



**Five Pump  
Court Chambers**

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## Lynette Calder

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Barrister

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### Practice overview

Lynette is a civil litigator with experience of acting for businesses in all types of disputes. She has a clear, down to earth manner. Lynette always considers both the legal and commercial aspects of her client's issues, and advises in a way which is best for them whether that is litigation or alternative dispute resolution.

Lynette is experienced at dealing with business clients. However, she also acts for business owners and customers, and individuals involved in other cases such as disputes about property or contentious probate cases. She has a wealth of experience in all types of property cases, dealing with issues from boundary disputes to trust and ownership disputes in a pragmatic way.

Prior to coming to the Bar, Lynette was an investment banker so is able to advise in cases which require knowledge of financial services and products. Most importantly, she has an approach to her work which is based on commercial reality and aimed squarely at resolving problems in as straight forward and cost effective way as possible.

### Business

Lynette's practise is focussed to a large extent on the needs of businesses. She regularly advises on contract disputes (including building contracts and contracts for the provision of

goods and services); property (particularly commercial landlord and tenant matters); corporate insolvency and employment cases. She appreciates the pressures which litigation place on companies in terms of the time and money which has to be spent and the reputational risks, and advises with those factors in mind.

Lynette's background is as an investment banker involved in structured finance (buy outs, mergers and acquisitions) both in the UK and Eastern Europe. As a result she has a thorough understanding of financial and debt management including mortgages, guarantees and security. She is often instructed by businesses to advise on finance-related litigation. She also advises on debt recovery, and enforcement of judgments.

## **Property**

Lynette is experienced at dealing with property cases, including residential and commercial landlord and tenant matters. She is able to advise on boundary disputes, the terms of a lease, break clauses, forfeiture and dilapidations. She also has experience at dealing with more unusual property disputes, such as resisting termination of leases, and cases involving technical aspects of property law, such as rights of way.

Lynette also has a Chancery litigation practice including cases under the Trusts of Land and Appointment of Trustees Act 1996 for declarations of interest in property. She advises on property issues which arise in contentious probate cases.

## **Insolvency**

Lynette's background as an investment banker means that she has in depth understanding of financial products, and has experience of litigation over the terms and effect of these.

Lynette is also experienced at dealing with cases where there are allegations of fraud or mismanagement of finances. She acts for companies and directors who are facing insolvency. She advises on directors disqualification procedures and applications under the Proceeds of Crime Act.

Lynette regularly acts in the High Court, Bankruptcy Registries and Companies Court.

## **Employment**

Lynette acts primarily for employers. She is able to deal with all aspects of employment advice – from advising on fair procedures, to exit negotiations and Employment Tribunal cases.

Lynette has many long term employer clients and spends time getting to know her client's businesses. This enables her to understand the pressures on the business, and to advise

realistically on the best way forward if faced with an employment issue.

Lynette is also able to advise senior executives facing employment issues.

## Education

- M.A. (Oxon)
- GDL City University

## Notable Cases

[Re Shahi Tandoori Restaurant \[2021\]](#): A three-day trial in the High Court representing a former company director in a claim brought by the liquidator pursuant to s.212 and s.234 Insolvency Act 1986. Lynette successfully argued that the misfeasant directors should provide an account, and that the liquidator should not be able to rely on a report provided to HMRC for a different purpose.

*Regency Factors PLC v Khatkar*: Representing the Defendants and successfully resisting an application to strike out substantially all of their Defence in respect of a series of debts (in excess of £500,000) arising variously under personal guarantees, factoring arrangements, bridging loans and mortgages.

*The Joint Liquidators (Price Waterhouse Coopers) v NUCLON Limited* High Court Chancery Division, Companies Court: Representing the Respondent in an application for an Order of the Court in respect of \$500,000 held in a liquidation of Bartel Networks Limited (a Company involved in VAT fraud). The funds were ordered to be returned to the Respondent.

*Murphy and Ors V Network Rail Infrastructure Ltd (Brixton Arches)* Central London County Court: Acting for the Claimants (5 separate tenants) in a Claim resisting the termination of leases of various railway arches in Brixton and section 30 (1) (f) of the Landlord and Tenant Act 1954.

*Brobbel v Rivers* Dartford County Court: Representing the Defendants in a multi track claim by the Claimants of interference with a Vehicular Right of Way. The issue was complicated by the fact that the right argued for was over unregistered land with no apparent owner and in part was decided on the construction of a series of conveyances from the 1700's.