

Natasha Dzameh

Deputy Head of Commercial team



YEAR OF CALL: 2010

INN: MIDDLE TEMPLE

“She is an absolute ball of energy. She is good in court and fights her case. She is very thorough and she thinks outside the box.”

CHAMBERS UK, 2022
CHANCERY

Practice Overview

Natasha is consistently ranked as a leading junior in Chambers UK and Legal 500 and is often instructed as sole counsel in high value, multifaceted litigation. She also has experience of acting as junior to senior counsel on particularly complex matters and being instructed as part of a team of counsel on large scale, high value and document-heavy government disputes. Natasha has been published in the Trusts and Estates Law & Tax Journal several times.

Natasha's expertise extends across the main areas of commercial and chancery law. She is particularly well-placed to assist on matters involving an overlap between her specialisms. Natasha regularly appears in the Business and Property Courts and has also appeared before various tribunals. She is accustomed to representing clients at trials, appeals and urgent applications such as ex parte injunctions, often appearing against significantly more senior opponents. She has undertaken numerous mediations and joint settlement meetings as counsel and is also an accredited mediator.

Natasha won the Bristol Law Society's "Barrister of the Year 2017" Award. The judges were said to be "struck by her apparent maturity with her work". She was described as "an excellent lawyer and pleasant to deal with" and "one to watch". Within her first five months of tenancy she was successful in an application for permission to appeal and an appeal concerning errors of law and fact.

Areas of Expertise

Commercial

A significant amount of Natasha's practice consists of commercial/commercial chancery matters. She has acted in a variety of contractual disputes (carriage, consumer credit, equine, guarantees, hire, IT, NHS etc.) including complex collateral contracts. She is regularly instructed in partnership disputes, subrogated insurance claims involving complex multi-party litigation and insurance matters generally, inclusive of coverage. She has also been involved in frustration and restraint of trade cases. Her client base is broad, ranging from individuals to major financial institutions and international companies inclusive of high street brands.

Her experience includes:

- ▶ An international commercial arbitration dispute worth c. US \$3m seated in London under the ICC Arbitration Rules 2012
- ▶ A c.£1.65m insolvency matter involving allegations of breach of fiduciary duties by LPA receivers
- ▶ A claim concerning failure to pay, novation and agency in respect of construction contracts valued at £1.8 million
- ▶ A claim worth c.£500,000 regarding termination of a fulfilment contract with issues of interpretation, implied terms, force majeure and misrepresentation
- ▶ A breach of contract and breach of confidence dispute concerning an IT contract and improper retention of data
- ▶ A seven figure claim in respect of a 50% profit share in a partnership or alternatively joint venture
- ▶ A claim regarding repayment of a significant sum loaned on the basis of terms recorded in promissory notes
- ▶ A disclosure dispute concerning a liquidated company which had previously managed a fund in excess of £100m
- ▶ Advising on a brokering deal in respect of a classic car (a 1957 Mercedes 300SL Roadster costing over £800k)
- ▶ A dispute over restoration of historic documents
- ▶ An injunction to recover 3D digital models of yachts and superyachts
- ▶ Delivery up proceedings for a gin manufacturer
- ▶ Junioring on a dispute concerning new technology and emerging markets on an international scale expected to be worth many millions
- ▶ Successfully representing a major financial institution at trial in relation to allegations of mis-selling

Natasha also has experience in niche areas such as deceit, defamation, dishonest assistance and malicious falsehood. She was instructed by the GLD's commercial litigation team as part of teams of senior and junior counsel in relation to multimillion pound disputes concerning Francovich claims and unlawful interference claims.

Banking

Natasha is instructed to represent major financial institutions, businesses and consumers. She successfully defended one of the UK's largest financial services organisations at trial against claims of duress and mistake in circumstances where it had admitted the type of product concerned had been mis-sold on a significant scale. Natasha has a sound understanding of financial regulation and consumer protection and produced a dissertation on her LLM entitled "The new enforcement approach to financial regulation in the UK: Fully functioning or defective?"

- ▶ Examples of her experience include:
- ▶ Bankers Trust Orders
- ▶ Braganza duties
- ▶ Consumer credit agreements concerning hire, mortgages, section 75 CCA 1974 indemnity claims involving foreign companies
- ▶ Credit cards
- ▶ Financial mis-selling claims
- ▶ Guarantees including directors guarantees
- ▶ Hire agreements
- ▶ Indemnity claims
- ▶ Mortgage disputes
- ▶ Payment instructions
- ▶ Professional negligence claims – highest value c.£2m
- ▶ Rights of recovery
- ▶ Sales financing agreements
- ▶ Third party debt orders and other enforcement methods
- ▶ Undue influence claims

Natasha often delivers seminars on banking and financial litigation topics.

Insolvency

Natasha has a broad range of experience in corporate and personal insolvency disputes including complicated matters where the issues require knowledge of her other practice areas. She also accepts instructions in relation to international corporate law and insolvency.

Natasha attended the Court of Appeal with her then pupil master in *Davy v Pickering and others* [2017] EWCA Civ 30. This successful matter concerned restoration to the register of a dissolved company.

Her experience includes:

- ▶ A c.£1.65m insolvency matter involving allegations of breach of fiduciary duties by LPA receivers
- ▶ An application for disclosure of documents used in other proceedings in the Chancery Division, Companies Court involving the Company Directors Disqualification Act 1986 and a company in liquidation which managed a fund in excess of £100m
- ▶ An application for deferment of dissolution in which she successfully argued that the dissolution date used by Companies House involved an incorrect interpretation of section 201(2) of the Insolvency Act 1986
- ▶ Bankruptcy matters including: annulment of bankruptcy orders; bankruptcy petitions; charging orders post-bankruptcy; disputes concerning sums owed after discharge; disputes concerning the extent of a bankrupt's assets including beneficial interests in property; suspension of discharge from bankruptcy; transactions at an undervalue; and trustees' applications for formal examination of the bankrupt.
- ▶ Partnership liability following the bankruptcy of a partner
- ▶ Setting aside statutory demands
- ▶ The application of the Administration of Insolvent Estates of Deceased Persons Order 1986
- ▶ Winding up proceedings including injunctions in respect of winding-up petitions

Natasha has produced seven insolvency practice notes concerning general partnerships and limited partnerships for LexisPSL as one of their restructuring & insolvency experts.

Construction & Engineering

Natasha is often instructed on TCC matters regarding residential and commercial construction disputes. Her instructions range from advising pre-action to adjudication, trials and enforcement of adjudicator's decisions. She has appeared as sole counsel against a specialist construction silk and is accustomed to arguments concerning insurance, subrogation, latent defects and design flaws. She is also frequently instructed in professional negligence matters in relation to construction professionals (see Natasha's professional negligence CV)

Recent work includes:

- ▶ An adjudication concerning numerous contractual variations, defective works and delay charges
- ▶ A claim concerning failure to pay, novation and agency in respect of construction contracts valued at £1.8 million
- ▶ A dispute over whether an eco-house project of c.£500,000 was design and build or turnkey along with allegations of misrepresentation, deceit and unjust enrichment
- ▶ A negligence claim involving arguments as to allocation of risk in a JCT contract which required an All Risks Joint Names Policy and liability of sub-contractors
- ▶ A dispute over oral variations to a building contract, scope of the original works and alleged defects.
- ▶ A claim concerning unpaid interim payment certificates pursuant to a JCT Contract where additional payment had been promised upon reaching a target date.

Mediation

Natasha is an accredited mediator who is available for instruction in mediations in any field. She is a specialist commercial and chancery barrister who is accustomed to acting as sole counsel in high value litigation particularly in relation to commercial disputes, insolvency, professional negligence, property damage, real estate, trusts and wills.

Natasha aims to provide the parties with a cost-effective means of resolving their dispute via open communication as an alternative to the expensive, adversarial nature of litigation. She offers an excellent level of client service and is noted for her ability to devise practical and innovative solutions which is a skill she also utilises as a mediator.

Professional Negligence

Natasha has a wealth of experience representing claimants and defendants in this field. Her practice concerns the professional liability of agents, brokers, legal professionals (solicitors and barristers), construction professionals (architects, surveyors etc.), engineers, executors, financial professionals, trust companies, trustees and valuers. She is also instructed on coverage matters.

Natasha is accustomed to dealing with multifaceted claims involving breach of fiduciary duty and breach of trust by executors or trustees in addition to making tactical applications. She undertook a 3-month secondment at RPC LLP in which she advised on, and drafted various documents in respect of, a broad range of solicitors' professional negligence claims.

Her experience includes:

- ▶ A claim worth c.£2m (including a Part 20 claim) in respect of mortgage advances, a failure to advise as to open market value, and a failure to undertake various assessments involving allegations by a large financial institution against a law firm and a firm of surveyors
- ▶ A c.£1.65m insolvency matter involving allegations of breach of fiduciary duties by LPA receivers.
- ▶ Advisory failures by solicitors as well as cyber fraud and mishandling of funds.
- ▶ Design and advisory failures by construction professionals including inaccurate valuations, defective surveys and issues with a development scheme and an eco-project.
- ▶ Defective building works.
- ▶ Estate maladministration.

Real Estate

Natasha specialises in advising and representing clients on proprietary estoppel and trust claims in relation to land, especially TOLATA claims (including those linked with Schedule 1 of the Children Act 1989). She has dealt with numerous cases concerning disputes over beneficial interests in property which involve arguments regarding: constructive trusts, duress, proprietary estoppel, resulting trusts, unconscionability, undue influence and unjust enrichment. She is regularly instructed on mediations and joint settlement meetings in these cases.

Natasha has been instructed on a wide range of agricultural, commercial and residential property matters with her experience including the Residential Property Tribunal and the Leasehold Valuation Tribunal. She also has a particular interest in:

- ▶ Contracts for the sale of land
- ▶ Mortgage actions
- ▶ Professional negligence (see Natasha's professional negligence CV for further details)
- ▶ Property damage (see Natasha's property damage & insurance CV for further details)

Recent work includes:

- ▶ A dispute concerning beneficial interests in several investment properties in multiple jurisdictions
- ▶ A claim to set aside an express declaration of trust on the basis of duress and/or undue influence due to coercive control and physical violence
- ▶ A Pallant v Morgan equity dispute between companies regarding the purchase of a £1.6m plot of land
- ▶ A proprietary estoppel claim based on an express promise by a deceased promisor, and alternatively acquiescence, in relation to land subject to an agricultural tie
- ▶ A claim for specific performance of an agreement for the sale of land pursuant to the expedited summary judgment procedure as between vendors
- ▶ A nuisance and negligence claim resulting from a fire which caused extensive damage to a range of commercial buildings.
- ▶ A claim involving breach of contract, negligence and breach of the Consumer Protection Act 1987 regarding allegedly defective sofas which were said to have resulted in a total loss of a property
- ▶ A forfeiture action concerning arguments over insurance coverage and frustration due to COVID in respect of non-payment of rent
- ▶ A dispute concerning beneficial interests in a property where the legal owner was a Guernsey registered company and the alleged beneficial owners had been subjected to numerous bankruptcies.

Property Damage & Insurance

Natasha has a significant property damage practice in which she is instructed on an array of matters by large insurance companies to represent claimants and defendants. She is frequently involved in multi-party disputes concerning the Defective Premises Act 1972 and the Consumer Protection Act 1987. She also accepts instructions to advise on coverage.

Examples of her experience include:

- ▶ Contribution claims and indemnity claims
- ▶ Defective works including claims concerning CWI and the Warm Front scheme (for more information please see Natasha's professional negligence CV and her construction & engineering CV)
- ▶ Fire damage
- ▶ Flood damage
- ▶ Latent damage
- ▶ Pre-action disclosure applications
- ▶ Product safety
- ▶ Professional negligence claims (for more information please see Natasha's professional negligence CV)
- ▶ Subrogated claims
- ▶ Spooked horses
- ▶ Theft
- ▶ Tree root damage

Wills & Trusts

Natasha has extensive experience of wills, trusts and probate matters. She is regularly instructed as sole counsel on matters of significant value from pre-action through to trial or mediation. She has been published in the Trusts and Estates Law & Tax Journal several times and is currently undertaking the ACTAPS professional development course.

She has considerable experience of inheritance claims by spouses and adult children particularly instances where conduct is a serious factor due to alleged physical and/or sexual abuse.

Natasha was instructed on a complex breach of trust and knowing receipt claim involving 9 parties which was listed for a 10 day trial. She was successful in a dispute concerning removal of personal representatives (*Baston v Osment & Fox & others* [2021]) whereby she secured an order that the executors pay her client's costs, her client

being a beneficiary, and an order that both executors (lay and professional) were denied their indemnity from the estate.

Natasha successfully appeared in 2 joined trials heard in the Chancery Division of the High Court (*Scott v Allen* [2019]; *Smith, Binns & Clarke v Scott* [2020]). She acted for the administrator in a claim concerning the presumption of revocation, propounding for a will and an application for his removal. Natasha also represented him in a claim for an account and a declaration as to ownership of property, the main asset being secured in the interim as a result of her successful application for a freezing injunction in the sum of £625,000.

Natasha acted as junior to Leslie Blohm QC in respect of the administration of the estate of the *late Barry Pring*, a case which received national press coverage. This concerned a millionaire who died intestate in the Ukraine and the issue of forfeiture.

Natasha was sole counsel for the defendants in *Sollis v Leyshon & Leyshon* [2018] EWHC 2853 (Ch). This was a complex 3-day trial concerning breach of trust, duress, proprietary estoppel, resulting trusts, unconscionability, undue influence and unjust enrichment.

Natasha's experience includes:

- ▶ Allegations of duress and undue influence
- ▶ Beddoe applications
- ▶ Breach of trust and devastavit claims
- ▶ Claims against personal representatives and trustees including applications for their removal, conflicts of interest and self-dealing
- ▶ Claims based on constructive trusts, proprietary estoppel or resulting trusts (including ToLATA and those which involve Schedule 1 of the Children Act 1989)
- ▶ Claims involving minors and unborn children
- ▶ Claims under the Inheritance (Provision for Family and Dependants) Act 1975 by adult children, partners and spouses including applications for permission to bring such claims out of time
- ▶ Construction and rectification of trusts and wills including situations where there have been handwritten amendments and use of correction fluids
- ▶ Deeds of compromise and deeds of variation
- ▶ Derivative actions
- ▶ Disclosure requests
- ▶ Estate administration queries and applications for directions
- ▶ Forfeiture
- ▶ Intestacy and partial intestacy inclusive of attempts to determine lineage
- ▶ Insolvent estates
- ▶ Lifetime gifts
- ▶ Mirror wills and mutual wills
- ▶ Probate claims i.e. grant of probate, propounding for a will, revocation of grant and will validity challenges

Recommendations

"Natasha has a great eye for detail and is very determined in her approach. She provides advice in a commercial way."

LEGAL 500, 2022
CHANCERY, PROBATE, AND TAX

"Natasha is a strong advocate, robust and able to think creatively to reach a novel solution to difficult legal issues."

LEGAL 500, 2022
COMMERCIAL LITIGATION

"Natasha always provides clear and detailed opinions. She explores all aspects of the case and has detailed knowledge not only of the law but the procedural rules. She focuses on the core issues, and her legal analysis is firm."

LEGAL 500, 2022
PROPERTY AND CONSTRUCTION

"She has good attention to detail and was quick to think outside the box. She was creative in her drafting."

CHAMBERS UK, 2022
COMMERCIAL LITIGATION

"Natasha gives a very thorough review of issues and detailed written advice, thus clients feel very confident with her approach. She is so enthusiastic and determined to put in the hard yards. Solicitors love her and she fights her corner really hard."

CHAMBERS UK, 2022
REAL ESTATE LITIGATION

"She is an absolute ball of energy. She is good in court and fights her case. She is very thorough and she thinks outside the box."

CHAMBERS UK, 2022
CHANCERY

"Her strong legal analysis and keen eye for detail allow her to offer concise and pragmatic advice."

LEGAL 500, 2021
CHANCERY, PROBATE AND TAX

"Natasha is very responsive, extremely thorough, pragmatic and easy to work with as part of the team. She is an assertive and tenacious advocate."

LEGAL 500, 2021
COMMERCIAL LITIGATION

"An excellent and compelling advocate. Natasha is insightful, personable and very intelligent."

LEGAL 500, 2021
PROPERTY AND CONSTRUCTION

"Natasha will look at the bigger picture to provide the clients with clear but rounded advice." "She does not just consider one aspect of a case but takes all solutions and pathways into consideration." "Always friendly and ready to discuss matters. Very pragmatic and approachable."

CHAMBERS UK, 2021
CHANCERY

"She's very pragmatic, approachable and thorough, sometimes picking up on things you wouldn't necessarily pick up on yourself and taking perspectives you might not have thought of." "Natasha has already forged a clear path to success, looking at the bigger picture to provide clients with clear but rounded advice."

CHAMBERS UK, 2021
REAL ESTATE LITIGATION

"Professional, knowledgeable, and with a good eye for detail."

LEGAL 500, 2020
COMMERCIAL, BANKING, INSOLVENCY AND CHANCERY LAW

"Very sharp and responsive, with great attention to detail and a good way with clients."

LEGAL 500, 2020
PROPERTY

"Natasha is extremely intelligent, with an eye for practical and innovative solutions."

LEGAL 500, 2019
COMMERCIAL, BANKING, INSOLVENCY AND CHANCERY LAW

"A very sharp and user-friendly barrister."

LEGAL 500, 2019
PROPERTY

Cases

- ▶ *Baston v Osment & Fox & others* [2021]
- ▶ *Heathfield International LLC v (1) Axiom Stone (London) Limited (2) Medecall Limited* [2020] EWHC 1075 (Ch)
- ▶ *Scott v Allen* [2019]; *Smith, Binns & Clarke v Scott* [2020]
- ▶ *Sollis v Leyshon & Leyshon* [2018] EWHC 2853 (Ch)
- ▶ *G v A Limited Company*

Articles

- ▶ Claims for reasonable financial provision – A round-up
- ▶ Wills: Sealing royal wills – justifiable secrecy?
- ▶ Brexit and what it means for the conflict of laws
- ▶ Commercial newsletter Summer 2020 edition
- ▶ Coercive Control and the consequences of forfeiture – *Challen v Challen* [2020] EWHC 1330
- ▶ Commercial team newsletter – April 2019
- ▶ Value judgement – *Ilott v Mitson* [2017]
- ▶ When to indemnify
- ▶ Clarification on Beddome orders and protective costs – *Pettigrew and others v Edwards* [2017] EWHC 8 (Ch)
- ▶ When to distribute
- ▶ Contract case law update – Spring 2017
- ▶ Contract case law update – December 2016
- ▶ Wills: At Your Disposal?

Videos

- ▶ Company and insolvency
- ▶ Inheritance Act claims and financial remedies on divorce
- ▶ Company and commercial dispute resolution update
- ▶ Wills & Probate webinars series with Hugh James
- ▶ Wills and Trusts webinar series - 1975 Act Claims with Wolferstans
- ▶ Wills & Trusts Series: webinar 3 of 4 - Contentious Probate with Stephens Scown
- ▶ Resolving property disputes in a cohabitation context – TOLATA and Schedule 1
- ▶ An update on topical issues in company/commercial dispute resolution

Appointments

- ▶ Contributing Author to LexisPSL as a Restructuring and Insolvency Expert (2021)

Professional memberships:

- ▶ COMBAR
- ▶ Chancery Bar Association
- ▶ Professional Negligence Bar Association

Qualifications & awards:

- ▶ LLM International Commercial Law (Distinction), University of Nottingham

- ▶ BVC, BPP
- ▶ LLB Law (Hons), University of Hull
- ▶ Bristol Law Society's "Barrister of the Year 2017"
- ▶ Istituto di Studi Economici e per l'Occupazione Scholarship
- ▶ Ferens Scholarship

Contact Natasha:

Natasha.dzameh@stjohnschambers.co.uk

Contact the clerks:

T: 0117 923 4740

E: chancerycommercialclerks@stjohnschambers.co.uk