

## Stephen Fletcher

Barrister

### Overview

**“A great intellect with an even greater knowledge of the court process and also one of the best cross-examiners I have come across.” “A formidable opponent and very experienced.” Chambers and Partners UK Bar 2020**

**“An excellent advocate who engages well with clients.” - The Legal 500 2020**

**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

### **Directory Recommendations**

#### **Chambers and Partners UK Bar 2020**

“A great intellect with an even greater knowledge of the court process and also one of the best cross-examiners I have come across.” “A formidable opponent and very experienced.”

#### **- The Legal 500 2020**

“An excellent advocate who engages well with clients.”

#### **Chambers and Partners UK Bar 2019**

“Clients really like him and you can always bank on him to give you a practical and commercial view.”

#### **The Legal 500 2019**

“He communicates extremely well with clients.”

#### **Chambers & Partners UK Bar 2018**

“You can always bank on him giving a practical and commercial view on something. Clients really like him. He is very down-to-earth.” “Very technically able.”

#### **Legal 500 2017**

“He has expertise in commercial and Chancery disputes, including directors’ duties and partnership cases.”

Continued. . .

**The Legal 500 2016**

“He is knowledgeable, approachable and applies a commercial approach to cases.”

**Chambers and Partners UK Bar 2016**

notes he “has a straightforward approach to complex matters and understands the technical issues - very approachable and a good fighter in court”

**The Legal 500 2015**

“his advice is concise and he takes the time to explain matters to clients in plain terms”.

**Chambers and Partners UK Bar 2015**

notes Stephen as being “well known on the circuit for his excellent property litigation practice, which includes rights of way disputes and adverse possession claims. He acts for a broad range of lay clients including private individuals.” Noting that commentators note he “has a straightforward approach to complex matters and understands the technical issues.” He is also described as ““very approachable and a good fighter in court””.