

LEANNE RICH

Alinea Chambers | Level 33, 52 Martin Place Sydney NSW 2000 | 9165 1410 | Irich@alineachambers.com.au

Brief Description

Leanne accepts briefs in all areas of commercial litigation. She has appeared both led and unled.

Her practise at the Bar to date has included Corporations Act, Commercial List, Class Actions, Equity, Competition and Consumer Law, and Real Property List matters, primarily in the Supreme Court of New South Wales and Federal Court of Australia.

Prior to coming to the Bar in 2017, Leanne practised as a commercial litigator at Baker McKenzie for 15 years, including as Special Counsel. She was previously an Associate to the Honourable Justice Lindgren AM QC, Federal Court of Australia.

Leanne has acted on both complex, large-scale litigation as well as on smaller matters. Whilst her practise is primarily in the Supreme and Federal Courts, Leanne has also acted on matters in the District and Local Courts, in the Land and Environment Court and in the NSW Industrial Relations Commission. In addition to court proceedings, Leanne has acted in examinations and ADR.

Leanne is a contributing author to *Robson's Annotated Corporations Law*.

Education

2011	Master of Laws, University of Sydney
2001	Bachelor of Laws awarded with Honours Class I (Awarded the Caroline Munro Gibbs Prize for Torts - Shared)
1999	Bachelor of Arts

Professional Experience

2017 to date	Barrister
	Banco Chambers 2017 to 2019
	Alinea Chambers 2019 to date

Selected cases:

- Appeared for the applicant in a trade practices and consumer law trial (see *Vautin v BY Winddown, Inc. (formerly Bertram Yachts) (No 4)* [2018] FCA 426 and *Vautin v BY Winddown, Inc. (No 3)* [2018] FCA 375) (led by Andrew Bell SC, unled in interlocutory hearing);
- Appeared for the plaintiffs in a Commercial List matter and on appeal before the NSWCA concerning a stay based on a foreign jurisdiction clause (see *Australia Health & Nutrition Association Ltd v Hive Marketing Group Pty Ltd* [2018] NSWSC 1236 and [2019] NSWCA 61) (led by Ian Pike SC);
- Appeared unled in a Supreme Court Corporations List trial concerning a trust and shareholder dispute (*In the matter of Tresdar Pty Ltd* [2019] NSWSC 179) (unled);

- Appeared for Boart Longyear on a scheme of arrangement approval application (see *In the matter of Boart Longyear Limited (No 2)* [2017] NSWSC 1105) (led by Ruth Higgins SC);
- Appeared for the applicants in a class action against Standard & Poor's (see *Lifeplan Australia Friendly Society Limited v S&P Global Inc* [2018] FCA 379) (led by Mark Hoffman QC);
- Appeared for respondents in a market disclosure class action (see *Bradgate (Trustee) v Ashley Services Group Limited* [2017] FCA 1591) (led by David Sulan, unled in interlocutory hearing);
- Appeared for Fairfax in defamation proceedings and in an appeal before the Full Court (see *Sarina v Fairfax Media Publications Pty Ltd* [2018] FCA 521) (led by Sandy Dawson SC);
- Appeared for ISPT in relation to a claim for rectification and misleading conduct concerning a lease in the Real Property List (*ISPT Pty Ltd v Politic Pty Ltd* NSWSC Proceedings No. 2018/135567) (led by Andrew Bell SC and then Ian Jackman SC);
- Acted for the trustees of a \$1.9bn Bond Fund in Commercial List matter (see *Reliance Rail Pty Ltd v Permanent Custodians Ltd* [2017] NSWSC 1111) and judicial advice Equity Division proceedings (*Permanent Custodians Ltd - 2017/196006*) (led by Robert Dick SC);
- Appeared for a litigation funder as intervener in a class action (see *Hodges v Sandhurst Trustees Limited* [2018] FCA 1346) (led by David Sulan);
- Acted for defendants in a Commercial List matter concerning estoppel and breach of contract (*Koundouris v Koundouris* NSWSC Proceedings No. 2018/310046) (led by Tony Bannon SC);
- Appeared for the applicants in a Commercial List trial concerning misleading conduct associated with the issue of bonds to the value of \$100m (see *Swiss Re International SE v David Simpson* [2018] NSWSC 233) (led by Robert Dick SC and Scott Goodman SC);
- Acted for a litigation funder in private assessment proceedings (led by Richard McHugh SC);
- Appeared for the plaintiff in Equity List proceedings, including on an interim injunction hearing (see *Khattar v Khattar Investments Pty Ltd* [2018] NSWSC 905 (led by Jacob Horowitz);
- Acted for the plaintiffs in Federal Court proceedings concerning breach of directors' duties (*NewSat Ltd (in liq) v Ballintine & Anor* VID51/2017, settled at trial) (led by Mark Hoffman QC);
- Appeared for the plaintiff in Corporations List oppression proceedings (*Lam v Australian Blue Mountain International Cultural & Tourism Group Pty Ltd – NSWSC Proceedings No. 2017/184832*) (led by David Sulan);
- Acted for NIB in misleading conduct and unconscionability proceedings (*ACCC v NIB Health Funds Ltd – Federal Court Proceedings No. VID573/2017*) (led by Ruth Higgins SC);
- Appeared for the ACCC in civil penalty proceedings (*Australian Competition and Consumer Commission v MSY Technology Pty Ltd* [2017] FCA 1251) (led by Ruth Higgins SC);
- Appeared for the administrators in a Corporations List matter (*In the matter of ACN 000 237 678 Pty Ltd (formerly Custom Coaches (Sales) Pty Ltd) (in liq)* [2017] NSWSC 842) (led by David Sulan).
- Acted for the defendant in a judicial review proceeding in the Administrative Law List (*Versic v Chartered Accountants Australia and New Zealand* NSWSC No. 17757/2019) (led by Kate Williams SC).

2002 –2017 Special Counsel, Baker & McKenzie

During her 15 years at the firm, Leanne practised in the Dispute Resolution Group for 13 years, having spent 2 years in the Employment Law Group from 2002 to 2004. She practised mainly in Commercial List, Competition and Trade Practices, Class Actions, Professional Negligence, Insolvency and Corporations Act matters.

Leanne acted on matters in the High Court of Australia, Federal Court of Australia, the Supreme Court of NSW, and other Courts and tribunals, as well as in relation to s 155 examinations and ADR. She acted for and against the ACCC, against the Commonwealth and for a range of commercial clients, including Optus, Arthur Andersen, AECOM Australia, Fremantle Media, ICAP, Bayer AG, JB Hi-Fi and John Symond of Aussie Home Loans.

Selected cases:

Hopkins v AECOM Australia Pty Ltd (see for example, *Hopkins v AECOM Australia Pty Ltd (No 4)* [2015] FCA 307) - A substantial class action against AECOM Australia and others concerning a PDS issued in connection with the Brisbane CLEM 7 tunnel. The claim was for misleading or deceptive conduct, misrepresentation and professional negligence.

Optus Networks Ltd v Telstra Corp Ltd (see for example, *Optus Networks Pty Ltd v Telstra Corp Ltd* [2010] FCAFC 21) - Optus succeeded in its claim against Telstra for breach of contract and breach of confidence in equity.

Wright Rubber Products Pty Ltd v Bayer AG (see for example, *Wright Rubber Products Pty Ltd v Bayer AG (No 3)* [2011] FCA 1172 - A class action concerning an alleged cartel.

OPEL Networks Pty Ltd (in liq) v Commonwealth of Australia - A Commercial List proceeding relating to the termination of the OPEL Project by the Commonwealth.

Symond v Gadens Lawyers (see for example, *Gadens Lawyers Sydney Pty Limited v Symond* (2015) FLR 170; [2015] NSWCA 50) - A misleading conduct and professional negligence action.

Buzzle Operations Pty Ltd v Breirl (see for example, *Arthur Andersen Corporate Finance Pty Ltd v Buzzle Operations Pty Ltd (in liq)* [2009] NSWCA 104) - Arthur Andersen successfully challenged the extensions of time the liquidator had been granted to serve the statement of claim.

ICAP Australia Pty Ltd v BGC Partners (Australia) Pty Ltd – A claim for an injunction, damages and an account of profits relating to the alleged poaching of employees from ICAP by BGC.

Toll Holdings Ltd v Australian Competition and Consumer Commission [2009] FCA 462 - A judicial review matter concerning the construction and operation of a section 87B undertaking.

Dick v Deputy Commissioner of Taxation [2008] HCATrans 84; and *Deputy Commissioner of Taxation v Dick* [2007] NSWCA 190 – A pro bono matter concerning the imposition of a corporate taxation debt on an individual director.

HIH Insurance Ltd v Rodney Adler - A Supreme Court action relating to the collapse of HIH Insurance. Leanne acted for the partners of Arthur Andersen.

**2001 Associate to the Hon. Justice K E Lindgren, AM, QC
Federal Court of Australia**

2000 Legal Intern, Australian Law Reform Commission

Professional Publications and Presentations

Contributing author, *Robson's Annotated Corporations Law*, Thomson Reuters, 2018 to date

Article on Private Competition Litigation and Class Actions, *The Strategic View*, published by International Comparative Legal Guides and Global Legal Group, June 2016

Speaker at Panel Discussion with the Hon. Michael McHugh AC QC, the Hon. Kevin Lindgren AM QC and the Hon. Justice Lindsay Foster in relation to litigation reforms and court, mediation and arbitration practice on 17 November 2015

Contributing Author, *Australian Master Human Resources Guide*, first published 2004, 10th edition published 2014

Article, "Can loss of chance damages survive in commercial cases after *Tabet v Gett*?", *Australian Journal of Competition & Consumer Law*, June 2011

Article, "Section 87B undertakings – status and interpretation: *Toll Holdings Ltd v ACCC*", *Trade Practices Law Journal*, June 2010

Article, "The arbitrality of TPA claims: To stay or not to stay?", *Trade Practices Law Journal*, March 2010

Article, "Legal Professional Privilege – Answers given but questions remain: *ACCC v Cadbury Schweppes Pty Ltd*", *Trade Practices Law Journal*, September 2009

Article, "A misguided smokescreen? The ACCC's privilege claim over statements previously served in cartel proceedings is rejected", *Trade Practices Law Journal*, December 2008

Presenter of Professional Development sessions on Trade Practices and Competition, Class Actions, Civil Procedure Reform, Proportionate Liability, Witness Preparation, Interlocutory Injunctions, Commercial Litigation and Directors' Liabilities

Professional Memberships

Law Council of Australia, Federal Litigation & Dispute Resolution Section

Competition Law Discussion Group

Women Lawyers Association of NSW