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## Ella Vacani

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**Year of Call:** 2019

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### PRACTICE AREAS

Commercial

Property

Insolvency & Restructuring

Company

Wills, Trusts and Probate

### PROFILE

Ella has a busy commercial-chancery practice which encompasses commercial, property, insolvency, and contentious probate disputes. Her cases are exclusively contentious and frequently sit across several of her core practice areas.

Ella regularly acts as sole counsel in both the High Court and County Court and as part of larger teams in more substantial cases. She has extensive trial experience for counsel of her call and, as such, she is

well placed to provide pragmatic and strategic advice at all stages of a dispute, from pre-issue through to enforcement of judgments.

Recent highlights of Ella's practice include:

- Acting (led by Stephen Davies KC) for the claimant liquidators in a claim worth in excess of £24 million in respect of the mismanagement and subsequent sale at undervalue of a portfolio of over 100 properties across north-west London.
- Represented liquidators of a public mining company at the trial of a claim against a former director. Obtained judgment for £1.35 million and an award of costs, to be assessed on the indemnity basis.
- Acted (led by James Pickering KC) for the claimants in Part 8 proceedings seeking a declaration as to the scope of clauses in a share purchase agreement.
- Defended (led by Niall McCulloch) a claim arising from a failed joint venture relating to a large number of social housing projects in the North West on the grounds of misrepresentation, misstatement and breach of implied terms.
- Acted (led by Stephen Davies KC) for the defendant and counterclaimant who sought to set aside a settlement deed on the grounds of implied fraudulent misrepresentation.
- Acted for a rugby club in relation to a claim for breach of contract and dealt with arguments of force majeure and frustration related to the covid pandemic.

## PRACTICE AREAS

### Commercial

Ella acts and advises in a wide range of commercial disputes. Ella is able to advise on contractual matters including issues of contractual construction and interpretation as well as tortious and equitable claims arising from a full variety of commercial disputes.

Ella regularly acts as sole counsel on commercial disputes through to trial. For example, she is currently acting for a well-known sports club in respect of a significant claim for breach of contract, defending against allegations of COVID-19 related force majeure and frustration arguments.

Ella also accepts instructions relating to sale of goods and provision of services. She has acted both for individuals and companies in this respect. Recently, Ella succeeded at trial in relation to claims brought against a major kitchen manufacturer and obtained indemnity costs in their favour.

#### Recent cases include:

- Acting, as sole counsel, for a well-known sports club in respect of a significant breach of contract claim which raises allegations of COVID-19 force majeure and frustration arguments.
- Appearing in the High Court unled for a director-shareholder in a claim for the just and equitable winding up of a company.
- Successfully defending a number of claims, at trial, of defective workmanship and obtained indemnity costs upon dismissal.
- Appearing in the High Court on interlocutory hearings in relation to a claim to set aside a settlement deed on the grounds of implied fraudulent misrepresentation.
- Defending a company from a substantial claim for non-payment of invoices in respect of a high-cost software subscription which had lapsed: successful pursuit of an interlocutory application resulted in the

claim being discontinued.

- Acting at trial in a case relating to a well-known multi-level marketing company.

## Property

Property litigation forms a significant part of Ella's practice and she accepts instructions across the full spectrum of property work.

Ella works on matters which include issues of registration of title, trusts of land (including implied, resulting and constructive trusts), easements (including rights of way), restrictive covenants, boundary disputes and mortgages and the enforceability of charges. She also acts and advises on agricultural matters and has appeared in the First-Tier Tribunal to that effect.

Ella regularly represents both commercial and residential landlords and she is very familiar with possession claims. Ella is also able to advise and act in relation to business lease renewals, breach of covenant, dilapidations and service charge disputes.

Ella also co-edits a chapter of the Landlord and Tenant Factbook.

### Recent cases include:

- Acting (led by Stephen Davies KC) for the claimants in a claim arising from alleged mismanagement and subsequent sale at undervalue of a significant residential and mixed residential and commercial property.
- Acting (led by Niall McCulloch) for the defendants in relation to a failed joint venture concerned with a large number of social housing projects in the North West.
- Regularly acting in proceedings concerning declarations and orders for sale under TOLATA 1996 including in court and at mediation.
- Successfully defending a counterclaim for adverse possession and obtaining damages for trespass and an order for indemnity costs.
- Advising on an easement dispute with particularly complex issues as to whether an interference constituted an actionable interference.
- Appearing in the First-tier Tribunal (Property Chamber) Agricultural Land and Drainage in relation to issues of variations of an agricultural tenancy.

## Insolvency & Restructuring

Ella has experience in a broad range of insolvency litigation and Ella regularly appears on behalf of creditors, debtors and office holders alike in relation to both corporate and personal insolvency.

Ella is able to act and advise on all stages of winding up and bankruptcy including CVAs and IVAs, administrations, applications to set aside statutory demands, claims against directors, transactional avoidance (including TUVs and preferences), and rescission applications.

Ella is currently acting as sole counsel in a number of long-running misfeasance, TUV and preference claims.

Ella also co-edits the insolvency chapter in the Landlord and Tenant Factbook.

### Recent cases include:

- Obtaining an order for a former company director to compensate the company in the sum of £1.7 million.
- Acting in a number of misfeasance /TUV /preference claims against company directors and associated persons.
- Obtaining orders for possession and sale of a bankrupt's property and overcoming allegations from the bankrupt's family members that they had acquired enhanced interests in those properties.
- Successfully defending at trial a challenge to an IVA on allegations that it was based on false and misleading statements.
- Carrying out private examinations.
- Resisting annulment proceedings.

## Company

Ella accepts instructions in all areas of company law. Ella is able to assist in relation to shareholders disputes, claims against directors, the tracing of assets and applications relating to the Companies Register.

There is a significant overlap between Ella's insolvency and commercial practices and her company practice as Ella often acts for office holders in relation to claims of transactions at undervalues, preferences and misfeasance.

### Recent cases include:

- Acting in claims brought by liquidators against company directors and associated persons.
- Acting and advising on unfair prejudice petitions and derivative actions.
- Acting and advising in relation to a claim for bona vacantia property following the dissolution of company.
- Acting in a claim which involved allegations of breach of legitimate expectation pursuant to an alleged quasi-partnership with a former family friend.

## Wills, Trusts and Probate

Ella welcomes instructions in all areas of wills, trusts and probate, including both the formal and the substantive validity of wills including claims under the Inheritance (Provision for Family and Dependents) Act 1975. Ella is comfortable advising in matters involving complex and difficult family relationships and is able to assist at any stage in proceedings, from initial advice and drafting to representation in front of the Chancery Division.

### Recent cases include:

- Advising and acting in a claim for reasonable financial provision under the 1975 Act on behalf of a spouse.
- Advising and acting in relation to a claim contesting a will on the grounds of duress and undue influence, involving difficult evidential issues in relation to historic domestic abuse.
- Successfully obtaining the removal and replacement of an executor in circumstances where the executor had failed to adequately deal with the proper administration of the estate.
- Advising trustees / personal representatives on issues arising from conflicting interpretations and constructions of mirror wills.
- Advising beneficiaries in respect of the exercise of *Saunders v Vautier*

## CAREER AND ASSOCIATIONS

Member of the Chancery Bar Association

Member of the Property Bar Association

Volunteer for Advocate (Pro Bono)

Buchanan Prize – Lincoln's Inn

Lord Denning Scholarship – Lincoln's Inn

Excellence Scholarship – BPP

Bar Professional Training Course (Outstanding) – BPP (2018-2019)

Winner – Landmark Chambers' Property Moot Competition (2017)

BA Law – Girton College, Cambridge (2015-2018)



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