



[Home](#) ♦ [Our People](#) ♦ [Simon Johnson](#)

Simon Johnson

♦ [Back](#)



Year of Call: 2000

E: simonjohnson@enterprisechambers.com

T: 020 7405 9471

Clerk: Duane Hitchman

Clerk: Kenya Mendoza

PRACTICE AREAS

Commercial

Company

Insolvency & Restructuring

Banking and Finance

Professional Negligence and Disciplinary

Property

PROFILE

Simon is an experienced commercial chancery barrister specialising in large-scale, technically demanding litigation.

He has particular knowledge of and expertise in group actions arising from failed property investment schemes and the interlocking specialisms involved: civil fraud, freezing orders, banking, professional

negligence and private international law.

Simon also acts in a wide range of business disputes, including contractual claims of all kinds, claims for breach of warranty and fiduciary duty, together with company, insolvency and restructuring matters.

Simon's current caseload:

- Representing defendants to a £50 million fraud and conspiracy claim brought by 430 claimants. Among many other things, Simon conducted a 3 day application to discharge a worldwide freezing order. A 10 week trial will take place in the spring of 2024.
- Representing the claimants in a group action against negligent solicitors and their insurers. Simon overturned an arbitration award obtained by the insurers by which they purported to avoid liability and outflank the claim.
- Representing the claimants in a group action against negligent solicitors, who applied to strike out the case as an abuse of process. Simon was brought in to lead the case and resist that application, which turns on *Abbott v. MoD* [2023] EWHC 1475, on which Simon has published an article [here](#).
- Representing the claimants in a multi-million pound claim for breach of contract and fiduciary duty, to be tried in December 2023. Simon recently defeated an application for security for costs of approximately £500,000, on the basis of stifling.

The directories describe Simon as “an outstanding barrister who is a KC and High Court judge in the making” and “a fearless and compelling advocate”, who is “always up for a very challenging case”. He is a seasoned trial and appellate advocate and has acted in the Court of Appeal (led and unled) and Supreme Court.

PRACTICE AREAS

Commercial

Simon advises clients on a wide range of business disputes including the interpretation, performance and termination of contracts, remedies for breach of contract including specific performance and account of profits, restitution, breach of confidence and claims against IFAs and financial institutions. He has particular expertise in cross-border cases involving foreign jurisdictions and issues of foreign law. He has extensive experience of obtaining, policing and challenging freezing orders. For 12 years Simon has represented large groups of UK citizens suing IFAs, property developers, banks and lawyers in connection with the purchase of investment properties. He also represents defendants in such cases, most recently in *4VVV v Spence*.

Recent cases include:

- *4VVV Ltd & Ors v. Spence & Ors* [2023] EWHC 1 (Comm): Representing the third defendant in a £50 million fraudulent misrepresentation and conspiracy claim brought by 430 individuals concerning buy to let holiday properties and student accommodation.
- *Millbrook Healthcare Bidco Ltd v. Croll* [2023] EWHC 290 (Comm): Represented the defendants in a multi-million pound claim for breach of warranty arising from the sale of shares in a healthcare business. The judgment praises the “skill and dedication” with which Simon advanced his clients’ case.
- *A v. B*: Representing 90 claimants in a £9 million damages claim against negligent solicitors. Having obtained judgment against the solicitors, Simon overturned an adverse arbitration award and will embark on a fresh arbitration against the solicitors’ PI insurers.
- *Cormack & Ors v. AIG (UK) Ltd*: Representing 40 claimants in a £12 million damages claim against PI insurers listed for a 9 day trial in November 2023. The principal issue is aggregation.

- *Various claimants v. Giambrone Law & Ors* [2017] EWCA Civ 1193, [2018] PNLR 2: Defeated an appeal on the proper measure of compensation and damages for solicitors' negligence and breach of trust. Led by Zia Bhaloo KC. Successfully resisted the defendants' application for permission to appeal to the Supreme Court.
- *Barclay-Watt & Ors v. Alpha Panareti Public Limited & Ors* [2021] EWHC 1327 (Comm), [2021] 3 All ER 804; [2021] EWHC 1591 (Comm), [2021] Costs LR 659: Represented the successful claimants in a 7 week Commercial Court trial regarding misrepresentations in the sale of holiday properties in Cyprus with unaffordable loan packages (led by Stephen Nathan KC). Simon represented the claimants over 10 years.
- *Argos Ltd. & Homebase Ltd. v. Interserve (Facilities Management) Ltd*: Represented the claimants in a dispute concerning alleged overcharging under two service agreements.
- Represented the claimant company in a Commercial Court claim for damages and injunctive relief arising from the breach of a Tomlin order.

Company

Simon is a leading junior in company disputes (Legal 500, band 4) praised as "very bright, grasps issues quickly and pleads them well but succinctly". He advises company boards, individual directors and shareholders on their rights and obligations arising from companies' constitutional documents, the Companies Act 2006 and the common law. He regularly advises on acrimonious company and board meetings, the exercise of pre-emption rights in relation to the sale of shares, and allegations of unfair prejudice and the breach of fiduciary and other duties. Simon has advised and represented vendors and purchasers on breach of warranty and other claims arising from business acquisitions. He has pursued and defended directors and senior employees in multi-million pound claims for breach of duty and breach of confidence. Simon has prepared constitutional documents for companies and trusts and chaired company meetings.

Recent cases include:

- *Millbrook Healthcare Bidco Ltd v. Croll* [2023] EWHC 290 (Comm): Represented the defendants in a multi-million pound claim for breach of warranty arising from the sale of shares in a healthcare business. The judgment praises the "skill and dedication" with which Simon advanced his clients' case.
- *Przyborowski v. Brotherton*: Representing the claimants in a multi-million claim for breach of contract and fiduciary and good faith obligations arising from a joint venture in respect of tenanted properties in Germany (5 day trial in December 2023).
- Advising a joint venture partner on the dissolution and winding up of a partnership operating extensive commercial properties together with allegations of fraudulent withdrawals of partnership funds.
- *Re Arthur Court*: Represented freehold and management companies of a block of flats in London in a bitter dispute with leaseholders who purported to withdraw the directors' authority and claimed orders requiring Simon's clients to convene company meetings to dismiss the directors in circumstances which indicated that the claim was vexatious.
- Advising shareholders in a pay day loan company on their standing to object to a novel scheme of arrangement.
- Advising a transferee of shares on its entitlement to rectification of the company register to record its title to shares and whether the transfer was a transaction at an undervalue.
- Advising an LLP on reporting obligations and causes of action against a senior member of the LLP for breaches of the LLP agreement and misfeasance.
- Advising a financial institution on its entitlement to convert amounts outstanding under loan notes into shares.
- Advising shareholders and directors on the proposed sale of an internet business and the impact of restrictive covenants and good faith obligations in a shareholders' agreement.

Insolvency & Restructuring

Simon is a leading junior in insolvency disputes (Chambers, band 5; Legal 500, band 4), praised as “very approachable and very knowledgeable on insolvency litigation matters”. He is “an excellent insolvency junior, with an encyclopaedic grasp of the law and a calm and assured advocacy style”. Simon advises and represents officeholders, debtors and creditors in all manner of corporate and personal insolvency cases. He has particular expertise in clawback claims against directors and regularly defends officeholders in challenges to their appointments and claims for misfeasance. Simon has conducted or defended numerous applications under the Cross-Border Insolvency Regulations. He has many years’ experience of cross-border insolvencies of extreme complexity and high value, starting with T&N/ Federal-Mogul, where he was junior counsel to the administrators, and extending to cases in the US and Gibraltar. Simon edits the restructuring chapter of Gore-Browne on Companies and has advised debtors and creditors on proposed schemes of arrangement and CVAs.

Recent cases include:

- Advising shareholders in a pay day loan company on their standing to object to a novel scheme of arrangement.
- *Kerkar v. Investment Opportunities IV Pte Ltd* [2021] EWHC 3255 (Ch), [2022] BPIR 408: Represented the debtor in an application to set aside a statutory demand for £52 million on the basis of the creditor’s alleged bad faith.
- *Ahmed v. Habib Bank Zurich Plc*: Represented the creditor bank in an application to set aside a statutory demand for £1 million served by Simon’s client on a company director. The case raised numerous questions including the propriety of placing the company in administration, due process, alleged bad faith and undue influence.
- Advising a joint venture partner on the dissolution and winding up of a partnership operating extensive commercial properties together with allegations of fraudulent withdrawals of partnership funds.
- *Re Granton Retail Park Ltd*: Represented administrators in a multi-million pound misfeasance claim brought by a former director and shareholder in connection with the sale of a high profile mixed-use development in Edinburgh.
- Advising administrators on challenges to their appointment arising from an alleged conflict of interest and an alleged improper purpose to a paragraph 14 appointment.
- Advising an industrial company on insolvency issues arising from potential liabilities for personal injury caused by exposure to asbestos.
- Advising an Australian trustee in bankruptcy on the enforcement of orders of the Australian court against an English domiciliary.

Banking and Finance

Simon undertakes a wide range of banking work, including recovery proceedings under facility agreements, guarantees, mortgages and other securities. He has extensive experience of disputes concerning LPA receivers appointed by banks, including claims for injunctive relief. Simon advises on compliance matters and Sharia-compliant products. Simon is familiar with FSMA 2000 and has appeared for the proponents of Part 7 banking business transfer schemes. Simon has pursued appointed representatives of regulated financial advisory businesses in litigation concerning overseas property and via the Financial Services Compensation Scheme and the Financial Ombudsman Service.

Recent cases include:

- Representing banks in recovery proceedings against company directors pursuant to personal guarantees including resisting applications for injunctions to restrain the sale of charged property by LPA receivers.
- Representing guarantors and borrowers opposing such recovery proceedings.
- Acting for claimants against appointed representatives in the context of cashing in regulated investments to purchase off-plan property sold by the “Harlequin” companies in the Caribbean.
- Advising a company on the enforceability of rights under loan notes issued by the company and held by a commercial lender.

Professional Negligence and Disciplinary

Many of Simon’s cases concern allegations of breach of duty against professionals including solicitors, accountants, surveyors, IFAs, banks and insolvency officeholders. Simon represented the successful claimants in the Court of Appeal in the Giambrone litigation. The case raised important questions about the measure of compensation for solicitors’ breach of trust and negligence (SAAMCO). Simon has advised and represented numerous individuals in claims against IFAs and foreign lawyers in similar contexts. He has appeared for accountants in the disciplinary tribunal of the ICAEW.

Recent cases include:

- *Various claimants v. Giambrone Law & Ors* [2017] EWCA Civ 1193, [2018] PNLR 2: Defeated an appeal on the proper measure of compensation and damages for solicitors’ negligence and breach of trust. Led by Zia Bhaloo KC. Successfully resisted the defendants’ application for permission to appeal to the Supreme Court.
- *A v. B*: Representing 90 claimants in a £9 million damages claim against negligent solicitors. Having obtained judgment against the solicitors, Simon overturned an adverse arbitration award and will embark on a fresh arbitration against the solicitors’ PI insurers.
- Advising a high net worth individual on claims by former professional advisers and potential counterclaims for professional negligence

Property

Simon represented the claimant in a landmark claim for specific performance of a “heads of terms” contract to grant a lease over a strategic freight site in central London, worth tens of millions of pounds. This case, which settled on the eve of trial, raised questions concerning enforceability, uncertainty, section 2 LPMPA 1995 and estoppel by convention. Simon has extensive experience of proprietary tracing claims and claims under TLATA 1996 concerning beneficial interests in property arising from all manner of trusts in both commercial and family contexts. Property assets are central to many of Simon’s cases, particularly his commercial group actions.

Recent cases include:

- *L. Lynch (Plant Hire & Haulage) Ltd v. Devon & Cornwall Railways Ltd*: Represented the claimant in a multi-million pound claim for specific performance of a “heads of terms” contract for the grant of a lease of a strategic freight site in central London. Led by Zia Bhaloo KC.
- *Bokhari v. Shah*: Representing the claimants in a claim against an agent for breach of fiduciary duty arising from property investments in central London. Simon obtained a proprietary injunction and worldwide freezing injunction against the defendant, with challenges to those orders dismissed.

- *Barclay-Watt & Ors v. Alpha Panareti Public Limited & Ors* [2021] EWHC 1327 (Comm), [2021] 3 All ER 804; [2021] EWHC 1591 (Comm), [2021] Costs LR 659: Represented the successful claimants in a 7 week Commercial Court trial regarding misrepresentations in the sale of holiday properties in Cyprus with unaffordable loan packages (led by Stephen Nathan KC). Simon represented the claimants over 10 years.
- Advising the owner of a multi-million pound buy to let portfolio on the powers of LPA receivers.

SIGNIFICANT CASES

4VVV Ltd & Ors -v- Spence & Ors [2023]

EWHC 1 (Comm)

Representing the third defendant in a £50 million fraudulent misrepresentation and conspiracy claim brought by 430 individuals

Millbrook Healthcare Bidco Ltd -v- Croll [2023]

EWHC 290 (Comm)

Represented the defendants in a multi-million pound claim for breach of warranty. The judgment praises the “skill and dedication” with which Simon advanced his clients’ case.

Re A Company

Advised shareholders in a pay day loan company on their standing to object to a novel scheme of arrangement.

A -v- B

Representing 90 claimants in a £9 million damages claim against professional indemnity insurers arising from failed property investments.

Cormack & Ors -v- AIG (UK) Ltd

Representing 40 claimants in a £12 million damages claim against professional indemnity insurers listed for a 9 day trial in November 2023.

Various Claimants -v- Giambrone Law & Ors [2017]EWCA Civ 1193, [2018] PNLR 2

Defeated an appeal on the proper measure of compensation and damages for solicitors' negligence and breach of trust. Led by Zia Bhaloo KC. Successfully resisted the defendants' application for permission to appeal to the Supreme Court.

Barclay-Watt & Ors -v- Alpha Panareti Public Limited & Ors [2021]EWHC 1327 (Comm), [2021] 3 All ER 804; [2021] EWHC 1591 (Comm), [2021] Costs LR 659

Represented the successful claimants in a 7 week Commercial Court trial regarding misrepresentations in the sale of holiday properties in Cyprus with unaffordable loan packages (led by Stephen Nathan KC). Simon represented the claimants over 10 years in this complex, multi-faceted litigation which involved jurisdiction disputes and appeals on consumer status and rights in rem in immoveable property together with claims against a Cypriot bank and IFAs. Simon has advised approximately 300 other claimants with similar claims involving other developments and defendants. Alpha Panareti required Simon to go well beyond the extra mile for his clients against well-resourced and aggressive opponents. Previous phases of the litigation are reported at [2018] 6 WLUK 295 and [2012] 11 WLUK 702.

Re A Partnership

Advised a joint venture partner on the dissolution and winding up of a partnership operating extensive commercial properties together with allegations of fraudulent withdrawals of partnership funds

Kerkar -v- Investment Opportunities IV Pte Ltd [2021]EWHC 3255 (Ch), [2022] BPIR 408

Represented the debtor in an application to set aside a statutory demand for £52 million on the basis of the creditor's alleged bad faith. The claim arose from the collapse of the Cox & Kings travel business in India and raised allegations of a complex fraud involving myriad companies

L. Lynch (Plant Hire & Haulage) Ltd -v- Devon & Cornwall Railways Ltd:

Represented the claimant in a multi-million pound claim for specific performance of a "heads of terms" contract for the grant of a lease of a strategic freight site in central London. Led by Zia Bhaloo KC

Ahmed -v- Habib Bank Zurich Plc(Business & Property Courts, Manchester)

Represented the creditor bank in an application to set aside a statutory demand for £1 million served by Simon's client on a company director. The case raised numerous questions including the propriety of placing the company in administration, due process, alleged bad faith and undue influence.

Re Granton Retail Park Ltd

Represented administrators in a multi-million pound misfeasance claim brought by a former director and shareholder in connection with the sale of a high profile mixed-use development in Edinburgh.

Re Chesterton International Limited & Ors [2017] EWHC (Ch)

Represented the liquidators of the Chesterton estate agency companies in applications for Berkeley Appellate relief and directions regarding the proper treatment of company property and trust property worth millions of pounds.

Escuris SA v. John Lake Shellfish Ltd [2017]

Represented the claimant in a claim for damages arising from the termination of a contract for the supply of tinned shellfish; defended a counterclaim of £9.5 million for business interruption damages formulated on the "loss of a chance" basis.

Wilkinson & Ors v. North & Ors [2016] EWHC 1242 (Ch)

Represented the claimants at the trial of an equitable tracing claim regarding trust property misapplied in breach of a trust arising in a commercial context.

Erlam & Ors v. Lutfur Rahman & Anor [2016] EWHC 111 (Ch); [2016] BPIR 856; [2016] P&CR DG5

Represented the successful claimants at the trial of a claim proving that the disgraced former mayor of Tower Hamlets was the true beneficial owner of a freehold property; a trust deed purporting to show a constructive trust in favour of the wife was a sham.

Alexander-Theodotou v. Michael Kyprianou & Co LLC [2016]

EWHC 1493 (Ch); [2016] BPIR 1114

Represented the successful applicant in setting aside a statutory demand where the debt arose from the alleged liability of a solicitor to pay the fees of foreign counsel. Led by Andrew Henshaw QC

Re Lemma Europe Insurance Co Ltd (in liquidation)

Represented an alleged de facto or shadow director in claims for misfeasance and breach of duty.

Re An Insolvent Gibraltar Company

Advised the PI insurers of an LLP on the proposed settlement of a multi-million pound claim issued by the liquidators of a Gibraltar company.

Argos Ltd and Homebase Ltd -v- Interserve (Facilities Management) Ltd

Represented the claimants in a dispute arising from alleged overcharging under two service agreements. Led by Zia Bhaloo KC.

Ryan v. Tiuta International Limited (in CVA) [2015]

BPIR 123

Represented the successful applicant in setting aside a multi-million pound statutory demand issued against him on the grounds that the waiver of cross-claims in a deed of surrender was void for economic duress. The consequential claim settled shortly before trial.

Smith Medical International Ltd & Anor v. Hansraj Nayyar Medical India [2014]

EWHC (Comm)

Represented the applicant in a jurisdiction dispute concerning the scope of jurisdiction agreements in a chain of commercial agreements. Leggatt J described Simon's submissions as "presented with great skill".

Elek v Bar-Tur [2013]

EWHC 207 (Ch); [2013] 2 EGLR 159; [2013] 8 EG 107; and in the Court of Appeal [2013] EWCA Civ 1774:

Represented the successful defendants who defeated a claim for restitutionary compensation arising from the termination of a joint venture agreement. Ryder LJ described Simon's submissions as "objectively incontrovertible".

In re Skycat Group Limited [2007]

EWHC 3116 (Ch)

Represented the successful applicant in a contested application for an administration order in the context of a deadlocked company.

In re Metronet BCV Ltd (PPP Administration) [2007]

EWHC 2697 (Ch); [2008] Bus LR 823; [2008] 2 All ER 75

Rights of veto over a transfer scheme in a special administration. Led by Antony Zacaroli QC.

In re Rajapakse [2007]

BPIR 99; [2008] BPIR 283

Represented the successful applicant in the first London High Court application under the Cross-Border Insolvency Regulations.

Burdale Financial Limited v. Agilo Masterfund Limited [2008]

EWHC 1103 (Ch)

Defeated a vulture fund's attempt to accelerate the repayment of mezzanine loans. Led by Antony Zacaroli QC.

British Gas Trading Limited v. Perenco UK Ltd and Hess Limited [2006]

EWHC 233 (Comm) and in the Court of Appeal [2006] EWCA Civ 900, [2006] 2 CLC 57

Successfully defended the termination of long-term gas supply contracts. Led by Laurence Rabinowitz QC.

In re T&N [2005]

EWHC 2990 (Ch); [2006] 1 WLR 1792

The governing law of US mass tort claims in one of the most complex insolvencies of the last 25 years. Led by Richard Snowden QC and Peter Arden QC. Junior counsel to the administrators and draftsman of constitutional

documents for the T&N UK Asbestos Trust for the compensation of persons afflicted by asbestos-related disease.

The Solitaire Arbitration

The longest running arbitration in English legal history: Represented the owners in their defence of the builder's counterclaims for delay and variations valued at (Sing) \$230 million. Led by Nick Dennys QC and Andrew Goddard QC.

In re Piacentini [2003]

EWHC 113 (Admin); [2003] QB 1497; [2003] 3 WLR 354

Represented the receiver in a successful application concerning the incidence of liability for income tax in a receivership under the Criminal Justice Act 1988.

CAREER AND ASSOCIATIONS

2021 Appointed a Deputy District Judge

2002 to 2008: Barrister and Senior Associate in the Advocacy Group of leading international law firm, Dentons.

1994 to 1997: BA (Hons) in Modern History, University of Oxford, First Class.

1995 to 1997: Elected as a Scholar of University College, Oxford.

1997: Prize for best First Class degree in Modern History from candidates at University College.

1998 to 2000: Queen Mother's Major Scholarship and Hardwicke Entrance Exhibition, Middle Temple.

Diploma in Law (City University – Commendation); BVC (Inns of Court School of Law – Very Competent).

Member of the Chancery Bar Association

Member of the Insolvency Lawyers Association

Member of the Commerical Bar Association

Simon is fluent in Spanish and literate in French.

Simon provided free legal advice for several years through the Citizens' Advice Bureau at the Royal Courts of Justice and the LawWorks Legal Advice Centre in Poplar. He is a volunteer with the CLIPS scheme operated by the Chancery Bar Association.

Simon has served as the governor of a primary school and a volunteer and fundraiser for a soup run for the homeless in central London. For 5 years he organized a week-long programme of voluntary work in southern France for approximately 30 university students and others. Simon has participated in this programme in

most years since 1997.

PUBLICATIONS

Contributor to 'Gore-Browne on Companies: chapter 46, mergers, restructuring and amalgamation.'

Contributor to 'Gore-Brown Special Release: published annually; a series of articles on piercing the corporate veil.'

Contributor to 'Practical Law: company law and insolvency topics.'

Contributor to 'The Journal of International Finance & Banking: the reform of insolvency law in Saudi Arabia.'

Simon regularly presents seminars and talks on matters of relevance to his practice. Details are available on request.



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

