

Roger Laville

Called: 2015
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Profile

Roger is a member of the Commercial Team and specialises in finance, insolvency and civil fraud. Many of his cases involve cross-border disputes.

Examples of recent matters in which Roger has acted include:

- acting for the successful claimant in *India Infrastructure Finance Company v Surana Power Limited and others* and *Indian Infrastructure Finance Company v Abhijeet MACD Nagpur Energy Private Limited and others*, both multi-million dollar claims to enforce corporate and personal guarantees given in respect of Indian coal fired power station projects and involving the effect in England of Indian liquidation proceedings;
- advising an international lender about attempts to enforce a Malaysian arbitration award by attaching it to payments due from the lender to its government under a guarantee scheme;
- obtaining a High Court injunction to freeze a sum of several hundred thousand pounds in a company's bank account to prevent one of its directors from misappropriating the money;
- a successful two-day multi-track trial of a claim involving allegations of fraud and forgery;
- advising a private bank about the applicability of consumer credit legislation to a loan worth over a million pounds; and
- an application to determine the appropriate law and jurisdiction for a cross-border breach of trust claim.

Before joining Five Paper, Roger was a finance litigation partner in a firm of solicitors, handling matters ranging from complex small disputes up to multi-million pound claims.

Roger sat on the Bar Council money-laundering working group in 2016 and 2017.

Description of Practice

Banking and Finance

Roger has for many years dealt with a wide variety of personal, business and corporate banking disputes including:

- Debt claims
- Breach of mandate
- Security disputes
- Credit reference claims
- Investment mis-selling
- Enforcement
- Regulatory investigations
- Professional negligence claims

Insolvency and Companies

His insolvency and company law experience includes:

- Administrations, receivership (including under the Law of Property Act 1925), liquidations and bankruptcy
- Petitions
- Examinations
- Fiduciary duties
- Antecedent transactions
- Share capital
- Unfair prejudice petitions
- Disputed proofs of debt
- Company charges (including late registration applications)
- Restoration to the register of companies
- Rectification and removing documents from the register

Fraud

Roger has acted as a solicitor in freezing injunction applications, both for applicants and respondents. He also has experience of search orders, including as a supervising solicitor.

Proceeds of Crime and Money Laundering

When a solicitor, Roger advised and represented both banks and insolvency practitioners in relation to disputes arising from customer accounts and insolvent estates containing the proceeds of crime or subject to restraint or confiscation orders.

Cases

Roger's reported cases as a solicitor include:

- *John Morris v Royal Bank of Scotland plc* (3 July 2015, Norris J). The assignment of an alleged £11 million claim against the Bank from the Bank's customer to the

customer's director was void because of a clause prohibiting assignment in the Bank's fixed and floating charge debenture.

- *Obadare v Barton Bridging Capital Ltd* [2013] EWCA Civ 1096. The Court of Appeal held that an action was not "pending" in the short period between being struck out and an appeal being issued, and therefore could not be protected on the Land Register as a pending land action.
- *Gatt v Barclays Bank Plc* [2013] EWHC 2. The first reported decision about a bank's obligations in contract, negligence and defamation when providing customer information to credit reference agencies.
- *SerVaas Incorporated v Rafidain Bank* [2010] All ER (D) 201. Acting for a US corporation against the Republic of Iraq in a claim to enforce a judgment debt of around US\$40M which arose before the first gulf war, involving issues of insolvency, the Iraq sanctions regime and the State Immunity Act 1978.

Publications

"Enforcing judgments against pension assets: reappraising Blight v Brewster", Butterworths Journal of International Banking and Financial Law, January 2018.

"Mistaken release of security: a new avenue to altering the Land Register", Butterworths Journal of International Banking and Financial Law, November 2017.

"Bankers take note: how the tracing remedy has become more complex", Butterworths Journal of International Banking and Financial Law, December 2015.

"Freezing Orders and the Corporate Veil", Butterworths Journal of International Banking and Financial Law, October 2013.

"Treading on Eggshells: Mental Incapacity Issues in Bankruptcy", Recovery Magazine, December 2012.

"Open Justice at the FOS", Butterworths Journal of International Banking and Financial Law October 2012.

"Unlawful Loans to Company Directors and Constructive Trusts", Butterworths Journal of International Banking and Financial Law March 2012.

"The Bonfire of the Charities – Winding up Unregistered Entities", Insolvency Intelligence March 2011. Written with Derek Francis of Terra Firma Chambers.

"Insolvency and International Criminal Asset Recovery", Butterworths Journal of International Banking and Financial Law February 2011.

"Lindsay v O'Loughnane: outflanking the insolvency process", Butterworths Journal of International Banking and Financial Law January 2011.

"Cross-Border Transaction Avoidance: Rubin v Eurofinance SA", Insolvency Intelligence November 2010. Written with Sharif Shivji of 4 Stone Buildings.

Professional Memberships

Roger is a member of the Chancery Bar Association and the Commercial Bar Association.