

DANIEL A. MOUJALLI

Curriculum Vitae

Daniel (also known as Danny) Moujalli has been advising and representing clients in relation to litigious disputes for over 20 years in the areas of Insurance, Professional Negligence, Professional Disciplinary Proceedings, Corporations and Insolvency, Trade Practices, Property, Building & Construction and commercial disputes generally.

He commenced practice as a solicitor in Sydney in 1996. He practised in London from 1998 to 2002 and was admitted as a solicitor in England in 1999. In 2007, he commenced practice as a barrister.

He has been involved in cases in the High Court of Australia, the Federal Court of Australia, the English Court of Appeal, the High Court of England & Wales, the NSW Court of Appeal, the Supreme Court of NSW, the Supreme Court of the ACT, the District Court of NSW, the Magistrates Court of the ACT, the NSW Civil & Administrative Tribunal, the Consumer Trader & Tenancy Tribunal, the Administrative Appeals Tribunal, the ACT Civil & Administrative Tribunal and the Local Court of NSW.

Qualifications and Admissions

- 1990 Bachelor of Economics, University of Sydney
- 1993 Bachelor of Laws (Honours), University of Sydney
- 1996 Admitted as a Solicitor in New South Wales
- 1999 Admitted as a Solicitor in England & Wales

Professional Experience

- 1995 Research Assistant to Justice Priestley (then of the NSW Court of Appeal)
- 1996 – 1997 Solicitor, Phillips Fox Lawyers (Sydney) (now DLA Piper)
- 1998 – 2002 Solicitor, Rowe & Maw Solicitors (London) (now Mayer Brown)
- 2002 – 2007 Solicitor, Blake Dawson (Sydney) (now Ashurst)
- 2007 to date Barrister, Ground Floor Wentworth Chambers, Sydney
- 2018 to date Adjunct lecturer, The College of Law

Professional Memberships

Member, New South Wales Bar Association

Member, ACT Bar Association

Member, Commercial Law Association of Australia

Member, Society of Construction Law

Member, Australian Construction Law Discussion Group

Publications & papers

“A Very English Concept: The Receiver Appointed out of Court” *Insolvency Intelligence* (November/December 2001).

“Casenote: *Brown Falconer Pty Ltd v South Parklands Hockey & Tennis Centre* [2005] SASC 75” *Australian Civil Liability* (May 2005) Vol 2, No 2.

“The return of fairness in determining implied waiver of legal professional privilege: *Osland v Secretary to the Department of Justice* [2008] HCA 37” *Bar News* Summer 2008/2009.

“Legal research in the electronic age” *Bar News* Summer 2013/2014, pp 60-63.

“Expert Evidence in Civil Litigation”, unpublished paper presented to various law firms from 2008 to 2019.

“The ethical obligations of lawyers in relation to the preparation of experts’ reports”, unpublished paper presented to various law firms.

Contributor to Bailey, *Construction Law in Australia* (4th edition, 2018).

Select cases

Loumbas v Gray [2019] NSWSC 569: legal professional costs; solicitor’s lien

Ewos Holdings Pty Ltd v Ausmac Earthworks Pty Ltd [2019] NSWDC: building & construction; Security of Payment Act; contract formation

Legal Practitioner 201901 v The Council of the Law Society of the ACT [2019] ACAT 57: professional discipline

Council of the Law Society of the ACT v Legal Practitioner 201809 (Occupational Discipline) [2019] ACAT 11; [2019] ACAT 60: professional discipline

A Legal Practitioner v The Council of the Law Society of the ACT - ACT Supreme Court Proceedings No. SCA 33 of 2018: professional discipline

Luben Petkovski v Kai Yin Huang [2018] NSWSC 1667: unconscionable conduct; trespass and nuisance

Khanna v Gunesequera [2018] NSWDC 133: jurisdiction of Court; service on person outside of jurisdiction

Access Housing Pty Ltd v Rayfield [2018] NSWSC 599: building & construction

North Shore Real Estate Pty Ltd v Real Estate Property Management Services Pty Ltd [2017] NSWDC 44; (2017) 24 DCLR (NSW) 238: franchise dispute; notice to produce

Lex Fitness Pty Ltd ATF Lex Family Trust v Australian Fitness Management Pty Ltd [2017] NSWSC 157: franchise dispute; security for costs

Conference & Exhibition Organisers Pty Ltd v Johnson [2016] NSWCA 118: Anshun estoppel

Chi Building Pty Ltd v Wedgwood [2016] NSWCATAP 64: building & construction; exclusion of expert's report constituting denial of natural justice

Davis v Greenedge Visions Pty Ltd [2015] NSWDC 334: franchise dispute; misleading conduct; amendment of pleadings

Westpac Banking Corporation v Kekatos [2015] NSWSC 1629; [2016] NSWCA 205: real property; possession of land

Carazi Pty Ltd v Blow Dry Bar Franchising Pty Limited (in liq) (No 2) [2015] NSWSC 108: franchise dispute; misleading conduct; fraudulent misrepresentation

Omega House Pty Ltd v Khouzame [2014] NSWSC 1837: building & construction; Security of Payment Act

Khouzame v All Seasons Air Pty Ltd [2014] FCA 1319; [2015] FCAFC 28: bankruptcy notice; abuse of process

Re Joe & Joe Developments Pty Ltd (subject to a Deed of Company Arrangement) [2014] NSWSC 1444: Corporations Act; administrator's remuneration

The Owners — Strata Plan No 51077 v Meriton Apartments Pty Ltd [2014] NSWSC 129: building & construction; duty of care

Walton Construction Pty Ltd v Illawarra Hotel Company Pty Ltd (2013) 84 NSWLR 410; (2013) 84 NSWLR 436; (2012) 28 BCL 202: building & construction; Superintendent's duty to act fairly

The Owners of Strata Plan 62658 v Black No Sugar Pty Ltd [2012] NSWSC 1259; [2010] NSWSC 408: subrogation; insolvency; reinstatement of deregistered company

Lane Cove Council v Michael Davies Pty Ltd [2012] NSWSC 727: architect's and engineer's professional liability

Fligg v Owners Strata Plan 53457 [2012] NSWSC 230: Owners Corporation's duty to maintain common property

Karl Romandi & Helen de Luis Pty Ltd v Guest [2012] NSWCA 84; [2011] NSWSC 1124: termination of contract for architectural services; quantum meruit; restitution

Co-ordinated Constructions Pty Ltd v Construction Occupations Registrar [2012] ACAT 55: administrative review; review of decision to make a rectification order; building professional discipline

Moloney v Collins [2011] NSWSC 628: appeal from Local Court; requirements for costs agreement and bill of costs under *Legal Profession Act 1987*

Slocomb Investments Pty Ltd v JH and EJ Williams Pty Ltd [2010] NSWSC 918: corporations and insolvency

Sam the Paving Man Pty Ltd v Berem Constructions Pty Ltd [2010] NSWSC 868: corporations and liquidation; Contractors Debt Act

Dymocks v Capral [2010] NSWSC 195; [2011] NSWSC 1423: building & construction; trade practices; proportionate liability

QBE Insurance v Westpoint Realty [2009] NSWSC 1298: insolvency, trade practices and insurance

Bondi Beach Astra Retirement Village Pty Ltd v Noon [2009] NSWSC 461: contract for sale of land; buy back option

Bitannia Pty Ltd v Parkline Constructions Pty Ltd [2009] NSWCA 32: building and construction; Security of Payment Act; costs

Certain Lloyds Underwriters v Giannopoulos [2009] NSWCA 56: insurance; extension of limitation period

Sharjade Pty Ltd v RAAF Landings & Commonwealth of Australia [2008] NSWSC 151; [2008] NSWSC 569; [2008] NSWSC 1003; [2008] NSWSC 1347; [2009] NSWCA 373, (2009) 15 BPR 28,443: legal professional privilege; breach of contract; tort of inducing breach of contract; tortious conspiracy