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## Daisy Brown

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**Year of Call:** 2006

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**Clerk:** Justin Emmett

### PRACTICE AREAS

Insolvency & Restructuring

Company

Company Directors Disqualification

Property

Mediation and ADR

### PROFILE

Daisy is a commercial chancery litigator specialising in chambers core areas of insolvency, property and commercial, Daisy has also built up a strong practice in company and directors' disqualification matters.

Daisy offers comprehensive legal support encompassing drafting, advisory services and representation in various courts, Daisy has been recommended as a leading junior in Chambers & Partners and Legal 500 where she has garnered praise on her versatility, user-friendly manner and accomplished advocacy skills.

## PRACTICE AREAS

### Insolvency & Restructuring

Daisy's practice includes all aspects of company and individual insolvency. Her experience ranges from applications to set aside statutory demands, bankruptcy petitions, administration applications, clawback proceedings (misfeasance, TUV, preferences, s.423 IA 1986), unlawful dividends and distributions, CVA/IVA voting appeals and partnership liquidations. She has particular experience in personal insolvencies involving issues concerning ancillary relief.

#### Recent experience includes:

- Advising and representing applicant in an application to challenge the decision of a liquidator
- Representing successful respondent in a contested administration application brought by a 50% shareholder of an online clothing company with a turnover of over £6m
- Advising in respect of a dispute over the extent of assets within a partnership liquidation
- Representing successful applicant in an application to remove an office holder
- Successfully representing office holder in three-day trial concerning beneficial interests in assets held by the bankrupt
- Successfully representing a company director defending a claim by the liquidator to recover alleged unlawful dividends

### Company

Daisy is regularly instructed in cases concerning director's duties, shareholder disputes, unfair prejudice petitions and just and equitable winding up petitions.

### Company Directors Disqualification

Daisy had regularly appeared for the Secretary of State when appointed as Junior Counsel to the Crown Regional B Panel, advising on and presenting disqualification cases in court. She also acts for defendant directors.

### Property

Daisy's property practice includes regular instructions in the High Court, County Court and First Tier Tribunal in relation to disputes about beneficial interests, proprietary estoppel, landlord and tenant, boundary disputes, easements and rights of way. She has considerable experience in agricultural matters including cases concerning equine law.

### Recent experience includes:

- Advising in relation to a dispute concerning occupation rights in a high value rural property
- Successfully resisting an application for an injunction in respect of occupation of stables by horses
- Advising in relation to business tenancy renewals
- Successfully representing the defendant at a trial concerning trespass to land
- Successfully representing the respondent in the High Court and Court of Appeal in respect of a claim relating to trespass to goods
- Advising and drafting pleadings in relation to disputed rights of way in respect of commercial premises
- Successfully representing the defendant in a trial of a claim for occupation rent

### Mediation and ADR

Daisy is a trained mediator and accepts instructions to mediate in all matters within her practice areas.

## SIGNIFICANT CASES

### **Brake v Lowes; Brake v Swift [2020]**

EWCA Civ 1491

Whether discharged bankrupts have standing to challenge transactions entered into by their trustee in bankruptcy on grounds that they were unlawful and without authority and whether bidders in a bidding competition conducted by liquidators as officers of the court have standing to challenge the resulting sale on grounds that the bidding was rigged and the process was unfair

### **O'Hara v Markham [2019]**

EWCA Civ 397

Successfully appeared for the respondent to an appeal in respect of a variation to a freezing order

### **O'Hara v Markham [2018]**

11 WLUK 176

Successfully appeared for the respondent to an application for an account which involved allegations of breach of fiduciary duty, breach of trust and conversion. Application was struck out as an abuse of process.

**EDF v Re-Energised [2018]**

BPIR 855

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Acted for the successful respondent to an appeal against a winding up order.

**Jackson v Davis [2017]**

1 WLR 4005 (Ch D)

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Acted for the trustee in bankruptcy in an application for possession and sale involving issues surrounding the equity of exoneration and beneficial interests.

**Day v Shaw & Anor [2014]**

EWHC 36 (Ch)

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Acted for the successful respondent to an appeal concerning whether a wife was entitled to an equity of exoneration as between herself and her husband in her capacity as surety for his personal guarantee in circumstances where she also stood as co-surety with her husband for his company's debt.

**Lewis (Trustee in Bankruptcy of Kennedy) v Kennedy [2010]**

BPIR 886

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Acted for the Trustee in Bankruptcy in a case in which the court had to consider whether statutory interest was payable.

**James Robert Tucker & Jeremy Spratt (Joint Supervisors of Energy Holdings No.3 (In Liquidation)) v Goldfields Mining LLC [2009]**

1 BCLC 567 [2009] BPIR 704 [2010] BCC 544

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Acting for the successful respondent to an appeal concerning the constructing of the terms of a creditors' voluntary arrangement so as to enable the supervisors to admit late claims by creditors who had not received notice of the meeting.

**Karsten v Markham [2010]**

1 FCR 523

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Acting for the successful claimant in a trial involving issues of undue influence, non est factum, misrepresentation and fraud.

**Baker v Rowe (2010) 2 Costs LR 175 [2010]**

1 FLR 761 [2010] FCR 413 [2010] Fam Law 17

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Successfully appeared in the Court of Appeal in a case concerning the interaction between TLATA and ancillary relief proceedings.

## CAREER AND ASSOCIATIONS

Chancery Bar Association

Trained Mediator - The Society of Mediators



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