

**HELEN GARDINER | MANCHESTER,
LEEDS & BIRMINGHAM**

Year of call: 2007

Qualifications: Law (Jurisprudence)

Clerked by: Brandon Singh Avais
Saleem

AREAS OF EXPERTISE:
Commercial Litigation Company
Employment Insolvency Real Estate
Litigation



Profile

Helen is regularly instructed in high-value commercial matters, particularly breach of warranty claims and matters of banking and securities. She also regularly acts in equine cases, particularly involving title to horses, purchase and sale disputes (with particular emphasis on the Consumer Rights Act 2015), and veterinary negligence.

Helen's significant experience of employment law means she is well placed to act and advise where there is a crossover between commercial and employment law, such as cases involving company insolvency and the transfer of undertakings. She has particular expertise in restraint of trade and directors' duties. She is also regularly instructed in all areas of employment law, particularly discrimination and whistleblowing.

Helen's commercial outlook ensures she is well able to understand the drivers and concerns for litigants in high value and urgent work. She provides robust, practical and direct advice and representation to clients whilst retaining excellent rapport.

Year of Call: 2007

Areas of Expertise

Commercial Litigation

Helen is regularly instructed in high-value commercial matters, particularly:

- breach of warranty claims;
- guarantees;
- shareholder disputes, including unfair prejudice petitions;
- matters pertaining to employment, such as breach of directors' duties, restraint of trade, breach of restrictive covenants and/or confidentiality and database rights;
- actions concerning banking and securities, including actions on behalf of mortgagees to obtain possession and sale of properties, recovery of assets held pursuant to finance agreements, allegations of fraudulently executed securities, subrogation, and undue influence.

Helen has a particular interest in matters concerning the lease, hire and sale of goods, together with ancillary claims such as conversion.

She regularly acts in equine cases, particularly involving title to horses, and purchase and sale disputes (especially with emphasis on the application of the Consumer Rights Act 2015).

Legal 500 (2021) : *'I am always impressed with the way in which Helen can marshal the relevant facts and communicate her advice in an accessible manner. Helen is brilliant with clients and can instantly build up a rapport which puts the client at ease.'*

Company

Helen is experienced in a host of matters relating to company law, including:

- unfair prejudice petitions;
- springboard injunctions;
- database rights;
- breach of directors' and fiduciary duties;
- matters concerning breach of restrictive covenants and/or confidentiality;
- restructuring, such as TUPE, solvent and insolvent liquidations and administrations.

She is particularly well-equipped to advise employers in cases where business decisions have wider ramifications for employees, such as in relation to the transfer of undertakings, outsourcing, and redundancy situations.

Legal 500 (2021): *'Helen is always prompt in returning instructions and the quality of the written work produced is excellent.'*

Employment

Helen regularly appears in the Employment Tribunal representing both claimants and respondents. She has significant experience in cases involving unfair dismissal, disability, race and sex discrimination, whistleblowing and TUPE and often appears in lengthy tribunal hearings. She also represents clients at judicial mediations.

Helen's employment practice is complemented by her knowledge of commercial law, meaning she is well placed to advise businesses facing restructures or insolvency situations in relation to their obligations and liabilities as employers.

Helen is popular with clients and solicitors, thanks not only to her sound advice and skillful advocacy, but also her ability to put clients at ease very quickly.

Significant Reported Cases

Successfully representing a pharmacist dismissed for gross misconduct following his failure to notify his employer of malicious allegations made against him to his regulatory body.

- Representing a city council against a claim by a former employee for various forms of race and disability discrimination, harassment and victimization. All allegations were dismissed following a 10 day hearing.
- Representing a servicewoman in her claim against the Ministry of Defence for disability and sex discrimination.
- Successfully arguing that a company was responsible for the actions of its shareholder who had made comments which were allegedly discriminatory on grounds of religious belief. The comments were disclosed by an anonymous third party, in circumstances which were alleged by the Respondent to be illegal. Following lengthy submissions, the comments were found to be admissible.
- Advising a golf club on TUPE and redundancy following a change to the management structure of the club.
- Having struck out the claims brought by a carer against an elderly woman for failure to pay minimum wage and holiday pay, disability discrimination and unfair dismissal.

Legal 500 (2021): *'She is a strong advocate, quick thinking and yet incredibly personable, especially with clients.'*

Insolvency

Helen's practice incorporates all aspects of insolvency and restructuring litigation, with particular emphasis on:

- solvent and insolvent liquidations;
- winding up on the just and equitable ground;
- administration orders;
- transactions at an undervalue;
- misfeasance;
- preference;
- orders for sale of property by the liquidator;
- bankruptcy; and
- annulment applications.

Legal 500 (2021): *'Helen is always prompt in returning instructions and the quality of the written work produced is excellent.'*

Real Estate Litigation

Helen has a wealth of experience in dealing with matters concerning the Mobile Homes Act 1983 on behalf of site owners and residents, including:

- termination of Mobile Homes Act agreements;
- possession of pitches;
- recovery of pitch fees;
- site owners' rights and responsibilities under the Torts (Interference with Goods Act) 1977; and
- challenges to utility charges.

Helen is regularly instructed to deal with possession actions and orders for sale, including applications for stays of execution. She is experienced in matters relating to securities, including challenges to the actions of receivers, actions on behalf of mortgagees to obtain possession and sale of properties, recovery of assets held pursuant to finance agreements, allegations of fraudulently executed securities, subrogation, and undue influence.

She also advises and acts in cases involving nuisance, Rylands v Fletcher, trespass to property, and boundary disputes.

Memberships

Employment Lawyers Association

ELBA

Industrial Law Society

Qualifications

Lincoln College, University of Oxford 2003-2006, 2:1 in Jurisprudence

Manchester Metropolitan University, Bar Vocational Course 2006-2007, Very Competent

Bacon Award, Grays Inn

Recent Cases

Led by Ed Peppercall QC, defending a complex \$76 million breach of warranty claim heard over 5 weeks in the TCC.

Obtaining an ex parte worldwide freezing injunction and passport order against an Afghan citizen.

Obtaining an injunction on behalf of a property developer against a bank to restrain appointment of receivers, and acting in the claim for over £1 million against it for alleged misrepresentation and breach of loan facility agreements.

Acting in the Crown Court for a bank and successfully protecting its security over a property which was the subject of a confiscation order pursuant to the Proceeds of Crime Act.

Representing a director of a company accused of breaching his duties, conspiring by unlawful means with his new employer, inducing breaches of customer contracts and breaching confidentiality obligations.

Representing a city council against a claim by a former employee for various forms of race and disability discrimination, harassment and victimization. All allegations were dismissed following a 10 day hearing.

Representing a servicewoman in her claim against the Ministry of Defence for disability and sex discrimination.

Successfully representing a pharmacist dismissed for gross misconduct following his failure to notify his employer of malicious allegations made against him to his regulatory body.

Recommendations.

"She has a talent for providing straightforward, commercially focused advice which is easily communicated to the client." "A genuine pleasure to work with, she quickly got to grips with the key evidence, had outstanding attention to the most intricate detail and was extremely quick on her feet during cross-examination." Chambers UK 2022

"She is bright, articulate, knowledgeable, hard working, tactically astute and fantastic with clients." Legal 500 2022 (Employment)

'*She is a strong advocate, quick thinking and yet incredibly personable, especially with clients.*' Legal 500 2021 (Employment)

'*I am always impressed with the way in which Helen can marshal the relevant facts and communicate her advice in an accessible manner. Helen is brilliant with clients and can instantly build up a rapport which puts the client at ease.*' Legal 500 2021 (Commercial Litigation)

'*Helen is always prompt in returning instructions and the quality of the written work produced is excellent.*' Legal 500 2021 (Company and Insolvency)



