

## Alexia Knight

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Year Of Call: **2007**



Alexia is an experienced specialist commercial senior junior, with substantial experience in the fields of banking and financial services, civil fraud, general contractual disputes, and professional negligence. She is regularly instructed to advise and act for clients seeking, or facing, injunctive action and NPOs.

Alexia is ranked as a Leading Junior in Banking & Finance in The Legal 500 UK Bar 2022:

*"Very approachable and friendly. Gets to know you as a person as well as an instructing solicitor. Extremely knowledgeable and all over the detail."*

She is also ranked as a Leading Junior in Commercial Dispute Resolution in the Chambers & Partners UK Bar guides for 2021 & 2022:

*"Alexia is excellent at picking out the key issues in complex matters and is very tenacious. She is an excellent all-rounder."*

*"Very good at both advocacy and written work."*

*"A cool, calm and collected advocate."*

*"She is very clever and grasps everything very quickly."*

Alexia is a strong advocate, having independently successfully handled over 20 trials, as well as numerous heavy applications and urgent injunctions. Consequently, Alexia skilled in making difficult tactical calls under pressure.

Alexia's experience as a sole advocate includes retail banking and general commercial trials and appeals. Recent victories include a successful trial for a leading bank in a seven day trial (concerning a hedged loan, alongside allegations of duress and undue influence and limitation defences); a successful settlement mid-way through a three day trial of a possession claim (raising issues including assignment, undue influence, statutory unfairness, estoppel and late amendments); and a successful 3 day summary judgment application against a silk in a multi-party action. Alexia also has a substantial background of litigating disputed guarantee claims, Limitation Act 1980 battles, and acting in both legal and equitable possession proceedings. She is the writer of Chapter 13 (Security) and Chapter 17 (Mortgages of Land) of the new edition of *Paget's Law of Banking* (December 2018) and of the chapters on Rescission and Rectification in Bullen, Leake & Jacob's

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### *Precedents of Pleadings.*

Alexia prides herself on working as a team with her instructing solicitors to achieve the best result, whether in an urgent interim application or in a longer trial, and whether as a sole advocate or as part of a larger counsel team. Alexia acted for David Rowland in *Wright v Rowland* (led by Ali Malek QC, and including a dispute as to the role of costs budgets [2016] EWHC 2206 (Comm) in a multi-million pound commercial court claim; and being led by Gregory Mitchell QC in *Albesh v Ryan* [2016] EWHC 541 (Comm), a claim against Credit Suisse (and others), alleging fraudulent misrepresentation, dishonest assistance in breach of trust, and a breach of a bank guarantee. She has been led by a number of silks in Chambers, including Andrew Onslow QC, David Quest QC, Jonathan Davies-Jones QC, Andrew Fletcher QC, John Jarvis QC and Andrew Sutcliffe QC.

Alexia's own current and recent work includes:

- *Philipp v Barclays Bank UK Ltd* [2021] EWHC 10 (Comm) Alexia successfully obtained summary judgment and struck out a claim against Barclays Bank. The claim was bought by a customer (represented by a silk) who had suffered substantial losses as a result of an APP fraud. The Court held there was no Quincecare duty, nor was there a role for undue influence. Permission to appeal is being sought.
- Alexia is instructed as sole counsel for a defendant in a multi-party, multi-million pound claim for damages in respect of defective machinery. Issues arising include limitation, misrepresentation, the incorporation of terms, breach of contract, negligence and vicarious liability, with the Claimant represented by a QC and junior team.
- Alexia acts for a claimant purchaser in a claim for misrepresentation and breach of contract in respect of defective generators.
- Alexia effectively opposed an injunction brought against her client by a company (represented by a silk) to restrain a share transfer said to have been triggered by a floating charge.
- Alexia successfully acted for a consulting, analytics and systems integration supplier, in a multi-million pound claim in debt, damages and for quantum meruit, following a breach of contract by its customer, who counterclaimed for contractual breaches & defective software.
- Following the close of pleadings in a claim where, as sole counsel, Alexia obtained without notice injunctive relief in the Chancery Division against the Defendants, and advised on and obtained out of hours relief, Alexia successfully achieved settlement for her client. The claim sought (amongst other relief), negotiating damages, and damages for conspiracy, breach of confidence, and breach of restrictive covenants.
- Alexia represented a bridging lender in a claim against the intermediary that contracted with the commercial borrowers, in respect of lending secured against the intermediary by a debenture and floating charge.
- Alexia acted for a business in a claim against its insurer under the loss of earnings provision, concerning a dispute over construction of the indemnity period and the interruption to business provision.
- Alexia has acted for a manufacturer against Carillion in a claim for breach of an NDA, and its equitable duty of confidence, seeking damages, negotiating damages and delivery up.
- Alexia has also successfully resisted an application for a freezing injunction against an individual, sought by his former employer, and advised on numerous potential freezing injunction and other interim injunctive relief for clients.
- Alexia challenged a claim on grounds of limitation and abuse of process, resulting in strike out:

Lilley v CIPS [2017] EWHC 1916.

- Alexia has repeatedly acted for banks and other entities in the context of Norwich Pharmacal relief, including more historically in the context of mistaken payments, following on from [2014] EWHC 2626 (Ch).

## Directory Quotes

“A cool, calm and collected advocate.”

Chambers & Partners UK Bar 2021

“Very good at both advocacy and written work.”

Chambers & Partners UK Bar 2022

## Expertise

### Banking & Finance

Alexia is ranked by Legal 500 UK Bar 2022 as a Leading Junior (Tier 4) for banking and finance.

*“Very approachable and friendly. Gets to know you as a person as well as an instructing solicitor. Extremely knowledgeable and all over the detail.”*

Alexia is an experienced sole advocate, who is regularly instructed by banks and other financial institutions and lenders. She has long-standing experience of fraud claims, from “old school” cheque fraud, through to both push payment fraud and APP fraud. She is skilled in disputes arising out of finance documents, including securities such as mortgages and guarantees, undue influence, negligent advice, as well as equitable and restitutionary claims.

As sole counsel, Alexia has substantial experience of retail banking trials and appeals, including advising and acting in relation to allegations of mis-selling of interest rate and currency products, together with issues arising from s.14A / s. 32 of the Limitation Act 1980, basis clauses and “no oral variation” clauses, and LIBOR allegations. She has significant experience of disputed guarantee claims, of possession proceedings (including equitable claims), orders for sale, and of claims arising from receiverships and allegations of sales at an undervalue. She has notable experience in obtaining Norwich Pharmacal Orders. Throughout her case-load, her skills as an advocate enable her to take a robust and forceful stance in an approachable and judiciary-friendly manner. She has recently completed a two day summary judgment application on an APP fraud claim against a silk (judgment reserved) and successfully concluded a seven day trial concerning a hedged loan, alongside allegations of duress and undue influence and limitation defences.

In addition to acting in trials and interim applications on her own, Alexia has also acted as junior counsel in more substantial banking and finance claims. As a junior, she has been led by Gregory

Mitchell QC in a multimillion pound claim against Credit Suisse, alleging fraud, dishonest assistance in breach of trust, (and claiming under a bank guarantee); has acted for the provider of bridging finance in a claim in which Andreas Gledhill QC also acts for the lender; and has also been led by other members of chambers including Ali Malek QC, Andrew Onslow QC, David Quest QC, Jonathan Davies-Jones QC, Andrew Fletcher QC, John Jarvis QC and Andrew Sutcliffe QC.

Alexia is also a regular provider of talks and legal updates, particularly in the field of finance litigation.

She is the writer of Chapter 13 (Security) and Chapter 17 (Mortgages of Land) of the new edition of Paget's Law of Banking (December 2018) and of the chapters on Rescission and on Rectification in Bullen, Leake & Jacob's *Precedents of Pleadings*.

**Examples of Alexia's recent cases include:**

*Philipp v Barclays Bank UK Ltd* [2021] EWHC 10 (Comm) Alexia successfully obtained summary judgment and struck out a claim against Barclays Bank. The claim was bought by a customer (represented by a silk) who had suffered substantial losses as a result of an APP fraud. The Court held there was no Quincecare duty, nor was there a role for undue influence. Permission to appeal is being sought.

*Naylor v Clydesdale Bank Plc*: Alexia acted as sole advocate for Clydesdale in 7 day B&PC trial, concerning allegations including misrepresentation, duress, and breach of lending agreements. Clydesdale succeeded in full.

*KSB v CF1*: Alexia acted alongside Andreas Gledhill QC in a claim by a bridging lender against an intermediary pursuant to lending terms secured by a debenture/floating charge.

*Promontoria v Sadiku*: Alexia obtained a successful mid-trial settlement for the borrower in a claim against her for possession and money judgment, in which defences of undue influence, and issues of assignment, unfair terms, MCOB and limitation arose.

*MSS Group v HSBC*: Alexia acted against claimants in a B&PC claim seeking damages for misrepresentation in respect of commercial invoice protection dating back to 2006.

*Falcon Asset Finance (Cayman) Limited v Continental Administration Services Limited*: Alexia was led by David Quest QC in a claim under a guarantee given by a trustee over trust assets.

*Albeshar v Ryan* [2016] EWHC 541 (Comm): Led by Gregory Mitchell QC in a Commercial Court claim against Credit Suisse and others for fraudulent misrepresentations, dishonest assistance in breach of trust, and under a bank guarantee, valued at £24.5m.

*RBS v Bresnahan*: Alexia acted as sole advocate in the Mercantile Court in a claim by RBS under an assigned guarantee.

*Lombard v Sadiku*: Alexia acted in a three day trial of a possession claim. Issues arising included the applicability of the *Etridge* criteria, together with compliance by the lender and the solicitor in the circumstances of an all monies charge.

*Royal Bank of Scotland v Devshi*: Alexia successfully obtained possession of a property after a three day trial, defeating defences of actual occupation, (alleged to arise from various trust deeds, alternatively constructive and resulting trusts). Alexia's cross examination was so successful that one defendant was found to be dishonest. The case also concerned issues of subrogation and sub-subrogation, as well as the regulation of loans by individuals under FSMA 2000 and the CCA 1974.

*Lyonsden Ltd v HSBC Bank Plc; Pang & Pang v HSBC Bank Plc; Sir Thomas Ingilby v HSBC Bank plc*; and others: Acted as sole counsel for HSBC in respect of interest rate product mis-selling claims, variously alleging negligence, misrepresentation, breach of contract, and breach of COB and/or COBS.

*Mackinlay v Royal Bank of Scotland Plc*: Alexia has acted as sole counsel for different banks in a range of investment and insurance mis-selling claims, including seeking summary judgment and early dismissal of claims on limitation grounds. The conditional payment ordered to be paid by the Claimants in Mackinlay was the subject of an appeal that was successfully opposed by Alexia.

*Santander UK Plc v Various Banks* [2014] EWHC 2626 (Ch): Instructed by Santander in its test case before Birss J in the Chancery Division, successfully representing the bank on its applications for Norwich Pharmacal Orders to obtain disclosure relating to mistaken payments, and assisting the Court establish a practice for future applications.

*The Slice Limited v Wentworth Direct Finance*: Led by Jonathan Mark Phillips in obtaining a without notice injunction in a claim under the Direct Debit Guarantee Scheme.

*Steven Clarke -v- Barclays Bank plc and Lamberts Surveyors Limited* [2014] EWHC 505 (Ch) (settled): Acted as sole counsel for the defendant mortgage lender in a claim for negligence/breach of equitable duty in the sale of a secured property by receivers, with a part 20 claim urgently commenced against the valuer with limitation pending. Successfully appealed a decision to permit late expert evidence from the Claimant, a decision on Mitchell and good faith under two weeks before trial.

*Electro Mechanical Installation Limited v National Westminster Bank Plc; Reedec Limited v National Westminster Bank Plc*: Successfully acted for NatWest in claims against it in misrepresentation, negligence and breach of contract, arising from payments made by customers to fraudsters, in purported reliance upon 'cleared' funds. Alexia also acted for the Bank in opposing the Claimant's appeal to the Court of Appeal in the EMI matter (settled shortly before hearing). Alexia has acted in *Checkmate UK Limited & anor v National Westminster Bank Plc*, and other similar claims involving allegations regarding the bank's obligations when crediting cheques to accounts within a corporate group.

## **Commercial Dispute Resolution**

Alexia is ranked by Chambers & Partners: UK Bar 2021 as a Leading Junior in the field of commercial dispute resolution.

"A cool, calm and collected advocate."

"She is very clever and grasps everything very quickly."

Alexia an experienced commercial advocate, and a senior junior who increasingly acts against silks in interim applications and trials. She represents clients both large and small in a wide range of commercial contractual disputes in different fields, and has particular familiarity with contractual issues arising in the fields of IT, employee fraud, sale of goods, and share sales.

Alexia routinely acts in matters of commercial fraud, both independently and as junior counsel. Alexia has recently acted, against a silk, in an injunction application against her client to restrain a share sale said to have been triggered by a floating charge. Alexia also acted, unled, in obtaining an injunction and Anton Piller/search order relief (without notice) in the Chancery Division, and in making an urgent out of hours application, in a case of employee data theft. In her sole capacity she regularly advises clients on both sides of applications for freezing injunctions, search orders, NPOs and injunctions to restrain the presentation of petitions.

**Particular current and recent experience of note is set out below:**

*JFC v Motan & Anor*: Alexia acts for the First Defendant in a B&PC claim for damages for misrepresentation, and defective goods. Issues include limitation, basis clauses, exclusion clauses, oral variations and agency. Alexia acts against Ben Elkington QC and Peter Morcos, and successfully sought, and obtained, a partial strike out and refusal of permission to further amend.

*Tyneside v Morton* (ChD): Alexia acted for the respondent in an injunction application to restrain a transfer of shares, triggered by a floating charge. The applicant was represented by senior counsel, and following settlement mid-hearing, no injunction was granted.

*Trilogy v FCH* (QBD): Alexia is instructed by the Claimant in a claim for breach of contract and misrepresentation in the supply of generators.

*Logicinfo* (TCC): Instructed by a consulting, analytics and systems integration supplier, in a multi-million pound claim in debt, damages and for quantum meruit, following a breach of contract by its customer, who counterclaimed alleging breaches of contract.

*Hochanda Ltd v Crafter's Companion Ltd*: Alexia acted for the Defendant in a now (successfully) settled claim for breach of contract. Issues that arose included contractual construction, express and implied terms, equitable set off and security for costs.

*Utilitywise Plc v Utility Alliance Limited and Others*: Alexia acted as sole counsel for the claimant in a commercial fraud claim against former employees and a competitor company. The claims encompass conspiracy to cause loss by unlawful means, breach of confidence, breach of database rights, breach of contract and inducing breach of contract and a claim for negotiating (formerly Wrotham Park) damages. Alexia successfully obtained a without notice injunction, and a search order, on terms that were urgently varied on an out of hours application to permit service at new addresses, and enforcement over a weekend. The case concluded with a settlement in her client's favour.

*Carbon International Ltd v Carillion*: Alexia acted for a manufacturer in its claim against Carillion for breach of an NDA and its equitable duty of confidence. Relief sought included negotiating damages and delivery up.

*Odonto v Zurich*: Alexia acted for a business in its claim against its insurer for loss of earnings. The parties' dispute centres on the construction of contractual terms including the indemnity period and the interruption to business clause.

*Wright v Rowland & anor (reported in respect of costs budgets [2016] EWHC 2206 (Comm))*: Alexia acted with Ali Malek QC and James Evans for high net worth individuals in a multi-million pound commercial court claim against them, seeking damages for breach of contract, share entitlement, misrepresentation and quantum meruit in connection with Banque Havilland.

*Albeshar v Ryan [2016] EWHC 541 (Comm)*: Led by Gregory Mitchell QC in a Commercial Court claim against Credit Suisse and others for fraudulent misrepresentations, dishonest assistance in breach of trust, and under a bank guarantee, valued at £24.5m.

*Lilley v Chartered Institute of Management and Supply [2017] EWHC 1916 (Ch)*: Challenging a claim on grounds of limitation and abuse of process, resulting in strike out.

*Raja Sherbez Khan v (1) Rdk International Limited and Others*: Acted for the respondents in an application for specific disclosure, under two weeks before trial.

*Metropolitan Housing Trust Ltd v Taylor & others*: Alexia acted as sole counsel for Mr Taylor in opposing a freezing injunction and successfully opposed an injunction order arising out of a claim for commercial fraud.

*Steven Clarke -v- Barclays Bank plc and Lamberts Surveyors Limited [2014] EWHC 505 (Ch)* (settled): Acted as sole counsel for the defendant mortgage lender in a claim for negligence/breach of equitable duty in the sale of a secured property by receivers, with a part 20 claim urgently commenced against the valuer with limitation pending. Successfully appealed a decision to permit late expert evidence from the Claimant, a decision on Mitchell and good faith under two weeks before trial.

*Quintessential Brands UK Limited (G&J Greenall) -v- G4S Solutions (UK)*: As sole advocate, Alexia successfully represented Quintessential in a claim for breach of contract, conversion and negligence arising from the theft of thousands of cases of bonded gin and spirits by an employee of G4S.

*Westminster Group Plc v Adrian Johnson & anor (ChD)*: Acted for Westminster Group Plc in a claim against the defendant for breach of a SPA. Issues of the validity of the expert's appointment, his decision and associated estoppels, waivers and variations arose.

*Electro Mechanical Installation Limited v National Westminster Bank Plc; Reedec Limited v National Westminster Bank Plc*: Successfully acted for NatWest in claims against it in misrepresentation, negligence and breach of contract, arising from payments made by customers to fraudsters, in purported reliance upon 'cleared' funds. Alexia also acted for the Bank in opposing the Claimant's appeal to the Court of Appeal in the EMI matter (settled shortly before hearing).

*Hannafin Contractors Limited v British Telecommunications Plc* (settled): Acted for the Claimant in a six figure claim in the TCC against BT for misrepresentation, breach of contract and negligence.

*Bluecom v British Telecommunications Plc and Intechology Ltd* (settled): Claim for breach of

contract and indemnities arising from the fraudulent use of internet telephone lines.

*The Slice Limited v Wentworth Direct Finance*: Led by Jonathan Mark Phillips in obtaining a without notice injunction in a claim under the Direct Debit Guarantee Scheme.

## **Civil Fraud**

Alexia regularly acts in matters of commercial fraud, usually independently but also as junior counsel. She is experienced in advising both sides of applications for freezing injunctions, search orders and NPOs, as well as general injunctions, for example to restrain share sales or the presentation of petitions.

*Philipp v Barclays Bank UK Ltd* [2021] EWHC 10 (Comm) Alexia successfully obtained summary judgment and struck out a claim against Barclays Bank. The claim was bought by a customer (represented by a silk) who had suffered substantial losses as a result of an APP fraud. The Court held there was no Quincecare duty, nor was there a role for undue influence. Permission to appeal is being sought.

Alexia acted, unled, in *Utilitywise Plc v Utility Alliance Limited and Others*, a case of employee data theft and misuse where she successfully obtained an injunction and Anton Piller/search order relief (without notice) in the Chancery Division. That case also necessitated an urgent out of hours application, as well as further relief to access and examine the data obtained during the search order. The claim included allegations of breach of employee and fiduciary duties, and soliciting customers, and a claim for negotiating damages, and was settled in her client's favour.

*Carbon International Ltd v Carillion*: Alexia acted for a manufacturer in its claim against Carillion for breach of an NDA and its equitable duty of confidence. Relief sought included negotiating damages and delivery up.

*Albeshar v Ryan* [2016] EWHC 541 (Comm): Led by Gregory Mitchell QC in a Commercial Court claim against Credit Suisse and others for fraudulent misrepresentations, dishonest assistance in breach of trust, and under a bank guarantee, valued at £24.5m.

*Biopower (Hartlepool) Limited*: Alexia advised and acted for the company in a claim against directors alleged, inter alia, to have misappropriated corporate funds for personal gain, and conducted a VAT fraud. The claim also included claims for breach of director's and fiduciary duties.

*Metropolitan Housing Trust Ltd v Taylor & others*: Alexia acted as sole counsel for Mr Taylor in opposing a freezing injunction and successfully opposing an injunction order arising out of a claim for commercial fraud.

*Yamoto Scale Dataweigh (UK) Ltd v Mr M Heffernan*: Acting as sole advocate in a six figure claim against the Defendant for alleged fraud by a director.

Alexia has previously acted as junior counsel for the Claimant with Andrew Fletcher QC in a claim for commercial fraud against senior employees, including claims for breach of contract/breach of duties of good faith, fraudulent misrepresentations, procuring breach of contract and causing loss by unlawful means.

Alexia has acted (as sole counsel) for JP Morgan opposing a freezing injunction and the imposition of a mandatory injunction against it (High Court).

*Bluecom v British Telecommunications Plc and Intechology Ltd* (settled): Claim for breach of contract and indemnities arising from the fraudulent use of internet telephone lines.

*The Slice Limited v Wentworth Direct Finance*: Led by Jonathan-Mark Phillips in obtaining a without notice injunction in a claim under the Direct Debit Guarantee Scheme.

## **Insolvency & Restructuring**

Alexia is routinely instructed in general insolvency work, including appearing as an advocate in contested winding up and bankruptcy petitions and applications to set aside statutory demands, and related appeals in the High Court.

Alexia also has regular experience of dealing with injunctions to restrain winding up proceedings.

Alexia's experience includes:

*Kingsway Finance and Leasing Plc v various*: Successfully appeared for the lender in a series of appeals against related bankruptcies arising from asset finance agreements.

Successfully acted for the liquidator of a company petitioning for the bankruptcy of the former members of UB40, including defending applications to set aside the statutory demands.

Acting (as sole counsel) for a company in successfully opposing an injunction preventing it from presenting a winding up petition (High Court)

Acted (as sole counsel) for companies in preventing the presentation of winding up petitions.

Regularly acts in disputed bankruptcy annulment and company restoration applications.

Advised on the fall-out from KSF.

Advised on claims for breach of director's duties and wrongful trading.

Has advised on unfair prejudice claims and associated director issues.

## **Publications**

Author of the chapters on Rescission and on Rectification in Bullen, Leake & Jacob's *Precedents of Pleadings*

Contributor to Paget's Law of Banking. Author of Chapter 13 (Security) and Chapter 17 (Mortgages of Land), (December 2018)

Contributor, "Swaps: signs of a shift?" (Legal Business, 2016)

Contributor, "Key Authorities in Banking Law 2011-12 (London, Sweet & Maxwell, 2013)

LLM Thesis: "Jurisdiction Under the EC Regulation on Insolvency Proceedings - Has the Regulation Missed the Point?"

## **Education and Awards**

LLM (Commercial) (Cantab)

BA(e) (Hons) (Cantab)

Astbury Scholar, Middle Temple, 2006

International Intellectual Property Moot: Highest scoring individual mooter, 2006

Rebecca Flower Squire Scholarship, 2002, 2003, 2004, 2005

ERASMUS Scholarship 2003 and 1 year's study at Universität Regensburg 2003-2004

Ernst & Young Award 2001

## **Professional Memberships**

Middle Temple

Commercial Bar Association (COMBAR)

## **Languages**

German (Working knowledge)