

# Marc Brown

Year of Call: 2004

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## Introduction

Marc undertakes work across a broad spectrum of commercial disputes, with a particular focus on insolvency matters.

A confident and user-friendly advocate with an exceptional academic background, he communicates well with both solicitors and clients. He offers advice that is tailored towards the commercial outcomes sought by the client and is conscious of the business needs of clients as well as the pure legal aspects of litigation.

Marc is regularly instructed in relation to high value and complex cases. He has experience of dealing with cases involving lengthy and detailed factual backgrounds and complex issues of law. He is conscious of the time pressures placed on solicitors and clients and the consequent need for a flexible approach. He also appreciates the value to both solicitors and clients of early in-depth analysis of the issues involved in any particular case. As a result, Marc sees value in taking a proactive and collaborative approach to litigation.

Marc regularly writes articles and is a frequent speaker on matters of insolvency law and civil procedure. He is happy to offer seminars at solicitors' offices if requested.

Away from work, Marc is an avid snowboarder and amateur toxophilite.

### What the directories say:

- "He is very focused, has a superb drafting style and is highly intelligent and precise.", "Knowledgeable, excellent on his feet and good fun to work with." and "He's diligent, very hard-working and gets on with it. He is a very, very sensible barrister." – Chambers UK 2019
- "A good advocate with an analytical eye." – Legal 500 2019
- "Extremely bright and quick to grasp the issues in a dispute. Marc has a great drafting style and is very meticulous in all areas of his work." and "His strengths are cutting through all the fluff and getting to the nub of the matter – he makes it very simplistic."
- "He has a really easy style with judges, his written work is reliable and he makes himself available."
- "Marc is exceptionally knowledgeable and commercial, clients are always impressed." "He is extremely bright and quick to grasp the issues in disputes."
- "Swiftly becoming an important player at the Commercial Bar. He is known for insolvency work as well as general commercial disputes." – "He is a very clever guy and is always used by silks, which tells you a lot about his quality." "He is absolutely excellent on paperwork and with clients."
- "Recognised as a star of the future. He is also an expert in insolvency law." – "He is very bright and recognised as such. Very switched-on but really easy to get on with at the same time."
- Marc Brown is praised for his sophisticated handling of complex commercial fraud cases. "Proactive throughout," "he handles clients with ease" and has "a strong grasp of the issues in any case."

### Recent Cases:

Marc has recently been involved in cases concerning matters and issues such as:

- The liability of representative parties under CPR Rule 19 for costs ordered in the proceedings in which they are represented;
- Opposition to bankruptcy petitions and applications for annulment based upon the debtor's Centre of Main Interests (COMI);
- A case in relation to the Companies Act 2006 section 994, concerning allegations of unfair prejudice in the context of a family company;
- An application for non-party costs orders against the directors of a company;
- An application for security for costs in respect of an application made to remove liquidators;

#### Reported Cases:

- **Regency Villas Title Ltd & others v Diamond Resorts Europe Ltd & other** [2015] EWHC 3564 (Ch); [2016] 1 P & CR DG19; [2016] 4 WLR 61. Marc acted for the Claimants in this case (led by John Randall QC) in which the Court considered the proper ambit of easements and in particular whether rights granted to use certain leisure facilities (including a golf course) could give rise to an easement at law.
- **Edginton v Sekhon & another** [2015] EWCA Civ 816. Marc acted for the Respondent petitioning creditors in this appeal (having acted for them throughout the bankruptcy proceedings). The Court of Appeal considered the proper approach to requests by debtors for an adjournment of the hearing of a bankruptcy petition in order to enable payment to be made.
- **Winnington Networks Communications Ltd v Revenue & Customs Commissioners** [2015] EWHC 1096 (Ch). The Court considered an application to dismiss a winding up petition on the grounds of a substantial dispute.
- **Schrade v Sparkasse Ludensheid** [2014] EWHC 1049 (Ch). Marc acted for the Respondent to this appeal, in which it was determined that the Registrar had been entitled to conclude that that the circumstances surrounding a petitioning creditor's move to England were suspicious and had all the hallmarks of forum shopping.
- **Re Care People Ltd** (In Administration) [2013] EWHC 1734 (Ch). Decision of HHJ Purle QC (sitting as a High Court Judge) as to the validity of the appointment of an administrator by a qualifying floating chargeholder and the application of Rule 7.55 of the Insolvency Rules 1986 to defects in such appointment.
- **Re Hibernia (2005) Ltd** [2013] EWHC 2615 (Ch). Decision of Nicholas Strauss QC (sitting as a Deputy High Court Judge) on a contested application for an administration order, considering the exercise of the Court's discretion to make an administration order in the context of a Pre-Pack.
- **Schrade v Sparkasse Lüdenscheid** [2013] BPIR 911. Decision of Chief Registrar Baister concerning the debtor's COMI and the jurisdiction of the court to make a bankruptcy order on a debtor's petition. The Chief Registrar refused to make a bankruptcy order, holding that the debtor's COMI was in Germany and not England & Wales and therefore the court did not have jurisdiction to make a bankruptcy order. The Chief Registrar also made comments about the phenomenon of bankruptcy tourism.
- **Sparkasse Hilden Ratingen Velbert v Horst Konrad Benk** [2012] EWHC 2432 (Ch). Marc acted for the Applicant creditor in relation to its application to annul the bankruptcy of a debtor on the grounds that the debtor's centre of main interests was not in England & Wales at the relevant time. The Court analysed the principles applicable to such application and found that the debtor's COMI was in Germany at the relevant time and therefore annulled the bankruptcy.
- **Re BTR (UK) Ltd** [2012] EWHC 2398 (Ch). This case concerned the obligations of an administrator under paragraph 55 of Schedule B1 of the Insolvency Act 1986 when proposals are rejected at an initial meeting of creditors. On the application of creditors of the company (for whom Marc acted), it was held that in such circumstances an administrator is bound under paragraph 55 to make an application to Court for directions.

#### Qualifications and Appointments:

- MA (Oxon) Jurisprudence – Oxford University, Mansfield College
- Bar Vocational Course – Inns of Court School of Law (Very Competent)
- Bachelor of Civil Laws – Oxford University, Mansfield College – Distinction and Vinerian Scholar

#### Memberships:

- Midland Chancery & Commercial Bar Association (MCCBA)

# Commercial Litigation

Marc Brown is a member of the following specialist practice groups where detailed CV's can be viewed by clicking on the links below:

- [General Commercial](#)
- [Insolvency](#)