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DANIELLA GILBERT

"I have to say her advocacy and written skills are first class. The clarity and concise nature of her written submissions is impressive. She is also a tenacious advocate who is razor sharp and a credit to her chambers."

Legal 500 2024

Call: 2007

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Daniella Gilbert is an experienced practitioner specialising in employment law, commercial litigation and related commercial chancery disputes. She has been recognised as a leading junior in employment law in the Legal 500. She acts for both claimants and defendants / respondents and has a diverse client base ranging 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.

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

Business & Commercial

Daniella undertakes a broad spectrum of commercial litigation, associated commercial chancery disputes, civil fraud and company law. She has particular experience in:

- Commercial contract disputes
- Employment related commercial disputes including restrictive covenants
- Applications for interim remedies including freezing orders
- Business protection and confidentiality
- Share purchase disputes

- Shareholder disputes and directors' duties

Selected Cases

Countrywide Group Plc v Moeller

Led by Richard Wilson QC. Claim arising out of the failure to complete share purchase, value of over £10 million.

GL Technology Co Ltd & Loadpoint Bearings Ltd v Parkes

Defended claim against former director and shareholder in claim of breach of restrictive covenants and misuse of confidential information.

Verismart Ltd v Fuller and others

Application for pre-action disclosure in relation to dispute against former franchisees and their associated companies for breach of restrictive covenants.

Prestige Developments (Park Homes) Ltd v Bedford

Acted for the defendant / appellant in her successful High Court appeal against the lower court's finding that the claim had not been compromised by the claimant's acceptance of a part 36 offer.

Bea's Homes Ltd v Mediratta

Breach of contract claim for failure to complete a property purchase.

Norsand Consultancy Limited v Volta Investment Group Limited

Acted for defendants in claims of breach of contract, unlawful means conspiracy / unlawful interference with contractual relations and breach of the Insolvency Act 1986.

Law Firm Ltd & Law Firm UK Ltd v Shemarin & others

Acted for the defendants in claims alleging breach of contract, misuse of confidential information, interference with contractual relations and conspiracy to injure by lawful and unlawful means.

Oakfield Foods Ltd v Zakład Przemysłu Miesnego Biernacki SP [2020] EWHC 250 (QB) and [2020] EWHC 493 (QB)

Daniella acted for the respondent company (Z) who obtained a European Order for Payment against the applicant (O). O argued that the EOP was unenforceable and should be set aside because it had served an Annex II declaration refusing service. Daniella successfully argued that the Annex II declaration had not been properly served and the

EOP was valid. The Court refused O's applications for a declaration and to set aside the EOP. Enforcement was stayed. O is currently seeking permission to appeal.

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 & Discrimination

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;
- Restrictive covenants;
- Injunctions;
- 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

Verismart Ltd v Fuller and others

Acted for the successful applicant seeking pre-action disclosure in relation to claims including breach of restrictive covenants and misuse of confidential information.

GL Technology Ltd & Loadpoint Bearings Ltd v Parkes

Acted for the defendant in claims of breach of restrictive covenants and misuse of confidential information.

Marrufo v Bournemouth Christchurch and Poole Council

Successfully acted for the Respondent at the Employment Tribunal and Employment Appeal Tribunal in complex discrimination and victimisation claim.

Pranczk v Hampshire County Council [2020] 6 WLUK 194

Daniella represented the respondent council (H) in this appeal. The claimant (P) challenged the Employment Tribunal's decision that her ET1 claim form did not include claims of discrimination and victimisation. The EAT upheld the Tribunal's decision and dismissed that part of the appeal. P challenged a costs order made against her, which was quashed.

V v LF [2019] High Court

Daniella represented the claimant company (V) in an application for an injunction restraining the defendant (LF), a former employee, from disclosing confidential information to third parties. Ultimately the defendant gave the necessary undertakings and was ordered to pay the claimant's costs.

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.

Qualifications

- BVC (2007)
- GDiL (2006)

Professional associations

- Employment Lawyers Association
- Personal Injury Bar Association