



Heather Phoenix

Associate Director

Tel: +44 (0)203 307 4191

Email: heather.phoenix@interpathadvisory.com

Background

Heather is an Associate Director in Interpath Advisory's Forensic Services practice. She is a forensic accountant with seven years' experience assisting the expert with accounting and financial disputes across a wide variety of industries and sectors, including contentious valuations.

Heather has worked on cases heard in the UK High Court and different arbitration centres, including ICSID, LCIA and ICC. Her work has involved accounting, valuation and other data analysis to assess damages for clients operating in industries such as IT infrastructure, manufacturing and professional services. Her experience includes class action claims, post-acquisition disputes, earn outs and loss in value claims.

Heather qualified in the audit and assurance department at a mid-tier London firm, gaining three years' experience of audit and other engagements. Her clients were mainly in the charity and not-for-profit sector.

Heather holds a BA Hons in Art and Design from the University of Leeds. She is a Member of the Institute of Chartered Accountants in England and Wales and a Certified Fraud Examiner.

Representative experience

Heather's representative experience includes:

- A claim in the High Court of reduced value in a founder/shareholder's stake in an IT consultancy business after alleged fraudulent misrepresentation during a funding round with a private equity fund. We valued the IT consultancy business and, as a result, the founder/shareholder's stake, under seven scenarios as instructed by the Court.
- A claim in the High Court for breach of an IT infrastructure contract. Both the Claimant and Defendant brought actions against each other, with accusations of unfair early termination of the contract, various breaches of technical requirements and delayed provision of services. We calculated the quantum of the claim across several heads of loss and examined the calculation of the counterclaim presented by the Defendant.
- A claim in an ICC Arbitration brought by a cement manufacturing business in the Philippines regarding the failed sale of its business. We calculated the loss in value of this business as at August 2020.
- A claim in the High Court by a property owner against a former management company accused of charging inflated rates and fees under false agreements. We were appointed for the Claimant and the model created as part of the expert report was used to help settle the case and calculate the agreed damages.
- A claim in an American Arbitration Association case relating to allegedly faulty parts supplied to an aerospace manufacturer claiming damages under a guarantee. We were appointed for the Respondent, reviewing calculations of loss under the terms of the guarantee.
- A claim in the High Court relating to the calculation of a former owner/shareholder's earn out under a share option agreement. We were appointed by the Defendant, reviewing the calculations of loss suffered as a result of alleged inaction by the Defendant.
- A review of accounting and auditing standards in relation to the disclosure of FX hedging transactions entered into by the FD of a manufacturing company. We worked alongside a FX trading expert, examining the accounting implications of various decisions made to hedge FX exposure risk on long term manufacturing contracts.
- A claim under a bilateral investment treaty relating to a terminated contract and a claim to recover the loss of investment made by one of the contracting parties.
- A claim in a LCIA arbitration relating to the acquisition value of a company, after allegations of VAT fraud were made against the previous owners.
- A claim in the High Court relating to an employment class action brought against a financial services company in relation to remuneration post the 2008 financial crisis.
- An appointment in an ICC Arbitration, responding to a counterclaim brought by a financial institution alleging a breach of the terms of bonds issued in the claimant's favour.
- A claim in the transport industry in the CIS region for an ICSID investment treaty arbitration. Our work dealt with allegations of unfair contractual terms between alleged related parties and the effect of this on the investment made.
- A claim for loss of value in a media broadcasting business due to an alleged illegal termination of a major contract.
- An evidential review of documents supporting the management of a property estate and appropriate recharging activities between various parties.