

## KELLY PENNIFER

Year of call: 1994

Clerked by: Gary Young Harry Young

AREAS OF EXPERTISE:

Banking & Finance Civil Fraud Dispute Resolution Professional  
Negligence Technology and Construction



## Dispute Resolution

Kelly specialises in all aspects of commercial dispute resolution. Recent cases include:

- €12million and £6million breach of contract claims following the closure of a pharmaceutical manufacturing plant in year two of five-year minimum term contracts;
- a £2.5 million claim for damages resulting from diversion of work away from a supplier consequent on alleged unsuccessful attempts to solicit bribes;
- defending a claim for permanent injunctive relief and £6 million damages brought by BSKyB consequent on the misappropriation of its customer database.

### Significant Reported Cases

- *Broder v Chess Ltd* [2013] EWHC 1688 (Ch)
- *Kinney v Chesterfield Falcon Ltd & Ors* (Lawtel 19/01/12)
- *British Sky Broadcasting Group Plc & Ors v Digital Satellite Warranty Cover Ltd & Ors* [2012] EWCA Civ 2642 and [2012] EWHC 3679
- *Cream Holdings Ltd v Banerjee* [2004] UKHL 44

### Profile

Kelly is a senior junior who specialises in commercial and construction law disputes with a particular emphasis on contractual, civil fraud and urgent injunctive relief cases (including search orders, freezing injunctions and injunctions to restrain breaches of confidence, fiduciary duty and restrictive covenants). She has been recommended by Chambers & Partners in these fields in the North since 2004 and 2012 respectively. She has appeared at all levels, including the House of Lords (*Cream v Banerjee* [2004] UKHL 44), and has been instructed on many heavyweight, complex and high value cases. She enjoys a successful practice and has an excellent market standing.

In addition, Kelly specialises in business rates disputes with a particular emphasis on high value rates mitigation scheme cases. She has advised and represented many councils in relation to such matters including Trafford, Preston, Lancaster, Bolton, Basildon, Cardiff and Stockton. She is currently representing Trafford Borough Council in proceedings against Principled Offsite Logistics Ltd on 61 consolidated summonses where the sums directly and indirectly at stake are in excess of £1 million. She has also been instructed by numerous councils wishing to resist claims for substantial refunds following retrospective alterations to the VOA lists.

Her areas of practice include:

- agency & commercial agency
- banking & finance
- breach of fiduciary duty/confidence/restrictive covenants & injunctions restraining the same (including springboard/team move injunctions)
- civil fraud and asset preservation/recovery (including freezing injunctions & search orders)
- construction (commercial/higher value domestic, litigation/arbitration/adjudication)
- credit & suretyship (including higher value consumer credit)
- general business contract disputes
- insurance
- non-domestic business rates
- sale/carriage of goods (international & domestic)
- share purchase/business purchase/shareholder agreement disputes
- supply of goods and services
- professional negligence (building professionals/accountants/solicitors)

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## Areas of Expertise

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Banking & Finance

Civil Fraud

Dispute Resolution

Professional Negligence

Technology and Construction

## Memberships

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Northern Circuit Commercial Bar Association (Education Secretary)

British & Irish Commercial Bar Association.

Manchester Technology and Construction Court Users Group

TECBAR

## Qualifications

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LLB

Maitrise-en-Droit

BVC

Qualified mediator

## Recommendations

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### Legal 500, 2020

"A tenacious advocate."

### Chambers UK 2020

"She oozes confidence and is completely unflappable - it doesn't matter what the other side throw at her, she's always totally in control." "She is consistently excellent and provides very strong, robust and tactical advice that clients really appreciate."

"She is brilliant and has a very good reputation for construction work. She is very calm and collected with clients and when she is in court." "She is really proactive, knowledgeable and so easy to deal with, as well as very good on written advice."

### Chambers UK 2019

"She is technically excellent - she is able to digest and cut through complex facts and legal issues to give practical and commercial advice which is tailored to the client's objectives. She is very user-friendly, extremely responsive and has a very good manner with clients." "Her technical knowledge and drafting skills are exceptional, and she is extremely attentive, turning matters around within relatively short time-frames."

"She is very smart, very responsive and easy to communicate with." "She has strong knowledge of the law."

### Legal 500 2019

"A fantastic, persuasive advocate."

### Chambers UK 2018

"Impressive counsel. Quick, succinct and always responsive." "Brilliant legal and practical approach."

"She provides very detailed, robust and tactical advice that is very assuring and greatly appreciated by clients." "She is like a silk for the price of a junior."

### Legal 500 2018

"A specialist in commercial disputes."

### Chambers UK 2017

"She is very tenacious, superb on her feet and intellectually head and shoulders above almost any other counsel I can think of in her field." "She's very strong in court, good with clients and oozes confidence - generally speaking, one of the top barristers in Manchester."

"Rapid and pragmatic with a thorough grasp of the legal issues."

**Legal 500 2017**

"An analytical genius."

**Chambers UK 2016**

"Tenacious in court and very bright." "Terrific. She has a great command of the documents."

"She is both a good academic lawyer and a hard fighter on her feet in court." "Her pleadings are to the point, clear and concise."

