

Stephen Fletcher

Barrister

Overview

Called 1987 – Middle Temple

Stephen is a highly regarded chancery, commercial and property law barrister who has practiced exclusively in civil law since he was called to the Bar.

In addition to the width and depth of his experience, Stephen attaches particular importance to achieving outcomes which provide real benefit to the client. Taking into account the commercial realities involved in litigation his advice is always practical. In all cases he is committed to developing effective working relationships with both solicitors and lay clients and his regular clients note him for being always approachable and accommodating.

Regarded by the Judiciary, his peers and instructing solicitors as an extremely effective advocate with a formidable attention to detail, Stephen is regularly instructed in very high value and complex matters in the Chancery Division and the specialist courts of the Queen's Bench Division (Commercial, Mercantile, Technology & Construction) listed in both the regional High Court District Registries and in London. Stephen also appears for clients in the Court of Appeal.

Chancery/Commercial

Shareholder's disputes; director's duties; appointment and removal of directors; unfair prejudice petitions and derivative actions; valuation disputes; shareholders' agreements; limited liability partnerships.

- Corporate and personal insolvency.
- Property including trusts.
- Wills, probate and Inheritance Act claims
- Landlord and tenant
- Contract disputes including building and construction.



Year Of Call:

1987

Practice Areas

[ADR](#)

[Civil](#)

[Company and
Commercial](#)

[Employment](#)

[Expert](#)

[Determination](#)

[Property](#)

[Trusts and Probate](#)

Continued. . .

Employment

Stephen focuses on County Court/High Court actions relating to:-

- Directors' and senior managers' duties (fiduciary and otherwise)
- Restrictive covenants
- Team moves
- Setting up in competition
- Springboard and other injunctions
- Termination of directors and director-shareholders employment

Notable Cases

In the last 12 months or so, Stephen has the following snapshot of cases of interest.

Commercial

M v H:

Successful recovery of damages and costs following 5-day trial in action by client against three of its sales' consultants who set up in competition directly canvassing work from the client's own customers.

B v B:

Obtained injunctions including freezing order against director who had unlawfully taken control of a company amidst sales of its £1.5m assets. Action is ongoing

M v F:

Shareholder dispute. Derivative claim brought by one director against two fellow directors alleging misfeasance. The claimant director himself recipient of funds which were the product of any so-called misfeasance.

Re: S:

£1.2m plus claims by liquidators against director under Insolvency Act and transferee company relating to transactions at an undervalue/wrongful trading/ breach of directors' duties following transfers of liquidated company's hard assets to the transferee company prior to insolvency.

B v O:

Acting for claimant in actions arising out of complex purchase of global satellite mobile communications business. Claims include breaches of warranties and shareholder purchase agreements. Value of claim £5m plus.

Continued...

P v H:

Obtained injunctions against franchisees following wrongful termination and continuation of the franchise business in their own right.

W v B:

Suing for payments due under franchise agreement-misrepresentation and deceit in respect of investments.

C v S:

Joint venture dispute-mortgaged joint venture properties-appointment of receiver-bad faith- valuation issues.

C v:

Unlawful competition by ex-employees and co-director- setting up in competition – unfair prejudice-derivative claim

H v H:

Injunctions post-judgment-freezing order- unlawful competition/setting up business by former director

N v S:

Successfully, defended claim by Council for severance and pension payments based on pay rise awarded to senior council officers prior to their redundancies.

R v I:

Insolvency-sale of business

M v SE:

Manufacturing and supply agreements- electric vehicles-summary judgment/ strike out-leave to defend-conditions. Value about £0.5m

U v N:

Utilities-Public works contract- electricity sub-contractors-public procurement

C v N:

Utilities-Electricity commercial supply contracts- injunctions

B v A:

Utilities-Electricity supply charges- metering issues- usage dispute

Continued. . .

Chancery

Real Estate/Property

A v S:

Contested business lease renewal at 4-day trial.

B v D:

Positive covenants- transmission- enforceability.

Section 62-easements

W v R:

Acting for managers of a large prestigious estate in connection with recovery of estate charges due under a rent charge.

C v S:

Lands Tribunal Upper Chamber - Successful Appeal in respect of service charge determinations- construction of charging provisions

SO:

Rent review-construction of hypothetical lease- hotel/restaurant/inn development

P Ltd:

Restrictive covenants-merger-enforceability by leasehold parcels of retained land- advice on securing release from covenant affect large area of land wanted for development in south west London

F v P:

Landlord's repair obligations- jurisdictional issues as to service-damages claim- leasehold enfranchisement-appointment of manager/receiver

K v G:

Successful at trial of disputed commercial lease renewal.

K v N:

Derogation from grant-commercial property let by council on long building lease- council then sell and permit housing estate next door- nuisance claims inevitable.

S v B:

Exercise of break clause by major bank tenant-dilapidations- rent due in event lease not terminated- successfully recovered at mediation

Continued...

M v LS:

Service charges-Industrial & Provident Society/Co-op- breach of fiduciary duties

C v B:

Sale of land at auction-misrepresentation

T v B:

Highways-privately owned road-adoption-liability of "frontagers" for costs

KS v S:

Mortgagees in possession-sale-beneficial interests-joint venture

A v G:

Commercial property subject to Rent Act tenancy of part-possession

M v H:

Complex order for sale after property subjected to multiple charging orders-priorities.

K v F:

Land registration-restrictive covenants-enforceability

Tolata 96

P v A:

Successfully defending claim by sole legal owner for declaration of 100% ownership-declaration 60/40-occupation rent-costs

R v R:

Multiple properties variously in sole names of ex H & W.

S v B:

Co-habs-joint venture-development project-financing

Probate

H v G Court of Appeal -

Removal of executors- section 115 SCA

L v B:

Devolution of company shares-company accounts-intestacy-executors duties in running the company/business.

Continued...

L v F:

Executors in deadlock-legal representation of estate-costs claimed from estate-progressing administration of estate.

Reported Cases

- Hutchinson v Grant 27/1/16 CA Westlaw
- Re Ross [2014] WLTR 321
- Designated Officer for Sunderland Mags v Krager [2012] 1 WLR 1291
- McQuillan v McCormack [2010] EWHC 1112, [2011] EEC 18
- Woodrup v LB Southwark [2003] IRLR 111
- Afolabi v LB Southwark [2003] IRLR 220, CA
- Attwell v LB Wandsworth (1995) 22 HLR 536, CA