



Home [◆](#) Our People [◆](#) Samuel Hodge

Samuel Hodge

[◆](#) Back



Year of Call: 2018

E: samuelhodge@enterprisechambers.com

Clerk: Raj Lamba

Clerk: Morgon Green

PRACTICE AREAS

Insolvency & Restructuring

Commercial

Property

Company

Wills, Trusts and Probate

Professional Negligence and Disciplinary

PROFILE

Samuel is a member of Chambers' London branch. He has a strong commercial chancery practice, and regularly deals with cases which have insolvency and property aspects, and which involve fraud and high-value asset tracing.

Samuel regularly appears (led and unled) in the High Court and the County Court, and has a busy paper practice. He accepts instructions in all of Chambers' main practice areas.

Samuel was called to the Bar in 2018, and achieved the highest mark out of the Lincoln's Inn cohort. Before undertaking pupillage at Chambers, Sam obtained a Distinction and a prize on the BCL at the University of Oxford, and graduated top of his year in Law at Queen Mary University of London.

PRACTICE AREAS

Insolvency & Restructuring

Samuel regularly represents office holders, creditors and debtors in all aspects of corporate and individual insolvency.

His experience includes:

- Success in a 3-week Commercial Court trial on behalf of a company in liquidation. Proved claims of fraudulent breaches of fiduciary and statutory duties, and dishonest assistance; defeated limitation and laches defences; obtained judgment for c.£162,000,000 (Trial: *HPIL v Ruhan & Stevens* [2022] EWHC 383 (Comm); Consequentials: *HPIL v Ruhan & Stevens* [2022] EWHC 1695 (Comm)).
- Successfully represented a litigation funder (which had taken an assignment of a liquidator's claims) on appeal proceedings in the High Court. The matter concerned a "running account" defence to preference claims.
- Obtaining s.236 orders against individuals, companies, and international financial institutions.
- Represented a company in liquidation in a 7-week Commercial Court trial in a case involving 48 parties, concerning competing proprietary claims to high value assets (*The SFO & Ors v Litigation Capital Limited & Ors* [2021] EWHC 1272 (Comm)).
- Making and resisting applications to set aside statutory demands.
- Successfully arguing that a debtor was contractually estopped from disputing a bankruptcy petition debt in light of the terms of settlement agreements he had previously entered into (*Clipper Holding II SARL v McEwan* [2020] EWHC 1756 (Ch)).
- Private examinations.
- Bankruptcy and winding up petitions, and rescission and annulment applications.
- Possession and sale applications.
- Administration extensions.
- Applications for injunctive relief.
- Cases involving breaches of directors' duties, TUVs, s.423 transactions defrauding creditors, unlawful dividends, and preferences.
- Petitions seeking orders for the administration of the insolvent estate of deceased persons.
- Office-holder remuneration applications.
- Challenges to IVAs and CVAs.
- Advising on the Corporate Insolvency and Governance Act 2020.
- Representing a well-known football club, and the CVA supervisor of another well-known football club, in high-profile winding up proceedings.

Samuel is particularly interested in claims involving misfeasance, accessorial liability, asset tracing, property and fraud in an insolvency context.

Commercial

Samuel acts and advises in relation to all aspects of commercial litigation.

His experience includes:

- Appearing in the High Court on a security for costs application, where the adequacy of protection afforded by an ATE policy, and the financial standing of the insurer, was in issue; (HPII v Ruhan & Stevens [2020] EWHC 223 (Comm); [2020] Costs LR 205).
- Injunction applications, including freezing orders.
- 3-day strike out application involving the availability of “backwards tracing” and election (The SFO & Ors v HPII & Ors [2021] EWHC 1273 (Comm)).
- Appearing in the High Court on behalf of a wife against her former husband and his associates. The wife had an unpaid financial remedies order against the husband worth over £40M. Samuel obtained 3 receivership orders over numerous high-value properties and shareholdings in Spain and Ireland.
- Committal applications for breaches of the terms of freezing orders or other injunctions.
- Acting in a directors’ guarantee claim in the context of a lease purchase agreement, seeking money judgment and delivery up of valuable artwork.
- Obtaining final charging orders over shareholdings belonging to a misfeasant director who had been ordered to pay the claimant £1.3m.
- Advising on the interpretation and effect of contracts, remedies for breach, and on whether contracts contain unenforceable penalty clauses.
- Acting on contractual, tortious and equitable claims; cases concerning sale of goods, supply of services, and guarantees.
- Acting since mid-2019 as first junior in a complex claim involving allegations of fraud, self-dealing, secret nominees, bribery, dishonest assistance, which also had complex limitation issues. Succeeded at a 3-week trial and obtained judgment for in excess of £160m (Trial: HPII v Ruhan & Stevens [2022] EWHC 383 (Comm); Consequential: HPII v Ruhan & Stevens [2022] EWHC 1695 (Comm)). Led by James Pickering QC.
- Claims involving deceit, misrepresentation, breach of contract, conversion, wrongful interference with goods, unlawful interference with trade, undue influence, duress and lack of capacity.
- Proceedings relating to the enforcement of judgments.
- Applications concerning legal privilege, and to restrain use of documents; including an application for declarations of lack of privilege based on the crime/fraud exception (HPII v SMA Investment Holdings Ltd & Ors [2019] EWHC 1754 (Comm)).
- Advising in relation to the termination of an insurance policy on the basis of anticipatory breach, and the scope of the policy.
- Acting as first junior in a 7-week Commercial Court trial involving complex issues of whether a transfer of assets worth in excess of £250m had been procured by fraud, bribery and blackmail; the bona fide purchaser defence; equitable liens; tracing and equitable priority; equitable assignments; the construction of settlement and investment agreements; whether Jersey law recognises constructive trusts over land (The SFO & Ors v Litigation Capital Limited & Ors [2021] EWHC 1272 (Comm)).
- Applying for third party and wasted costs orders.
- Advising on restrictive covenants and injunctions for anticipated breach.

Property

Samuel has a strong practice in property law, and in residential and commercial landlord & tenant law.

His recent experience includes:

- Acting for lenders, borrowers and receivers in mortgage claims, including where there are allegations of undue influence and duress.
- Boundary disputes, and seeking injunctions for trespass and/or nuisance.
- Adverse possession.
- Easements, and seeking injunctions for interference.
- Claims concerning forfeiture, waiver, and relief from forfeiture.
- Rectification claims (of agreements, and of the land register).
- Claims involving restrictive covenants.
- Proprietary estoppel claims.
- TOLATA claims, and common intention constructive trusts.
- Acting for a purchaser on a summary judgment application seeking specific performance of a contract for the sale of land, which was being resisted by the vendor on the basis of undue influence, lack of capacity, duress, and misrepresentation.
- Successfully obtained an injunction in the High Court requiring a commercial landlord to hand back possession to a tenant following the landlord's improper re-entry and ouster.
- Acting on a claim concerning construction of a trust deed, and whether a pre-emption clause had been properly triggered.
- Successfully defending a landlord in a harassment claim brought by a tenant and obtaining indemnity costs.
- Possession claims against trespassers, tenants and licensees.
- Successfully defending a claim for specific performance of a sale of a property on the basis that the contract for sale had been fabricated.
- Unlawful eviction claims.
- Disrepair claims, and claims for breach of quiet enjoyment covenant.
- Advising a tenant on the interpretation and scope of her rights under her lease, which enabled her to require the landlord to install a lift for those with mobility issues.
- Claims concerning secure tenancies.
- Committal proceedings against tenants for breaches of injunctions.
- Advising on the effect of the COVID-19 related stays and legislative provisions on property litigation, especially regarding commercial leases.
- Obtaining injunctions and seeking damages for harassment and physical battery.

Samuel is an editor of the "Tenant's Remedies" chapter of The Landlord & Tenant Factbook (Ch 8B).

He has also written an article for the PLC Property Litigation Column: "Tenancy deposits in flat shares: *Sturgiss & Gupta v Boddy & Ors* [2021] 7 WLUK 298" (August 2021)

Company

Samuel is developing a strong practice in all areas of company law and general chancery, and has recently worked on high-profile cases involving allegations of breaches of directors' duties, accessorial liability, and asset tracing.

He will accept instructions in a broad range of company law matters, for example relating to shareholders disputes, shareholders' agreements, service agreements and restrictive covenants, unfair prejudice petitions, derivative actions, claims against directors, questions concerning unlawful dividends, company restorations, and applications to extend time to register charges. Samuel will also accept instructions in matters concerning LLPs and partnerships.

Samuel is particularly interested in company law cases with insolvency, property and fraud aspects.

Wills, Trusts and Probate

Samuel accepts instructions in relation all aspects of Wills, Trusts & Probate.

Recent case experience in these areas includes:

- Advising on the validity of wills and trusts, and whether there are grounds to set aside, e.g. on the basis of undue influence.
- Successfully acting for an executor in a claim for possession of property making up part of the estate, against a residuary beneficiary who had gone into occupation but who had refused to leave when the executor required possession so as to sell the property for the purposes of administering the estate.
- Advising a will beneficiary on options available to her in circumstances when one of her co-beneficiaries had moved into a property which the will had specified should be held for the beneficiaries in equal shares.
- Advising on whether a chain of representation had been broken, and whether a grant de bonis non administratis would be required.
- Advising an executor in a claim brought against the estate based on proprietary estoppel.
- Advising on proceedings under Part 64 CPR for administration of an estate of a deceased person.
- Acting in relation to s.50 AJA 1985 applications for the removal of executors.
- Advising on the proper construction of a deed of trust and whether a pre-emption clause had been properly triggered.

Professional Negligence and Disciplinary

Samuel has recently advised in relation to a claim against a firm of solicitors for various failings in the conduct of litigation, and for failure to make a claim on behalf of a client on an ATE insurance policy within the appropriate time limit.

He has also recently assisted in a claim against a firm of solicitors where the LLP had first to be restored by Court order so that a negligence claim could be pursued. The claim was that the firm had been negligent in failing to advise on the true effect and requirements of a family trust set up for the benefit of the settlor's children, which also involved s.14A Limitation Act 1980 and quantum issues. Samuel also advised the claimants on various points arising in relation to the Third Party (Rights Against Insurers) Acts

Cage Litigation Limited v Iqbal [2022]EWHC 2731 (Ch)

Samuel Hodge represented the intended respondent, Cage Litigation Limited, at a permission to appeal application by Mrs Iqbal. The judgment considers the question (which has also been considered in *Re Oxford Pharmaceuticals* [2009] 2 BCLC 485) of whether the existence of a “running account” between company and creditor can provide a defence to a preference claim or mean that a recipient creditor should be given credit for payments made to the Company as part of a course of dealings. The Vice-Chancellor, Mr Justice Fancourt, considered the requirements for a “running account” argument to be made out, and concluded that such an argument was not open to Mrs Iqbal on the evidence at trial.

HPII & Aird-Brown v Ruhan & Stevens [2022]EWHC 383 (Comm)

Major success in a 3-week Commercial Court trial of claims against a former director for fraudulent breaches of statutory duty, and against an alleged nominee for dishonest assistance. Defeated limitation and laches defences. Claim was for in excess of £100m. Samuel was praised by Foxton J for his “very effective” cross-examination of the Second Defendant.

HPII & Aird-Brown v Ruhan & Stevens [2022]EWHC 1695 (Comm)

2-day consequential hearing. Obtained final judgment against Defendants for c.£162m, including compound interest. Samuel made the costs submissions on behalf of the Claimants, and successfully argued that the Defendants should be joint and severally liable. Obtained a £2.1m payment on account. The decision also establishes that costs of s.236 applications against third parties may be treated as costs of an incidental to underlying proceedings, over and above expenses of a liquidation.

Shill Properties Ltd v Bunch [2021]EWHC 2142 (Ch)

Summary judgment application on a claim for specific performance of a contract for sale of land. New defence was misrepresentation. Addressed whether a party was contractually estopped by a non-reliance clause.

The SFO & Ors v Litigation Capital Limited & Ors [2021]EWHC 1272 (Comm)

7-week Commercial Court trial involving complex issues of (inter alia) whether a transfer of assets worth in excess of £250M had been procured by fraud, bribery and blackmail; the bona fide purchaser (“equity’s darling”) defence; equitable liens; tracing and equitable priority; equitable assignments; the construction of settlement and investment agreements; whether Jersey law recognises constructive trusts over immovable property.

The SFO & Ors v Hotel Portfolio II UK Limited (in Liquidation) & Ors [2021]
EWHC 1273 (Comm)

Strike out application involving complex issues of the availability of “backwards tracing” in circumstances where a defendant purchases assets with the use of a loan and then uses trust property to repay the loan.

Clipper Holding II SÀRL v McEwan [2020]
EWHC 1756 (Ch)

Resisted the debtor's application to strike out a bankruptcy petition by arguing that the debtor was estopped, by virtue of the doctrine of contractual estoppel, from seeking to dispute the petition debt (on the alleged basis that the default interest in the facility agreement arguably amounted to a penalty clause, or could be the subject of the Consumer Credit Act 1974 protections) in light of the fact that the debtor had previously raised these points with the petitioner and then entered into settlement agreements which recited the total amount which was agreed as being due under the facility, and agreed that the petitioner would be entitled to present a bankruptcy petition for that sum if the debtor breached the terms of the conditional settlements.

Hotel Portfolio II UK Limited (in Liquidation) & Anor v Ruhan & Anor [2020]
WLUK 340

An application for an extension of time to give disclosure and prepare witness statements in light of delays caused by the COVID-19 pandemic.

Hotel Portfolio II UK Limited (in Liquidation) & Anor v Ruhan & Anor [2020]
EWHC 223 (Comm); [2020] Costs LR 205.

A security for costs application where the adequacy of protection afforded by an ATE policy was in issue. An order was made, for the first time in a security for costs context, that the defendant-applicant's cross-undertaking in damages should be fortified by a substantial payment of money into Court.

Hotel Portfolio II UK Ltd (in Liquidation) v SMA Investment Holdings Ltd [2019]
EWHC 1754

An application for a declaration that certain communications passing between a solicitor and client were not protected by legal advice privilege by reason of the crime/fraud exception.

CAREER AND ASSOCIATIONS

Chancery Bar Association

Property Bar Association

Young Fraud Lawyers Association

Called to the Bar (2018) - Lincoln's Inn

Bar Professional Training Course (2017-18) Outstanding: ranked 3rd in the UK; Lincoln's Inn Student of the Year Prize 2018, and a Buchanan Prize.

Bachelor of Civil Law (BCL), The University of Oxford (2016-17) Distinction: awarded the Oxford Law Faculty Prize for Constitutional Theory.

Law (LLB Hons), Queen Mary University of London (2014-16) First Class: ranked 1st in year; awarded The Professor Sir Roy Goode Prize for Best First Class Degree, The Principal's Prize for Outstanding Academic Achievement, and The Land Law Prize.

Philosophy and Theology (BA Hons), The University of Oxford (2011-14): awarded The Emmanuelle Prize for Academic Achievement.

Recipient of Lord Brougham, Hardwicke, Sir Thomas More, and Eastham Scholarships from Lincoln's Inn.

PUBLICATIONS

Contributor to The Landlord and Tenant Factbook (Chapter 8B: Tenants' Remedies)

Tenancy Deposits in Flat Shares: *Sturgiss v Boddy* [2021] – Practical Law Property Litigation Column, August 2021

Exceptions to the Without Prejudice Rule: *Berkeley Square Holdings v Lancer Property Asset Management Limited*

It is "Akkurate" to say that the English Court has jurisdiction to make extra-territorial orders under S.236 of the IA 1986 against EU resident parties.

Security for Costs for Security for Costs? – INSOL, July 2020



LONDON

9 Old Square
Lincoln's Inn

London
WC2A 3SR

T 020 7405 9471
E london@enterprisechambers.com

BRISTOL

4-5 College Green
Bristol
BS1 5TF

T 0117 450 7920
E bristol@enterprisechambers.com

LEEDS

43 Park Square
Leeds
LS1 2NP

T 0113 246 0391
E leeds@enterprisechambers.com

NEWCASTLE

65 Quayside
Newcastle upon Tyne
NE1 3DE

T 0191 222 3344
E newcastle@enterprisechambers.com

Barristers regulated by the Bar Standards Board.

CONNECT WITH US



