevenoaks brackets. In the context of CDDA claims,

Stefan also has experience of advising the Secretary of State and directors on matters such as evidence, and the scope of unfitness allegations. In addition to his disqualification work, Stefan has also been instructed in Bankruptcy Restrictions Order cases on behalf of the Secretary of State.

Featured Company Law cases

Official Receiver v Arron [2021] EWHC 1587 (Ch) and [2021] 1775 (Ch)

Stefan appeared on behalf of the Official Receiver in a disqualification claim against Mr Arron. The allegation against Mr Arron was that he caused the company (Mid Cornwall Metals Limited) to trade to the detriment of HMRC. Stefan was successful, and Mr Arron was disqualified for four years.

International & Offshore

Stefan's insolvency and commercial work often has an international flavour, frequently involving other jurisdictions such as Dubai, Russia, Member States of the European Union, and the USA.

Featured International & Offshore cases

Mahmood v The Big Bus Company Limited (2017)

Stefan was advising and appearing on behalf of Mr Mahmood in connection with a contractual dispute involving Dubai and the law of the UAE.

Hosking & anor v Apax Partners LLP & ors [2016] EWHC 1986 (Ch)

Stefan appeared with leading counsel (Stephen Davies QC) on the application of the UK liquidators of Hellas Telecommunications to stay proceedings in England and Wales in favour of proceedings in the USA.

Kaupthing Singer and Frielander Ltd (2015)

Stefan advised on the recoverability of an asset in France in connection with the Kaupthing insolvency.

Re: Les Salines IRS Co Ltd (2014)

In a case concerning a development contract dispute in Mauritius, Stefan advised with leading counsel (Hugh Sims QC) on the application for leave to appeal to the Judicial Committee of the Privy Council from the Supreme Court of Mauritius.

Banking & Finance

Stefan has an established practice in Banking & Finance.

His recent work includes cases involving claims by banks or other lenders to enforce loan agreements and mortgages over property.

In addition, Stefan is regularly instructed to advise and appear in claims involving the alleged mis-selling of financial products, ranging from investments to pensions.

Professional Negligence

Stefan is regularly instructed to appear in and advise upon claims of alleged Professional Negligence. His practice encompasses both claimant and defendant work.

On the claimant side, Stefan has recently acted in a substantial claim for damages against a valuer. He has also been instructed in relation to claims made against accountants and lawyers.

He also regularly encounters claims involving allegations of negligence or misfeasance against insolvency practitioners who have acted as liquidators or administrators of a company or a partnership.

Sports Law

In addition to his practice in Commercial and chancery work, Stefan also practises in Sports Law and associated disciplinary matters.

He is on the Disciplinary Panel and the Grievance Panel maintained by British Fencing to resolve disciplinary matters or grievances brought against members of British Fencing.

Stefan has acted in that capacity in a number of instances. In addition, he also assisted with the drafting of the current British Fencing Disciplinary Code and Grievance Code.

Appointments

- Recorder, Western Circuit (Crime)
- Attorney General's Regional Panel of Junior Counsel to the Crown
- British Fencing Disciplinary Panel

Education

- LLM Cantab
- LLB Hons

Memberships

- Chancery Bar Association
- Insol Europe
- Insolvency Lawyers' Association
- Association of Business Recovery Professionals