

# Paul Kerfoot

Call 2018

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## EXPERTISE

Paul is a busy and versatile member of Trinity's Civil team, dealing with Business and Property, Employment, Sports Law and Insolvency, areas which frequently overlap. He has developed a following as a result of his sharp and pragmatic approach to his work. Paul can provide CPD-accredited seminars to solicitors and professionals and regularly speaks at Trinity's Conferences.

### Business & Property

Paul acts in and advises on all aspects of Business and Property work. He regularly appears in the County Court and High Court in fast track and multi-track cases and has appellate experience. His practice also involves drafting statements of case, application notices and witness statements. Paul often deals with costs budgeting at CCMCs and appears in a wide range of application hearings. Paul has also developed a strong practice in claimant financial mis-selling and secret commission cases, where he is currently engaged on many claims against energy brokers and suppliers.

### Employment

Paul accepts instructions from claimants and respondents in all aspects of Employment, including wrongful and unfair dismissal, discrimination and TUPE claims. He frequently appears in multi-day trials and is happy to draft pleadings and witness statements and to provide written advice. Paul draws on his Business and Property practice when dealing with discrimination and breach of contract claims in the civil jurisdiction.

### Sports Law

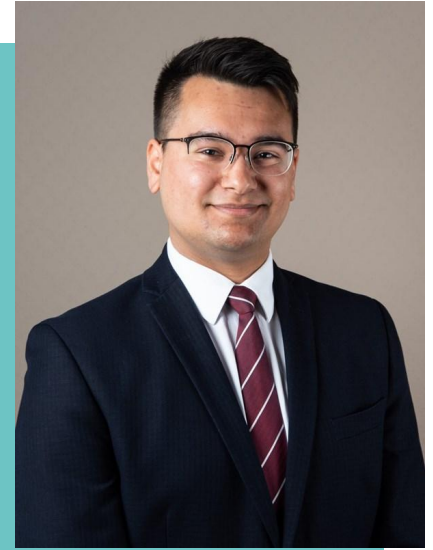
Paul is a member of the FA's National Serious Case Panel and adjudicates on all types of serious disciplinary cases within grassroots football. Paul represents football clubs, rugby clubs and other sports clubs in commercial litigation, regulatory and disciplinary matters, including before the FA. Paul is a member of the British Association for Sport and Law.

### Insolvency

Paul is regularly instructed in a wide range of matters of individual and corporate insolvency for both creditors and debtors. He often deals with winding up and bankruptcy petitions, applications to annul bankruptcies and applications to set aside statutory demands. Paul can advise on all aspects of insolvency, having recently advised on an ultimately successful application to make a distribution to unsecured creditors in the course of an administration.

## APPOINTMENTS

- FA's National Serious Case Panel



## Expertise

Business & Commercial  
Litigation

Employment

Sports Law

Consumer Law & Professional  
Negligence

Insolvency & Restructuring

Property

Costs

Inheritance, Probate & Trusts

Agriculture & Rural Affairs

## MEMBERSHIPS

- North Eastern Circuit
- The Honourable Society of the Middle Temple
- North Eastern Circuit Commercial Bar Association (NECCBA)
- Employment Law Bar Association (ELBA)
- British Association for Sport and Law (BASL)

## EDUCATION

- LLB Hons (2:1) Durham University – 2014-2017
- BPTC (Very Competent) Northumbria University – 2017-2018

## AWARDS

- Harmsworth Scholarship – The Honourable Society of the Middle Temple
- Dean's Award Scholarship – Northumbria Law School
- Chrystal Macmillan Prize – The Honourable Society of the Middle Temple

## ADDITIONAL INFORMATION

Paul is qualified to receive instructions direct from businesses, professionals and members of the public in appropriate cases.

## Clerking team



**Steve Walker**  
Lead Civil Clerk  
0191 245 9589



**Josh Stewart-Tilling**  
Lead Employment Clerk  
& Civil Clerk  
0191 300 9359



**Paul McNab**  
Civil & Criminal Silks'  
Clerk  
0113 3235 955



**Aimee Bloxham**  
Civil Clerk  
0191 245 9556



**Chris Gibbin**  
Clerk  
01642 247 569

## Notable Cases

### Business & Property

- [Waste Managed Ltd v \(1\) Wilce, \(2\) Drake, \(3\) Fee, \(4\) Marketing Position Ltd, \(5\) Green and \(6\) Better Waste Solutions Ltd \[2023\] EWHC 1456 \(KB\)](#): Successfully represented the Second and Fifth Defendants in defending an interim injunction application in the RCJ following allegations that the Defendants had misused certain confidential information of the Claimant to set up in competition.
- [The Dark Blue Pig Ltd v Engie Power Ltd \(2023\)](#): Represented the Claimant in a fast-track trial for procuring a breach of fiduciary duty in a half-secret commission claim involving an energy broker and the Defendant, the energy supplier.
- [McBurnie v Briggs \(2023\)](#): Represented the Claimant in an application for the registration of a Form A restriction against title in the First-tier Tribunal. Succeeded in persuading the tribunal that a joint tenancy had been validly severed to obtain the restriction.
- [Kerr v Scurr \(2022\)](#): Represented the Applicant in a pre-action disclosure application pending an unfair prejudice petition, which was successful.
- [Copp v Simms \(2022\)](#): Represented the Claimant in a possession claim where the Defendant argued a common intention constructive trust. The court found that neither party held the common intention that the beneficial interest in the property was to be held jointly and ordered possession.
- [Vickers v Vickers and Vickers \(2022\)](#) – Represented the Claimant in a without notice application for a freezing injunction following a gift from a mother who allegedly lacked capacity to her sons. Obtained a freezing injunction against one son and a proprietary injunction against the other. On the return date, maintained the freezing injunction against one and obtained a freezing injunction against the other son who was previously subject to the proprietary injunction.
- [Shaw v The Leakey Nugget Ltd \(2021\)](#) – Successfully represented the Claimant in a two-day multi-track breach of contract claim. Claimant was awarded 100% of damages and budgeted costs on account.
- [Heatley v Bashall-Brennan \(2021\)](#) – Successfully represented the Respondent at both first instance and appeal in resisting an application to set aside a statutory demand of £280,000.
- [Transflex Vehicle Rental Ltd \(in Admin\), \(2021\)](#) – Successfully represented Joint Administrators in an application for a distribution to unsecured creditors after a previously successful application to extend administration for 12 months.
- [Nash v Cripps Barn Group Ltd \(2021\)](#) – Represented the Claimant who brought a claim for the wedding deposit which was withheld by the Defendant following a frustration of contract due to the Covid-19 pandemic and successfully resisted the arguments for deductions for expenses.
- [Caritas Care Ltd v Bionic Services Ltd \(2020\)](#) – Represented the Claimant in a successful claim against an energy broker in a claim for breach of fiduciary duty by making a secret commission.

## Employment

- Ahmed v City of Bradford Metropolitan Borough Council (2022): Represented the Claimant in a six-day trial in the ET in respect of a complaint of victimisation where jurisdiction on limitation grounds was in issue.
- Craig v Community Integrated Care (2022): Represented the Respondent in a four-day trial in the Scottish ET whereby complaints of disability discrimination were dismissed and, whilst the complaint of unfair dismissal was well-founded on the basis of a flawed appeals process, the compensatory award was reduced to nil as the tribunal found that, with a fair appeals process, "dismissal would certainly have been upheld".
- Groom v Maritime & Coastguard Agency (2022): Represented the Claimant in a two-day preliminary hearing in the ET to determine the employment status of Coastguard Rescue Officers and Station Officers.
- Armstrong v Altrad Services Limited (2021) – Represented Claimant in a five-day trial in the ET in his claim for automatic unfair dismissal under s.100(1)(a) and (b) ERA 1996. Successfully persuaded the tribunal that the Respondent deliberately engineered the Claimant's dismissal over a six-month period. The tribunal further ordered the reinstatement of the Claimant.
- Stewart v Cumbria, Northumberland, Tyne and Wear NHS Foundation Trust (2021) – Represented Claimant in a three-day trial for unfair and wrongful dismissal. Claim related to a nursing assistant who was dismissed for gross misconduct for performing a restraint on a patient in a mental health hospital who the Claimant felt was endangering a colleague. Unsuccessful on unfair dismissal claim but succeeded with wrongful dismissal claim, with the judge describing the Claimant's actions as "noble".
- Porter v (1) Kingdom Services Group, (2) Coral Solutions Ltd and (3) aAFD Services Ltd (2021) – Represented the Claimant at a five-day trial in respect of complaints of automatically unfair dismissal after a TUPE transfer was fragmented and the Claimant did not transfer from the First Respondent to the Second and Third Respondents.
- James v Optimum Skills Ltd (2020) – Represented the Claimant in a three-day trial in respect of complaints of discrimination arising from disability. The complaints were well-founded.
- Cullen v Shepley Engineers Ltd (2020) – Represented the Claimant and successfully resisted the Defendant's application for a strike out and deposit order.
- Craggs v BMS Electrical Services Ltd (2019) – Represented the Claimant at a three-day trial in a successful complaint of discrimination arising from disability and unlawful deduction in wages.