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Specialises in company and insolvency law including administrations, corporate and individual voluntary arrangements and liquidations. Birgitta's practice involves shareholder disputes as well as commercial and fraud related litigation concerning business acquisitions. She is recommended in the Legal 500 as a leader in the field of insolvency and was noted in Chambers & Partners as a barrister who "always goes the extra mile for her client".

Personal Insolvency

Markham v Karsten [2007] EWHC 1509 (Ch) [2007] All ER (D) 377 (Jun)

This is an on-going dispute. The reported case concerned the successful appeal against a bankruptcy order made pursuant to the petition of the client's former cohabitee who had also acted as his solicitor and who relied upon the client's signature to a document which was arguably tainted by undue influence.

Re C

This case concerned the construction of the terms of an IVA. The IVA was about to expire with, the Supervisor threatening to issue a certificate of non-compliance and present a bankruptcy petition and the client seeking the Court's direction to the Supervisor to issue a certificate of due compliance if certain payments were made into the IVA. After a last-minute application to the Court the matter was successfully concluded.

Re B

This case concerned a bankruptcy and its overlap with matrimonial proceedings between the bankrupt and his former wife. The interesting point was the extent to which the Court could compel a bankrupt to provide his trustee with assistance regarding an asset outside the jurisdiction that did not belong to him. An Order for discharge was successfully obtained.

Re C

This is an ongoing case in which the central issue is the extent to which the Court will interfere with an Order made by consent in ancillary relief proceedings on the grounds that it is a transaction at an undervalue and/or preference contrary to the Insolvency Act 1986. This issue has recently been considered by the Court of Appeal in *Hill v Haines*.

Corporate Insolvency

Re: S Ltd

In this case, the Liquidator of the Company brought a very late claim, on a CFA basis, against the former director of an insurance company pursuant to s.213 Insolvency Act 1986 alleging fraudulent trading and in the alternative pursuant to s.212 IA 1986 alleging breach of duty. Lindsay J heard the contested application to continue the freezing injunction granted by Hart J without notice and which injunction continued until a successful settlement was achieved shortly before the hearing of summary judgment application.

Re N Ltd

This is an ongoing case, again brought very late in the day on a CFA basis, in which the liquidator of the Company is suing the former director of a company selling vehicles with the benefit of trade finance pursuant to sections 212, 214, 238 and/or 239 IA 1986 for breach of fiduciary duty and/or wrongful trading and/or to set aside transactions at undervalue and/or preferences.

Company

Re T Ltd

This was a case concerning a group of restaurants with differing share structures and agreements between differing shareholders who broadly fell into 2 camps and who had fallen out with the usual attempts by both sides to wrest control from the other arguably in breach of the Company's constitution. Petitions pursuant to s.459 Companies Act 1985 including derivative relief sought for breach of fiduciary duty were drafted and proceeded with the consideration of various interim relief along the way. After considerable tactical manoeuvres and negotiations a very good settlement of the entire dispute was achieved which resulted in the receipt of £4m by the clients.

Re F Gmbh

This case concerned an English subsidiary who was supplied by its German parent company and whose director/shareholders had fallen out. Proceedings pursuant to s.459 Companies Act 1985 involving derivative relief were threatened along with a petition for winding up on the just and equitable basis, depending upon whether or not the English company was solvent or not, which in turn depended upon a number of variables. Tactically a decision was taken to issue a Claim Form in respect of sums due to the parent company by one of the directors pursuant to a guarantee. The situation was complicated by the need to separately consider the position of the German parent company, the English associated company and the personal position of the German lay client who was a director of both. A very successful mediation led to the beneficial settlement of the entire dispute before further proceedings needed to be issued with their attendant costs.

Re E Ltd

This was a case concerning the proper construction/interpretation to be put upon a clause concerning the delegation of duties/authority of directors as set out in the articles of association of a limited company supplying AGA ovens in which the shareholders/directors had fallen out against the background of a larger dispute concerning their inheritance from their parents/parents-in-law. There was a successful settlement after an interim hearing skirmish and the service of pleadings.

H Ltd

The Company was the investment arm of a University that had decided to become an LLP. Its capital needed to be reduced and advice was sought as to how to achieve this and for the production of all necessary documentation for submission to court which involved attention to considerable detail on many differing sets out accounting figures as the position changed over time.