

## **ROSALIND NICHOLSON**

Barrister. Partner at Walkers.

Member of the Chartered Institute of Arbitrators (MCIArb)  
& Accredited Mediator

**Expertise:** Company law - corporate litigation - insolvency.

**Practice emphasis:** shareholder disputes, corporate governance, strategy & risk management, directors' duties, boardroom disputes, contested takeovers, M&A disputes, contentious & non-contentious solvent and insolvent corporate restructuring, insolvency, Plans & Schemes of Arrangement.

### **Experience**

#### **Walkers (British Virgin Islands)**

Partner

April 2016 - Present (5 years 5 months)

Company law, corporate litigation and related advice on strategy, risk management & issues of corporate governance. Particular focus on shareholder disputes, boardroom disputes, contested takeovers, M&A disputes, contentious & non-contentious restructuring, complex insolvencies.

Selected recent cases:

**Constellation Overseas Limited** - acting for largest unsecured creditor on the appointment of "soft touch" provisional liquidators in the BVI

**Re Sharma Vipin Kumar** – obtaining recognition and assistance in the BVI for foreign representative in Japanese bankruptcy (BVI, Japan)

**Banque Internationale à Luxembourg SA**– obtaining settlement on behalf of redeemed but unpaid creditors with liquidators of BVI company which was Madoff feeder fund (Luxembourg, BVI, US)

**Re Salford Capital Partners Inc.** - obtaining letters of request from the BVI Court to permit cross examination of directors of a BVI company in the UK

**Re Pacific Bulk Inc** – Advising PRC creditors of BVI company in insolvent liquidation with assets in the Solomon Islands

**Limora Investments Limited** – Advising liquidators of BVI incorporated holding company of a substantial multinational corporate group in relation to realisation of assets worldwide

**Re CCIB** – Advising liquidators of an Anguillan Bank with respect to recover of assets in the BVI

**Chu Kong –v- Joint Liquidators of Ocean Sino Limited (in Liquidation) and others** BVIHCMAP2018/0019 - (Eastern Caribbean Court of Appeal) Successful defence of application by stakeholder for directions to be given to liquidators regarding future conduct: successfully defending application on novel point of law in the Court

### **Conyers Dill & Pearman**

Barrister

April 2012 - January 2016 (3 years 10 months)

Barrister specialising in company law, corporate litigation and related advice on strategy, risk management & issues of corporate governance. Particular focus on shareholder disputes, boardroom disputes, M&A disputes, contested takeovers, contentious & non-contentious restructuring, complex insolvencies.

Selected cases:

**Stuart Mackellar (as Liquidator of Smart Plus International (Holdings) Limited) v [1] Khoo Kin Yong (aka “Alice”) [2] Pengiran Hajid Mohd Ayub [3] The Authorised Legal Representative Appointed in the Estate of Pengiran Anak Hajah Damit (Deceased)** BVIHCMAP2013/0008 Acting for liquidator on allegation of insolvent trading.

### **4 Stone Buildings, Lincoln's Inn, London**

Barrister

1988- 2012 (24 years)

Barrister specialising in company law, corporate litigation and related advice on strategy, risk management & issues of corporate governance. Particular focus on shareholder disputes, boardroom disputes, M&A disputes, contested takeovers, contentious & non-contentious restructuring, complex insolvencies.

Relevant reported cases

**British Aviation Insurance Co Ltd** ([2005] EWHC 1621 Acted for creditor successfully opposing the solvent Scheme of Arrangement put forward on behalf of BAIC.

**Re Wolsey Theatre Co** [2001] BCC 486

**Judd v Brown (Bankrupts (Nos.9587 and 9588 of 1994)** [1999] BPIR 491

**Lightning Electrical Contractors Ltd** [1996] 2 BCLC 302

**Burford Midland Properties Ltd v Marley Extrusions Ltd** [1994] BCC 604

**Re Landhurst Leasing plc, Secretary of State for Trade and Industry v Ball and others** [1999] 1 BCLC 286 [1999] 1 B.C.L.C 286

## **Re Hockeril Athletic Club Ltd (in liq) [1990] BCLC 921**

### **Education**

Magdalen College, Oxford BA (MA Oxon.) Modern History

Inns of Court School of Law - Bar Finals

City, University of London - Dip.Law

### **Relevant Publications**

- *Modified universalism: not a principle of universal application* (Global Turnaround August 2021)
- *Soft Touch Provisional Liquidators in the BVI: Constellation Overseas Ltd, Pointing the Way* International Corporate Rescue Vol 16 (2019) issue 4
- *Acts of perversity -when a liquidator's decision may be overturned* International Corporate Rescue Vol 16 (2019) Issue 1
- *BVI Commercial Court confirms jurisdiction to sanction pooling across multiple liquidations* Mondaq 23 Jan 2020
- *BVI Provisional Liquidation – What You Need To Know* Mondaq - 16 Feb 2017
- *Foreign Arbitration Award Sufficient Basis for a BVI Statutory Demand* (Mondaq)
- *A Democratic Solution: Managing the Headcount Test in Schemes of Arrangement Offshore* Insol World 2013, 2, 34-35