



Stephen Connolly

E-Mail Connolly@exchangechambers.co.uk
Call 2003

Personal

Areas of Law:

Commercial Litigation, Professional Negligence, Company and Property Litigation

Call:

1992 Solicitor

2003 Barrister (Lincoln's Inn)

Education:

University of Buckingham (LLB)

College of Law, Chester

Memberships:

Northern Circuit Commercial Bar Association

Northern Circuit Chancery Bar Association

Practice

Profile

Stephen Connolly has a wide practice that encompasses commercial litigation, professional negligence, company and property litigation. In addition to his first class technical skills, Stephen is renowned for his hard working and no nonsense approach to litigation, for the pragmatic and strategic advice that he provides and for his ability to relate to his clients and to communicate his advice to them in an unstuffy, clear and practical manner.

Practice Areas

Company: Shareholder disputes, protecting minority rights, directors' duties, derivative actions, just and equitable winding up.

Partnership: Dissolution, expulsion, fiduciary duties, winding up.

Commercial Litigation: Commercial contract disputes, warranty and misrepresentation claims, sale and supply of goods, TCC disputes, interim remedies.

Civil Fraud: Deceit, conversion, asset tracing, third party liability for receipt and assistance, constructive trusts.

Secured Lending: Contested mortgage actions, guarantee claims, mortgage fraud.

Professional Negligence: Lawyers, Surveyors and Accountants.

Real Property

Arbitration and Mediation

Recent Cases (2008/2009)

Mortgages 5 v Gould & Others [2009] EWHC 2116 (Ch) - Acted for the successful claimant in claim arising out of a complex mortgage fraud perpetrated by solicitors.

S v S [2009] – Acted for Petitioner in combined unfair prejudice petition and partnership winding up proceedings arising from attempts by his fellow directors/partners and family members to exclude him from the management of the business. The dispute was settled on the eve of a 3 week trial on buy out terms with payment of a substantial seven figure sum to the Petitioner.

T v KD and FF [2009] – Acted for the Claimant in professional negligence proceedings arising out of the negligence of two firms of solicitors; the first in their negligent handling of the purchase of a significant development site on which the Claimant was to build new head office premises; and the second in failing competently to conduct proceedings against the first firm or to commence those proceedings within the relevant limitation period. The dispute was settled on the day before trial was due to commence on terms that the two firms of solicitors paid the Claimant a substantial six figure sum and paid its costs of the action.

F v F [2009] – Acted for the UK subsidiary of one of the largest waste management companies in Europe in connection with a claim in the TCC for direct and consequential losses arising out of their purchase of a fleet of sub-standard refuse wagons which was settled at mediation for a substantial six figure sum together with payment of costs.

Leeds Building Society v Clark [2009] – Acted for the claimant in proceedings to recover a mortgage shortfall of over £750,000 arising on personal and guarantee liabilities following the appointment of LPA receivers over the assets and undertaking of the Defendants. Notwithstanding defences including sales at an undervalue, unlawful appointment of receivers and intermeddling, the claimant was successful in obtaining summary judgment for the whole of the amounts claimed.

Belfields Limited v Sefton Metropolitan Borough Council [2008] EWHC 1975 (Ch) – Acted for the successful claimant in combined private law chancery and public law administrative proceedings against the local authority to prevent it from enforcing a compulsory purchase order over a strategically important and valuable development site in circumstances where it sought without justification to resile from an assurance that it had given to the claimant and upon which the claimant had relied that it would not seek to enforce the compulsory purchase order and would allow the claimant to develop the site itself.

Other Sample Cases (Pre-2008)

Baybutt v De Wulf [2006] – Acted for the manufacturer and supplier of a self propelled potato harvester in successfully defending a six figure claim in the TCC for breach of an alleged collateral warranty as to quality brought by the purchasing potato farmer.

Atwells v Somerfield [2005] – Acted for the supplier of bulk turkeys for the Christmas market in suing Somerfield in the TCC for non-payment of invoices to the value of £250,000 and in successfully resisting the defence and counterclaim of Somerfield based on the alleged quality of the turkeys supplied.

Jolly v Carmel [2000] 2 EGLR 153 – As a solicitor acted for the successful defendant at first instance and the Court of Appeal in resisting the claimant's attempts to rescind or repudiate a conditional sale contract over a development site on the grounds of alleged delay on the part of the defendant.

LCC v Walton Group Limited [1999] – As a solicitor acted for Liverpool City Council in proceedings before Neuberger J (as he then was) and the Court of Appeal in relation to the site on which Liverpool One now stands.