

## Tom Longstaff

Call 2017



### Clerks' Details

Joe Mawson  
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Tom Gornall  
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### Appointments

- Called to the Bar of England and Wales by the Honourable Society of the Inner Temple (2017)
- Solicitor of England and Wales (2014)
- Local Government Councillor - Normanton Town Council (May 2015 - January 2017)
- Director - The Normanton Freeston Foundation Trustees Limited (May 2015 - January 2017)

### Memberships

- Northern Circuit
- Northern Circuit Commercial Bar Association

### Insolvency CV

#### Overview

Tom was called to the Bar in 2017, having previously practised as a solicitor in the Dispute Resolution departments of DLA Piper UK LLP and Linklaters LLP.

Over the past 9 years he has gained considerable experience of insolvency litigation, and is regularly instructed to advise in complex insolvency disputes, as well as being instructed at trial as both sole counsel and also as a led junior. He has considerable experience of acting both for and against a range of insolvency practitioners in contentious insolvency proceedings.

Tom has been instructed in a number of high profile insolvencies, including BHS, Pizza Express, and Oldham Athletic FC (against Leading Counsel). He has considerable experience of advising on jurisdictional issues which arise in insolvency disputes, including as to COMI and domicile (post-Brexit), and of making applications to restrain presentation of winding up proceedings, most recently in relation to a £14 million debt.

He was noted as being 'go-to Counsel' for Commercial and Insolvency work in the Legal 500 2022.

Tom has delivered a range of seminars on insolvency issues in 2021, including the right of set off, Unfair Harm applications, proceedings under s.423 of the Insolvency Act 1986, and Jurisdiction/COMI.

## Recommendations

*“Excellent at what he does and puts the client at ease”*

*“Demonstrated a complete understanding of the matter from the outset – we were impressed with his ability to grasp the issues and address the salient points in a clear and precise manner.”*

*“Handled himself well when opposing Counsel presented him with issues on the door and in Court which helped get the result the Client wanted. Truly a pleasure to work with.”*

*“Very impressive – and user friendly as regards his manner with the client out of the courtroom.”*

## Education

- BBP Law School, London – Bar Transfer Test (2017)
- College of Law, York – Legal Practice Course (2011 – 2012)
- University of York – LLB Law (2008 – 2011)

### Scholarships & Awards

- Inner Temple – Major Scholarship
- Inner Temple – Duke of Edinburgh Entrance Award
- Sidney Sussex Scholarship – 1st in year

## Publications

*Banking Disputes Quarterly (May 2016) - Borrowers defending claims on grounds of misrepresentation who seek rescission must repay outstanding principal as a condition to defending the claim*

## Cases

Tom's recent practice includes:

- Successfully acting for Administrators in a £1.5 million misfeasance claim against a former solicitor, which included an application on the opening day of trial to lift an interim order following an attempt by the Defendant to stay the proceedings and propose an IVA.
- Acting for Oldham Athletic Football Club following an application to place the club into administration.
- Led by Mark Cawson QC in proceedings brought pursuant to s.423 of the Insolvency Act 1986, which concerned the ability to use s.423 to challenge transactions which settle money under trust, and which produced a number of important case management decisions of Snowden J, including that:
  1. A litigant can be compelled to make a Subject Access Request to obtain disclosable documents;
  2. Relief from sanction will not be granted (in commercial proceedings) following a failure to file costs budgets where the costs sought include those already incurred (see *Porter Capital Corp v (1) Zulfikar Masters (2) Zabeen Masters (3) Chesterfield Trust Company Limited* [2020] EWHC 2553 (Ch)).
- Acting on behalf of a group of creditors in a claim for unfair harm and misfeasance against former joint administrators which resolved with the payment of significant damages.
- Acting for a group of creditors in an application which challenged the use, by the administrators of the company, of the deemed approval procedure in Schedule B1 to the Act in circumstances where it was envisaged that unsecured creditors might receive a distribution of realised assets (see *Re Taylor Pearson (Construction) Ltd (In Administration)* [2020] EWHC 2933 (Ch)).
- Experience of applying for retrospective administration orders to regularise the insolvency proceedings following non-compliance with the Insolvency Rules 2016.
- Instructed in contested winding up proceedings, and applications to restrain advertisement of a petition concerning a number of well-known organisations, including a large logistics organisation and a leading regulator in the professional sporting sector.
- Successfully acting on behalf of a creditor in an application to challenge a Company Voluntary Arrangement, which led to a personal costs order against the office holder.
- Acting for a liquidator in a misfeasance claim against a former company director.
- Acting for a former director of Bury Football Club in bankruptcy proceedings.
- Acting for the Respondent in a preference trial which raised issues as to the scope of sections 239 and 241 of the Insolvency Act 1986.