

## Reuben Comiskey

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Reuben's practice is a mixture of commercial litigation, and corporate and personal insolvency work. His commercial practice involves a wide range of areas and extends to both fraud and company disputes. His insolvency work involves acting for both office holders and private individuals. He is known for his thorough approach to complex matters both legal and factual. Reuben balances tenacious and robust advocacy of his client's case with dispassionate analysis of its strengths and weaknesses. He works effectively both individually and as part of a larger team. Reuben debuts in this years Legal 500 (2008) insolvency rankings, where he is recommended as a leading insolvency junior.

## Company and Commercial

Reuben has acted in commercial disputes of all types and sizes. He appears regularly in both the High Court, including the Commercial Court and TCC, and the County Courts. In addition to general commercial disputes, he deals with company and partnership disputes, including section 459/994 petitions, as well as advising on and drafting shareholders' agreements. His experience extends to fraud, finance and guarantees and includes acting as junior counsel in a substantial multi-national fraud claim, in the course of which he was instructed on a 5-day summary judgment hearing.

## Insolvency

Reuben's practice covers all aspects of both corporate and personal insolvency, and both advisory work and advocacy. He has acted and advised in cases involving both complex factual disputes as well as highly technical matters and statutory construction. Reuben also undertakes defence work in cases brought under the Directors' Disqualification Act.

## Cases for Reuben include:

**Bassford v Patel [2007] All ER (D) 256 (Feb)**

### **Bankruptcy - Beneficial Interests**

Reuben acted for a Trustee in Bankruptcy in an application for possession and sale of a matrimonial home. The dispute concerned the extent of the Trustee's beneficial interest in the Property, and whether an equitable account should be taken.

**Johnson v Tandridge District Council [2007] All ER (D) 350 (Oct)**

### **Bankruptcy**

Represented a petitioning creditor on the debtor's appeal of a bankruptcy order. The debtor contended that the order ought not to have been made on the ground that he had not been properly served either with the statutory demand or with the bankruptcy petition. The Appeal was dismissed on the ground that the statutory demand had been properly served, and the debtor's arguments in relation to service of the petition could not be raised on appeal but only on an annulment application as they required the hearing of oral evidence.

## Confidential

### Individual Voluntary Arrangements

Reuben advised a creditor in relation to an IVA. The creditor had not been notified of the IVA at the time of the original proposal but had learned of it at a later stage. The Supervisors had sent a notice requiring the creditor to submit a claim, but it had failed to do so within the time specified. When it did submit its claim, the creditor was informed that a distribution had already been made and that the Supervisors retained no funds from which it might receive a dividend. The advice dealt with the question of whether the Supervisors were entitled to reject the creditor's claim, and what remedy the creditor might have against the Supervisors and the other creditors who had already received dividends.

### In the Matter of Ashley Stocks Furniture Limited

#### Liquidation

Representing the liquidator in a claim against a director and his wife for wrongful trading and return of monies paid out as an unlawful preference. The main issues are accounting issues relating to the state of the Company's finances during the relevant period, and the accuracy of its accounting records. The claim also involves consideration of the accounting records to determine what payments have been made by the director to the company, and vice versa.

### In the Matter of UK Table Tennis Limited

#### Administration

Representing the Administrators and shareholders of a company on an application to discharge the administration. The application to discharge is advanced on two grounds. First, that the shareholders were not registered as such at the time when they purported to appoint the Administrators; and second, that the company was not insolvent. In relation to the first ground, there is a cross claim for retrospective rectification of the register, which involves issues of estoppel. In relation to the second ground, this involves the as yet undecided question of what constitutes reasonable grounds for belief by a shareholder in company's insolvency before an administration appointment can be made.