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Curriculum Vitae

Core Practice Areas

I primarily practice in the following areas of law: Commercial litigation, professional negligence, professional discipline, insurance policy disputes and medical negligence. I also appear in building & construction disputes (generally for professionals), inquests and other torts.

I regularly appear unled in hearings in the Federal Court, the Supreme Court, the District Court, the Coroner's Court and NCAT (for disciplinary matters). I have also appeared both led and unled in the Court of Appeal and the Full Court of the Federal Court.

Qualifications

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| 2006 | Commenced at the NSW Bar |
| 2000 | LLM (UNSW) |
| 1995 | Admission Supreme Court of New South Wales |
| 1995 | BA/LLB ANU |

Employment

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| 1999 -2006 | Senior Associate, Phillips Fox (Professional negligence & Directors & Officers litigation) |
| 1997- 1999 | Solicitor, NSW Crown Solicitor's Office (Commercial litigation) |
| 1995 -1997 | Legal Officer, Human Rights & Equal Opportunity Commission |

Selection of cases

Commercial cases

- *Atanaskovic Hartnell v Birketu Pty Ltd* [2019] NSWSC 1006 led by Peter Brereton SC for Atanaskovic Hartnell in related fraud case which concerned whether the firm was vicariously liable for employee fraud.
- *Landpower v Penske* [2019] NSWCA 161 leading Tim Rogan for Penske concerning apportionment legislation
- *Woolworths Ltd v About Life (No.2)* [2018] NSWSC 1340 leading Kate Lindeman for solicitors
- *Birketu & Anor v Clarke & Ors* [2018] NSWSC 879 & [2018] NSWSC 1125: appeared for Atanaskovic Hartnell defending an interlocutory application seeking to restrain them from communicating with their former clients
- *Cam & Bear PL v McGoldrick* [2018] NSWCA 110 Led by Robert Newlinds SC for the auditor
- *Kallin Pty Ltd v ACN 107 851 847 & Anor* [2018] NSWSC 124: appeared for the defendant (leading Peter Gaffney) in a misrepresentation case concerning the sale of a business where rescission sought
- *Bradgate v Ashley Services Group & Ors* [2017] FCA 1591: Appearing for auditors in a shareholder class action
- *Mistring Pty Ltd and Anor v Certain Underwriters at Lloyds and Anor* [2017] NSWDC 394
- *Liberty Mutual Insurance Company v Kellogg Brown and Root Pty Ltd* [2017] NSWSC 1519 led by Stuart Donaldson SC concerning the proper construction of a project
- *Cam & Bear Pty Ltd v McGoldrick* [2017] NSWSC 1894: Audit negligence, leading N. Oreb
- *Aquagenics Pty Ltd v Certain Underwriters at Lloyds* [2017] FCA 724 (for underwriters)
- *Corvest 6 v PKF Pty Ltd* [2016] FCA 1458
- *Smith & Creighton v AET & Ors*: SC 2015/306222. Appearing for auditors in a class action
- *Lease Collateral Pty Ltd v Johnson & Ors*: SC 2016/293219: Contract dispute, lead by CRC Newlinds SC
- *GEAT v Deloitte, KPMG & Minter Ellison*: NTSC 89 of 2014. Appearing for the auditors
- *Gladio Pty Ltd v Buckworth* [2015] NSWSC 922: Contracts

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- *Caason Investments Pty Ltd v Cao* [2015] FCAFC 94: Shareholder class action appearing for auditors, led by Peter Brereton SC
- *Solarus Projects Pty Ltd v AAI Ltd Trading As Vero Insurance (No 8)* [2015] NSWSC 412: Appearing for the builders against Vero, led by Alec Leopold SC
- *Caason Investments Pty Limited v Cao* [2014] FCA 1410 & 1435: Shareholder class action acting for auditors, led by David Williams SC
- *Riva NSW Pty Ltd v Key Nominees Pty Ltd* [2014] NSWCA 381: real property, taxation and professional negligence
- *Young v Hones* (No. 2) [2014] NSWCA 337, [2014] NSWSC 499, [2013] NSWSC 580, [2013] NSWSC 1429: appearing for a barrister in relation to advocate's immunity, led by Duncan Miller SC
- *Nemeth v Australian Litigation Funders Pty Ltd and Ors* [2014] NSWCA 198 & [2013] NSWSC 529: Appearing for the plaintiff in a contract case, led by Bernie Coles QC
- *Mapeline Pty Limited v National Nominees Limited & ors* [2014] NSWSC 906: Contracts & trusts
- *Boorer v HLB Mann Judd (NSW) Pty Limited* [2014] NSWCA 100: Appearing for the auditors in an audit negligence & misleading conduct case
- *Young v Hones* [2014] NSWSC 499, [2013] NSWSC 580, [2013] NSWSC 1429: professional negligence (barrister) & advocate's immunity led by DT Miller SC
- *Riva v Key Nominees* [2014] NSWSC 301: professional negligence
- *Eastmark Holdings Ltd v Kabraji & Ors* [2013] NSWSC 1763: Corporations led by CRC Newlinds SC
- *ANZ v Pola*: [2013] NSWSC 1801: Banking & misleading conduct by a real estate agent
- *Galea v Stromer* [2013] NSWSC 1720: Building & Construction
- *Owners Strata Plan 70335 v Walsh Bay Finance* [2013] NSWSC 1623: Building & Construction
- *Perpetual Trustees Victoria Ltd v Belcastro* [2013] NSWSC 1189: Mortgages, contracts and misleading conduct (mortgage broker)
- *Dyluc Pty Limited v Mally Group Pty Ltd & Ors* [2013] NSWDC 57: Misleading conduct & professional negligence (accountant)
- *Boorer v HLB Mann Judd (NSW) Pty Limited* [2012] NSWSC 1499: misleading conduct & audit negligence
- *Stewart v Stewart* [2012] NSWSC 423: contracts
- *Media Ocean Ltd v Optus (No 11)* [2011] FCA 19: led by R.G McHugh SC
- *Artistic Builders Pty Ltd & Anor v Nash & Ors* [2010] NSWSC 1442: Professional negligence (solicitor) and limitation of actions led by C.R.C Newlinds SC

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- *McClymont v Strata Partners Pty Ltd* [2010] NSWSC 1077
- *Londish Corporations v Sheahan & Ors* [2010] NSWSC 337: Corporations, led by J Stojar SC
- *Media Ocean Ltd v Optus Mobile Pty Ltd (No.10)* [2010] FCA 1348: led by R.G McHugh SC
- *Instyle v GECS & Ors* [2010] FCA 466, [2010] FCA 38 & [2009] FCA 1422: Misleading conduct, led by A S Bell SC
- *Ackers v Austcorp International Ltd* [2009] FCA 432: Misleading conduct, Contracts led by S.R Donaldson SC
- *Cassegrain v CTK Engineering; Cassegrain v Cassegrain* [2008] NSWSC 457: led by R Beech-Jones SC
- *Dae Boong International v Dae Boong Australia* [2008] NSWSC 357: Sale of business, led by M.A Ashhurst SC
- *Haydon Fowler Corbett Jessop v Toro Constructions Pty Ltd* [2008] NSWCA 178: Statutory interpretation, led by D.L Williams SC
- *Wexford Pty Limited v Doolub* [2008] NSWSC 1233: Misleading conduct and Contracts, led by C.R.C Newlinds SC
- *Pepper Home Loans Pty Limited v Tonadale Pty Limited* [2008] NSWDC 10: Misleading conduct (mortgage broker)
- *Nikolic v Oladaily Pty Ltd & Ors* [2007] NSWCA 252: Contract interpretation & Restitution, led by C.R.C Newlinds SC
- *Coshott v Barry* [2007] NSWSC 1094: led by S.A Kerr SC
- *Pricewaterhousecoopers Legal v Perpetual Trustees Victoria Limited & 3 Ors* [2007] NSWCA 271: Real Property, led by C.E Adamson SC

Professional discipline & administrative law

- *Health Care Complaints Commission v Dr Gupta* [2019] NSWCATOD 29: Appearing for Dr Gupta on penalties following a finding of unsatisfactory professional conduct
- *Kirby v Dental Council of New South Wales* 2018 [2018] NSWSC 1869: Appeared for the Council (leading Kate Lindeman) in an appeal concerning allegations of apprehended bias by the Council
- *Health Care Complaints Commission v Dr Gupta* [2018] NSWCATOD 153: Appearing for Dr Gupta in answer to a complaint
- *Hadi v Medical Board of Australia* [2017] NSWCATOD 143
- *Knowles v Pharmacy Council of NSW* [2017] NSWCATOD 138
- *SZRWS v Minister for Immigration & Ors* [2017] FCCA 3101

- *Kirby v Dental Council of New South Wales* [2017] NSWCATOD 64, leading A. Karlozian
- *Health Care Complaints Commission v Dr Kim* [2017] PSC
- *Burroughs v Australian Prudential Regulatory Authority* [2016] FCA 775
- *Maiocchi v Royal Australian and New Zealand College of Psychiatrists (No. 4)* [2016] FCA 33
- *Dr Marburg v Medical Council of New South Wales* [2015] NSWCATOD 87
- *Health Care Complaints Commission v Dr Hofer* [2014] NSWCATOD 74
- *Maiocchi v Royal Australian and New Zealand College of Psychiatrists* [2014] FCA 1046
- *Nash v Council of the NSW Bar Association* [2013] NSWCA 466: led by P Taylor SC
- *Chapman v NSW Architects Registration Board* [2013] NSWADT 120
- *Council of the NSW Bar Association v Nash* [2012] NSWADT 220: led by P Taylor SC
- *S v New South Wales Medical Board* [2010] NSWSC 663
- *Health Care Complaints Commission v Dr Nicholas* [2011] NSWMT 2
- *Butler v Australian Prudential Regulation Authority* [2009] AATA 570: led by R Beech-Jones SC
- *Burroughs v Australian Prudential Regulation Authority* [2007] AATA 1960: led by P S Strickland SC

Insurance

- *Southern Classic Group PL v Arch Underwriting at Lloyd's Ltd on behalf of Syndicate 2012 & Ors* [2018] NSWSC 1272 & [2018] NSWSC 1530: appeared for the insurer (leading Tim Senior) concerning policy construction
- *Novus Capital Ltd v Talbot Risk Services Pte LTD* (2018) Lee J (Federal Court, Insurance List)
- *Certain Underwriters at Lloyds v Aquagenics* [2018] FCAFC 9 led by S.R. Donaldson SC
- *AAI Limited t/as Vero Insurance v GEO Group Australia Pty Limited* [2017] NSWCA 110 led by J Marshall SC
- *Liberty Mutual Insurance Company v Kellogg Brown and Root Pty Ltd* [2017] NSWSC 1519 led by S.R. Donaldson SC
- *Aquagenics Pty Ltd v Certain Underwriters at Lloyds*: [2017] FCA 724 (for underwriters)
- *Burroughs v Australian Prudential Regulatory Authority* [2016] FCA 775

- *Mace v Justice and Forensic Health Network; The Geo Group Australia Pty Ltd v AAI Limited t/as Vero Insurance* [2016] NSWSC 803 (for Vero)
- *Smart & JRK Realty Pty Ltd v AAI Ltd* [2015] NSWSC 392 (for Vero)
- *Solarus Projects Pty Ltd v AAI Ltd Trading As Vero* [2015] NSWSC 412: led by A. Leopold SC (for Solarus)
- *Registrar-General of New South Wales v LawCover Insurance Pty Ltd* [2014] NSWCA 241: led by S.R Donaldson SC
- *Solarus Projects v Vero Insurance* [2013] NSWSC 1966: led by A. Leopold SC (for Solarus)
- *Registrar-General of New South Wales v LawCover* [2013] NSWSC 1471: led by S.R Donaldson SC (for LawCover)
- *De Smeth v NSW Fire Brigades Superannuation Pty Ltd* [2013] NSWSC 19
- *QBE Insurance (Australia) Ltd v Wesfarmers Federation Insurance Pty Ltd* [2010] NSWSC 1498
- *QBE Insurance (Australia) Limited v Wesfarmers General Insurance Limited* [2010] NSWSC 855: led by C.E Adamson SC
- *Ginelle Finance Pty Limited v Diakakis & Ors* [2007] NSWSC 60: led by D.L Davies SC

Other torts

- *Frangie v South Western Sydney Local Health District* [2019] NSWDC 42: Medical negligence, leading Kate Boyd
- *Young v King (No 11)* [2017] NSWLEC 34: application for a personal costs order, unled
- *Denkha v SWSLHD*: 2015/371879: Medical negligence, leading Penny Abdiel
- *Young v King (No.9)* [2016] NSWLEC 4: Professional negligence, lead by Duncan Miller SC
- *Sampco Pty Ltd v Wurth* [2015] NSWCA 117: Damages appeal, lead by J E Sexton SC
- *Gillies v Brewer* [2014] NSWSC 1198: advocate's immunity from suit
- *Rouvinetis v Knoll* [2013] NSWCA 24: Bias, wrongful imprisonment
- *Ganassin v Invacare Australia Pty Limited* [2013] NSWDC 147: Product liability
- *Wurth v Sampco Pty Ltd* [2013] NSWDC 173: Occupier's liability
- *Katellaris v Medical Council of New South Wales* [2012] NSWSC 282 and [2012] NSWSC [617]: Misfeasance in public office
- *Boorer v HLB Mann Judd (NSW) Pty Limited* [2012] NSWSC 1499: audit negligence
- *Iskafi v HCM Group* [2012] NSWDC: Building, liability of independent contractor

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- *Garzo v Liverpool Campbelltown Christian School Limited & Anor* [2011] NSWSC 292: Negligence
- *Pollard & v Wilson & Dubbo Council* [2010] NSWCA 68 Nuisance & negligence, led (for the Appeal) by P.R Garling SC
- *Johnson v Trustees of the Roman Catholic Church and Anor* [2009] NSWSC 309, led by A Katzmann SC
- *Leerdam & Anor v Noori & Ors* [2009] NSWCA 90 misfeasance in public office led by A.S Bell SC
- *Wexford v Praveen Doolub* [2008] NSWSC 952 1035: Contempt led by C.R.C Newlinds SC
- *Noori v Leerdam & 3 Ors* [2008] NSWSC 515 misfeasance in public office & advocate's immunity led by A.S Bell SC

Recent unled appearances and appearances against silk

- *Kirby v Dental Council of New South Wales* 2018 [2018] NSWSC 1869: Appeared for the Council (leading Kate Lindeman) in an appeal concerning allegations of apprehended bias by the Council
- *Kallin Pty Ltd v ACN 107 851 847 & Anor* [2018] NSWSC 124 misrepresentations, rescission sought
- *Lavars v Gillis* [2018] NSWSC 1912: appeared for the defendants opposing the plaintiffs' application for consolidation
- *Kirby v Dental Council of New South Wales* [2017] NSWCATOD 64, professional discipline
- *Cam & Bear Pty Ltd v McGoldrick* [2017] NSWSC 1894: Audit negligence, leading N Oreb
- *Aquagenics Pty Ltd v Certain Underwriters at Lloyds*: [2017] FCA 724 (for underwriters)
- *A&B v Bird* [2016] NSWSC 997: Evidence Act s.192A, tendency & coincidence, leading P Gaffney
- *Davies bhnf McRae v Body Corporate for the Phoenician* [2016] NSWSC 973: Cross-vesting
- *Burroughs v APRA* [2016] FCA 775: Insurance, regulatory
- *Mace v Justice and Forensic Health Network; The Geo Group Australia Pty Ltd v AAI Limited t/as Vero Insurance* [2016] NSWSC 803: Insurance
- *Gladio Pty Ltd v Buckworth* [2015] NSWSC 922: Contracts
- *Glavan v Abigroup Contractors & Ors* [2015] NSWSC 807
- *Stanton v Tyler* [2015] NSWSC 797: advocate's immunity from suit

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- *Smart & JRK Realty Pty Ltd v AAI Ltd* [2015] NSWSC 392: Insurance
- *Riva NSW Pty Ltd v Key Nominees Pty Ltd* [2014] NSWCA 381: real property, taxation and professional negligence
- *Gillies v Brewer* [2014] NSWSC 1198: advocate's immunity from suit
- *Mapeline Pty Limited v National Nominees Limited & Ors 1* [2014] NSWSC 906: Contracts & trusts
- *Boorer v HLB Mann Judd (NSW) Pty Limited* [2014] NSWCA 100: misleading conduct
- *Health Care Complaints Commission v Dr Hofer* [2014] NSWCATOD 74
- *Riva v Key Nominees* [2014] NSWSC 301
- *Maiocchi v Royal Australian and New Zealand College of Psychiatrists* [2014] FCA 302
- *Rouvinetis v Knoll* [2013] NSWCA 24
- *Holgye v Dyluc Pty Limited* [2013] NSWCA 391
- *Australian & New Zealand Banking Group v Pola* [2013] NSWSC 1801
- *Galea v Stromer* [2013] NSWSC 1720
- *Owners Strata Plan 70335 v Walsh Bay Finance* [2013] NSWSC 1623: Building & Construction
- *Perpetual Trustees Victoria Ltd v Belcastro* [2013] NSWSC 1189
- *Dyluc Pty Limited v Mally Group PL & Ors* [2013] NSWDC 57 & [2013] NSWCA 391
- *De Smeth v NSW Fire Brigades Superannuation Pty Ltd* [2013] NSWSC 19
- *Chapman v NSW Architects Registration Board* [2013] NSWADT 120
- *Ganassin v Invacare Australia Pty Limited* [2013] NSWDC 147
- *Wurth v Sampco Pty Ltd* [2013] NSWDC 173
- *Katellaris v Medical Council of New South Wales* [2012] NSWSC 282 and [2012] NSWSC [617]
- *Iskafi v HCM Group* [2012] NSWDC
- *Garzo v Liverpool Campbelltown Christian School Limited & Anor* [2011] NSWSC 292
- *HCCC v Dr Joseph Nicholas* [2011] NSWMT 2
- *Perpetual Trustees Victoria Ltd v Belcastro* [2011] NSWSC 1418
- *QBE Insurance (Australia) Ltd v Wesfarmers Pty Ltd* [2010] NSWSC 1498
- *QBE Insurance (Australia) Ltd v Wesfarmers Pty Ltd* [2010] NSWSC 1482
- *Instyle Contract Textiles Pty Ltd v Good Environmental Choice Services Pty Ltd (No 5)* [2010] FCA 1142
- *Wily v Terra Cresta Business Solutions Pty Ltd (In Liq)* [2009] NSWSC 1324

- *Instyle Contract Textiles Pty Ltd v Good Environmental Choice Services Pty Ltd* [2009] FCA 1422
- *McClymont v Strata Partners Pty Ltd* [2010] NSWSC 1077
- *S v New South Wales Medical Board* [2010] NSWSC 663
- *Dae Boong International Co Pty Ltd v Gray* [2009] NSWCA 11

Recent Inquiries / Inquests

- *O'Halloran Inquest State Coroner's Court O'Halloran*
- *Inquest into the deaths of BLGN & DG State Coroner's Court BLGN* (for FACS)
- *Inquest into the death of Shona Hookey* (2016) (for the Local Health District)
- *Inquest into the death of Jack Brandao-Magalhaes* (2016) (for Local Health District)
- Royal Commission into Trade Union Governance and Corruption (2015)
- *Inquest into the deaths of 9 rockfishermen* (2015) (for Council)
- *Inquest into the death of Edna Whalen* (2014) (for a doctor)
- *Inquest into the death of Phillip Hohnberg* (2014)
- *Inquest into the death of Kevin Cox* (2013) (for the Local Health District)
- *Inquest into the death of Nigel Davis* (2013) (for the Local Health District)
- *Inquest into the death of Benvenuto Comina* (2012) (for the Local Health District)