

Select Cases

Appellate

- ***Wicks v State Rail Authority of NSW; Sheehan v State Rail Authority of NSW (2010) 241 CLR 60*** – High Court appeal - statutory construction - s.30 of the *Civil Liability Act 2002* (NSW) – limitation on recovery for pure mental harm (with JT Gleeson SC & PM Morris).
- ***Wicks v State Rail Authority of NSW; Sheehan v State Rail Authority of NSW [2010] HCATrans 15*** – special leave application - statutory construction - s.30 of the *Civil Liability Act 2002* (NSW) – limitation on recovery for pure mental harm (with PM Morris).
- ***Wicks v State Rail Authority of NSW; Sheehan v State Rail Authority of NSW [2009] NSWCA 261*** – appeal - statutory construction - s.30 of the *Civil Liability Act 2002* (NSW) – limitation on recovery for pure mental harm (with PM Morris).
- ***Z v New South Wales Crime Commission (2007) 231 CLR 75*** – High Court appeal - privilege – coercive information gathering powers of state investigatory body (with DF Jackson QC).
- ***Old v McInnes & Hodgkinson [2011] NSWCA 410*** – appeal - partnership – payment of premium - whether binding agreement - nature of goodwill – breach of fiduciary duty – (with SR Donaldson SC & RD Marshall).
- ***Qantas Airways Ltd v Gama (2008) 247 ALR 273*** – appeal in relation to an award of damages consequent upon a breach of s.9 of the *Racial Discrimination Act 1975* (Cth) and s.15(2)(d) of the *Disability Discrimination Act 1992* (Cth) (with P Gormly).
- ***Sleboda v Sleboda [2008] NSWCA 122*** – appeal - conveyance of interest in real property - undue influence - unconscionable conduct (with SA Kerr).
- ***Boulderstone Hornibrook Pty Limited v Queensland Investment Corporation [2007] NSWCA 9*** – appeal - whether valid payment schedule served pursuant to s.14 of the *Building and Construction Industry Security of Payment Act 1999* (NSW) (with JT Gleeson SC & SA Kerr).
- Advising a major US manufacturing corporation on an appeal to the Administrative Appeals Tribunal for review of a decision by Customs denying the applicability of certain Tariff Concession Orders (with M Slattery QC).

Commercial

- ***Altendorf Australia Pty Ltd v IBLA Australia Pty Ltd*** – District Court proceedings - contract for the supply of a wood cutting machine - breach of s.52 of the *Trade Practices Act 1974* (Cth) – breach of duty of care (settled at mediation).
- ***Richard JJ & Anor v Retail Food Group Ltd & 4 Ors*** – Supreme Court proceedings – franchise dispute - breach of contract – conversion (with GA Sirtes SC).
- ***Kristóf Nobilis v Marten Yachts Pty Ltd & 2 Ors*** – Supreme Court proceedings - design and construction of racing yacht – breach of contract – breach of s.52 of the *Trade Practices Act 1974* (Cth) (settled prior to hearing).
- ***Jackson Care Technologies Pty Ltd & Anor v Brighton Technologies Pty Ltd & 4 Ors*** – District Court proceedings (South Australia) – joint venture - breach of contract – misrepresentation – unconscionable conduct – breach of fiduciary duty (provision of advice regarding claim).
- ***Old v Hodgkinson; Old v McInnes [2009] NSWSC 1160*** – partnership – payment of premium – whether binding agreement – restitution (with RD Marshall).
- ***Hastings Capital Limited (Receivers & Managers Appointed) (Administrators Appointed) v Peter John Thatcher*** – Supreme Court proceedings - principal and interest payable pursuant to loan facility – guarantee and indemnity – non est factum – misrepresentation - duress – unjust contract within the meaning of s.4(1) of the *Contracts Review Act 1980* (NSW) (settled prior to hearing).
- ***Bricks & Mortar Australia Limited v Susanne Rae Percival & 3 Ors*** – District Court proceedings – property joint venture – guarantee and indemnity – unconscionable conduct – undue influence (proceedings dismissed against my clients).
- ***Tassone Property Group Pty Ltd v Mohan Properties Pty Ltd & Anor*** – Supreme Court proceedings - partnership dispute (with D Pritchard SC) (settled prior to hearing).
- ***Old v Hodgkinson; Old v McInnes [2008] NSWSC 697*** – partnership - whether goodwill ought be considered in settling the accounts of a dissolved partnership (with RD Marshall).
- ***Australian Regional Wholesalers v Stafford [2007] NSWSC 572*** – restraint of trade (with PS Braham).
- Advising a franchisee in a dispute with the franchisor of a multinational franchise in relation to a repudiation claim and a claim pursuant to s.52 of the *Trade Practices Act 1974* (Cth) (with GA Sirtes SC).

Corporations & Insolvency

- ***Laurence Michael Bookluck & 2 Ors v Metals Recycling Ltd & Anor*** – Federal Court proceedings pursuant to ss.232 and 233 of the *Corporations Act 2001* (Cth) (oppressive conduct of a company's affairs) (with S Walsh QC and subsequently JM Ireland QC) (settled prior to hearing).
- Proceedings involving alleged breaches of ss.180, 181, 182 and 183 (directors' duties), s.588G (insolvent trading) and s.588FB (uncommercial transactions) of the *Corporations Act 2001* (Cth).
- ***Christopher Thomas Wykes v Capital Cooking Equipment (Aust) Pty Ltd (In Liquidation)*** - examinations pursuant to ss.596A and 596B of the *Corporations Act 2001* (Cth).

- Proceedings pursuant to s.459G(1) of the *Corporations Act* 2001 (Cth) (application to set aside statutory demand).
- Proceedings pursuant to s.459P of the *Corporations Act* 2001 (Cth) (application for order to wind up company in insolvency).
- Advising on a potential claim against the responsible entity (and its officers and agents) of a managed investment scheme (property syndicate) pursuant to Chapters 5C, 7 and 9 of the *Corporations Act* 2001 (Cth).

Real Property, Equity & Trusts

- ***Via Santantonio Pty Ltd v Walker Corporation Pty Ltd*** - Supreme Court proceedings - orders sought compelling exercise of options to purchase land - breach of trust - constructive trust (with JM Ireland QC) (settled during hearing).
- ***Celene McNeill Pty Ltd v Vanessa Baillie & 2 Ors*** – Supreme Court proceedings - sale of business – breach of trust – breach of fiduciary duty - receipt of trust property - third party liability (settled at mediation).
- ***Neighbourhood Association DP No. 285220 v Moffat [2008] NSWSC 54*** – construction of easement - modification or extinguishment of easements – creation of easements (with RD Marshall).
- ***Ja Kil Ku v Yern Sung You & Anor [2008] NSWSC 712*** - proportions in which the parties hold their interest in real property - taking of account in relation to each party's contributions towards mortgage repayments and property maintenance (with PS Braham) (unavailable at hearing).
- ***McQuinn v McQuinn & Ors*** – Supreme Court proceedings - whether power of attorney used to lodge a Transfer Unilaterally Severing Joint Tenancy valid – whether power of attorney used for an improper purpose (with PS Braham) (settled at mediation).
- ***Ian Leith v Helen Dianne Bakker*** – Supreme Court proceedings - dissolution of a de facto relationship - claim for relief under the *Property (Relationships) Act* 1984 - additional claims for equitable relief (settled at mediation).
- Proceedings involving a claim for relief against forfeiture in the context of a commercial lease.

Building & Construction

- ***Abigroup Contractors Pty Limited v Sydney Catchment Authority [2007] NSWSC 220*** - misleading or deceptive conduct - quantum of damages to be awarded pursuant to s.82 of the *Trade Practices Act* 1974 (Cth) (with SA Kerr).
- ***Boulderstone Hornibrook Pty Limited v Queensland Investment Corporation [2006] NSWSC 522*** – claim for judgment in the sum of \$105,411,474 pursuant to the *Building and Construction Industry Security of Payment Act* 1999 (NSW) - whether valid payment schedule served pursuant to s.14 of the Act (with S Finch SC & SA Kerr).
- ***Vero Insurance Ltd & 17 Ors v Mathew Strgar & 3 Ors*** – District Court proceedings – claim by insurer, Owners Corporation and owners – breach of warranties contained in s.18B of the *Home Building Act* 1989 – breach of duty of care – breach of deed of indemnity (settled prior to hearing).

Insurance

- ***Boulderstone Hornibrook Pty Limited v Paul Segaert Pty Limited [2008] NSWSC 972*** application for leave to proceed against insurer of insolvent company - whether claim within insuring clause (with PM Morris).
- ***Picasso Builders Pty Ltd v GIO General Ltd*** - Supreme Court proceedings - claim by insured against insurer - destruction by fire of business premises and stock - whether insured was able to rely upon s.56 of the *Insurance Contracts Act 1984* (fraudulent claims) or s.28(3) of the *Insurance Contracts Act 1984* (failure to comply with duty of disclosure) (with SR Donaldson SC) (proceedings stayed/discontinued).

Professional Negligence & Other Torts

- ***Ginelle Finance Pty Limited v Diakakis & Ors [2007] NSWSC 60*** - professional negligence – solicitors – loan transactions and mortgage documents (with SA Kerr).
- Advising on a potential claim for misfeasance in public office (with AW Street SC).
- Advising on a potential claim in negligence against a solicitor.

Miscellaneous

- ***Helou v Nguyen [2014] NSWSC 22*** – property – stolen money and jewellery – conversion - monies had and received – constructive trust (unavailable at hearing).
- ***Jamieson v Commissioner for Internal Revenue [2007] NSWSC 324*** – taxes and duties – private international law - tax liabilities incurred by plaintiff whilst resident in US - whether foreign revenue debt could be enforced against estate of plaintiff who died domiciled in NSW (with PS Braham).

Inquests & Commissions of Inquiry

- Coronial inquest into the death of a Swiss national – appeared for the deceased's parents.