



PUMP COURT

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Contents

Commercial	1
Selected Cases	2
Employment	2
Selected Cases	3
Direct Access	4
Qualifications	4
Professional associations	4



DANIELLA GILBERT

"She is unfailingly client-focused".

Legal 500

Call: 2007

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Daniella Gilbert is an experienced practitioner specialising in employment law and commercial litigation. She has been recognised as a leading junior in employment law in the Legal 500. She acts for both claimants and defendants / respondents. Her clients range from individuals, employees, sole traders and small businesses to large employers and Fortune 500 companies.

Daniella's precision and attention to detail has garnered her a reputation as an advocate well able to undertake particularly complex and high value cases. She appears in courts at many levels including the Court of Appeal, High Court, Employment Appeal Tribunal, Employment Tribunal and County Courts.

Clients value her thorough preparation, ability to quickly grasp the complexities of a case and provide detailed and clear advice, and her commitment to robustly representing her client's position.

Commercial

Daniella has particular experience in disputes involving:

- Injunctions;
- Breach of covenant;
- Joint venture and investment disputes;
- Commercial contracts – regularly instructed by large multi-national and Fortune 500 companies for example in the construction and communication industries;
- Consumer contracts – instructed by individuals and companies including Fortune 500 companies in claims involving defective products and services, misrepresentation, debt recovery, personal guarantees and unfair terms;

- Conversion and wrongful interference with goods.

Selected Cases

[Zaman v Portsmouth City Council \[2018\] EWHC 3592 \(QB\); \[2018\] 12 WLUK 451](#)

Appeal on whether the claimant was required to sign a form of authority before the council was obliged to release funds to him. Judge at first instance found the claimant was required to sign the form, so the claim was dismissed. That was upheld on appeal. Daniella successfully represented the respondent.

[SH v G \[2017\]](#)

Daniella represented the Defendant to a High Court claim for breach of contract, breach of fiduciary duty and breach of restrictive covenants. The claim arose following fraud committed by an estate agent against his previous employers.

[Samambwa v Countrywide Managing / Residential Ltd & Others \[2012\] EWCA Civ 1133](#)

Daniella acted for the second respondent (“HS”) at first instance, on appeal to the Court of Appeal and at the subsequent retrial. The claimant (“S”) initially claimed for breach of contract, wrongful interference with goods and negligence. At first instance HS successfully defended the claims, in particular it was held they were not vicariously liable for the acts of their contractors. S’s appeal was allowed on the basis that the trial judge had failed to fully determine his claim in negligence, on the issue of notice. The matter was sent back for retrial on this issue only. At the retrial in 2014 Daniella again successfully represented HS and S’s claim was dismissed.

[Crompton v Woodford Scrap Metal Ltd \[2014\] EWHC 1260 \(QB\)](#)

Application for possession of a scrapyard and injunction to prevent defendant from entering or remaining on the land.

[Glenbrook Capital LP v Hamilton \(t/a Hamiltons\) \[2014\] EWHC 2297 \(Comm\)](#)

Assessment of damages for wrongful interference with goods (large quantities of silver) following judgment in default against the defendant.

Employment

Daniella has been recognised as a leading junior in employment law in the Legal 500. She undertakes work in all

areas of employment law and has particular expertise in:

- Unfair dismissal;
- Discrimination;
- Whistleblowing;
- TUPE transfers;
- Holiday pay disputes;
- National minimum wage disputes; and
- Costs

Daniella's practice involves an even spread of both claimant and respondent work. She is also a regular speaker at chambers' seminars and contributes to our quarterly newsletters.

Selected Cases

Nursing & Midwifery Council (1) & North Bristol NHS Trust (2) v Alvida Harrold (High Court) [2016] EWHC 1078 (QB)

Daniella represented the Respondent to an application for a civil restraint order. This case and its predecessor established that the High Court had jurisdiction to make a civil restraint order that would extend to proceedings in the Employment Tribunal, and that tribunals should expressly state when they found a claim or application to be totally without merit.

B v LBN [2017]

Daniella represents the respondent in this discrimination claim complicated by the claimant's reliance upon the protected characteristic of "perceived disability". There is no binding authority confirming the applicability of the Equality Act 2010 or the appropriate test to apply in such a case.

At a preliminary hearing the claimant sought a reference to the Court of Justice of the European Union ("CJEU") to determine these issues in compliance with the Equality Framework Directive. Daniella successfully opposed this and obtained orders requiring the claimant to pay a deposit in order to continue with his claims on the basis that they had little or no prospects of success.

Bell v RJA Ltd (UKEAT/0015/17/DA, unreported)

Daniella represented the Appellant in an appeal against the dismissal of his claims for unfair dismissal and disability discrimination. The appeal was based upon several grounds including that the ET had failed to apply the reversed burden of proof in his discrimination claim and that this error tainted the ET's decision on his unfair dismissal claim.

Cook v Building Research Establishment Ltd (UKEAT 0493/12)

Daniella represented the respondent in the claimant's appeal against a costs order made against him when he withdrew his claim on the first day of trial.

Direct Access

Daniella is qualified to accept instructions via the Public Access Scheme.

Qualifications

- BVC (2007)
- GDiL (2006)

Professional associations

- Employment Lawyers Association
- Personal Injury Bar Association