

LEANNE RICH

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

Summary

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

The Legal 500 has recognised Leanne as a Leading Junior of the Australian Bar in Commercial Disputes for 2023. In 2022, she was recognised as a Rising Star of the Australian Bar. Leanne is described as “*extremely hardworking. She always makes the time to produce high quality work on a tight timeline. She also has excellent judgement*”. She is recommended as “*Careful, thorough and intelligent. Extremely responsive and dedicated. A measured advocate and a battle hardened litigator*” and as having “*superb judgement for a barrister of her experience*”.

Leanne is also recommended as a leading NSW Insolvency and Restructuring Junior Counsel in the 2023 Doyle’s Guide and as a leading NSW Commercial Litigation and Dispute Resolution Junior Counsel in the 2022 Doyle’s Guide.

Her practise at the Bar includes Commercial, Corporations, Class Actions, Equity, Competition, Insolvency, and Real Property List matters, primarily in the Supreme Court of New South Wales and Federal Court of Australia. Leanne also acts in the District Court, Local Court and Administrative Appeals Tribunal, as well as in inquiries, regulatory matters, examinations and ADR.

Prior to joining the Bar in 2017, Leanne practised in commercial litigation 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.

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	
	Alinea Chambers	Dec 2018 to date
	Banco Chambers	May 2017 to Dec 2018

Selected cases:

- Appeared for the applicants in relation to the settlement approval hearings of the mesh class actions against Ethicon and Johnson & Johnson (*Gill v Ethicon Sarl (No 10)* [2023] FCA 229 and *Gill v Ethicon Sarl (No 11)* [2023] FCA 229) (led by Tony Bannon SC and Zoe Hillman);
- Successfully acted for the defendants in a freezing order application in a shareholder dispute (*In the matter of The Summit Hotel Bondi Beach Pty Ltd* [2023] NSWSC 295 and *In the matter of The Summit Hotel Bondi Beach Pty Ltd (No 2)* [2023] NSWSC 487) (led by David Sulan SC);

- Appeared unled on appeal before Bell CJ, Ward P and Basten AJA in *Cheng v Motor Yachts Sales Australia Pty Ltd t/as The Boutique Boat Company* [2022] NSWCA 118 (unled);
- Successfully acted for Mirvac in a dispute with the Toga Group concerning the termination of leases for Travelodge Hotels (*Mirvac Funds Management Ltd v Value Lodging Pty Ltd* [2022] NSWSC 787) (led by Ian Jackman SC);
- Acted for the non-executive directors of the Star in civil penalty proceedings brought by ASIC (*ASIC v Bekier & Ors* (Federal Court Proceedings No. 1082/2022) (ongoing) (led by Michael Henry SC and Zoe Hillman);
- Acted for JPMorgan in a price fixing class action (*J Wisbey & Associates v UBS AG & Ors* (FCA VID 567/2019) (ongoing) (led by Christopher Archibald QC and Stuart Lawrance SC);
- Appeared for ABL in a class action relating to Slater & Gordon's 2015 Entitlement Offer (*Hall v Arnold Bloch Leibler (No 2)* [2022] FCA 163) (led by Peter Wood and Nicholas Bender);
- Successfully defended four non-executive directors in the Dick Smith litigation concerning a claim for breach of directors' duties (*DSHE Holdings (Receivers & Managers Aptd) (In Liq) v Nicholas Abboud (No 3)* [2021] NSWSC 673) (led by Ian Jackman SC and Justin Williams SC);
- Successfully acted for the lender in a Commercial List dispute concerning shares and trusts (*Cayenne Coal v Whitehaven Coal* [2022] NSWSC 1242) (led by David Sulan SC);
- Acted for the non-executive directors of The Star in the Review of The Star by Mr Bell SC under the *Casino Control Act* (NSW), Report issued 31 August 2022, (led by Michael Henry SC);
- Appeared for Centuria in a Real Property List dispute concerning a lease (*Thorn Australia Pty Ltd v Centuria Property Funds Ltd* [2021] NSWSC 1217 and on appeal *Centuria Property Funds Ltd v Thorn Australia Pty Ltd* [2022] NSWCA 104) (led by Stuart Lawrance SC);
- Appeared for Enares in a Corporations List shareholder dispute (*Enares Pty Limited v Nimble Money Limited* [2021] FCA 1596 and [2022] FCAFC 126) (led by David Sulan SC);
- Appeared unled for Optus in a Commercial List contractual dispute (see *Zenith Corporation Australia Pty Ltd v Optus Mobile Pty Limited* [2020] NSWSC 1110) (unled);
- 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 ISPT in a rectification and misleading conduct trial concerning a lease in the Real Property List (*ISPT Pty Ltd v Politic Pty Ltd* NSWSC Proceedings No. 2018/135567 – settled during trial in Nov 2019) (led by Ian Jackman SC);
- Appeared unled in a Corporations List trial concerning a trust and shareholder dispute in the NSW Supreme Court (*In the matter of Tresdar Pty Ltd* [2019] NSWSC 179) (unled);
- Appeared for the plaintiffs in a Commercial List dispute and on appeal concerning a stay based on a foreign jurisdiction clause (*Australia Health & Nutrition Association Ltd v Hive Marketing Group Pty Ltd* [2018] NSWSC 1236 and [2019] NSWCA 61) (led by Ian Pike SC);
- Appeared for the plaintiffs/appellants in a Commercial List trial and appeal concerning a claim for repudiation (*Bradcorp Wilton Park Pty Limited v Country Garden Wilton West Pty Limited* [2019] NSWSC 1407 and [2019] NSWCA 287) (led by Robert Newlinds SC and David Hughes);

- 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 unled in a contractual dispute regarding agent's commission (*Adviza Pty Ltd v Gallay Medical & Scientific Pty Ltd*, 7/12/2020, unpublished, Local Court, Magistrate Barko) (unled);
- Acted for a superannuation company and a director in an ASIC and AAT regulatory hearing concerning a s 915C licence cancellation and s 920A banning order (led by Michael Henry SC);
- Appeared for Boart Longyear in a scheme of arrangement approval hearing (*In the matter of Boart Longyear Limited (No 2)* [2017] NSWSC 1105) (led by Ruth Higgins SC);
- 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 hearings);
- 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);
- Acted for trustees in a Commercial List and judicial advice matter (*Reliance Rail Pty Ltd v Permanent Custodians Ltd* [2017] NSWSC 1111) (led by Robert Dick SC and David Sulan);
- 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 the defendants in a Commercial List estoppel and oppression matter (*Koundouris v Koundouris* NSWSC 2018/310046 - settled in 2019) (led by Tony Bannon SC and David Sulan);
- Appeared for the applicants in a Commercial List misleading conduct trial (*Swiss Re International v Simpson* [2018] NSWSC 233) (led by Robert Dick SC and Scott Goodman SC);
- Acted for a litigation funder in private arbitration proceedings (led by Richard McHugh SC);
- Appeared for the plaintiff in Equity List proceedings, including on an interim injunction hearing (*Khattar v Khattar Investments Pty Ltd* [2018] NSWSC 905 (led by Jacob Horowitz);
- Acted for the plaintiffs in a Federal Court breach of directors' duties claim (*NewSat Ltd (in liq) v Ballintine & Anor* VID51/2017, settled at trial) (led by Mark Hoffman QC and Jack Hynes);
- 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 – settled in 2018) (led by David Sulan);
- 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 (*Re: ACN 000 237 678 Pty Ltd (formerly Custom Coaches (Sales) Pty Ltd)*) [2017] NSWSC 842) (led by David Sulan);
- Appeared for the applicants in a Federal Court patent and rectification/estoppel claim (*ATH Australia Pty Ltd v Arrow Plastics Pty Ltd* NSD 1218 of 2020 – settled) (led by Neil Murray SC).

2002 –2017 Special Counsel, Baker & McKenzie

During her 15 years at the firm, Leanne practised in Commercial Litigation for 13 years, with 2 early years in Employment Law. She practised primarily in Commercial, Competition, Class Actions, Professional Negligence, Insolvency and Corporations matters.

Selected cases:

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

Optus Networks Ltd v Telstra Corp Ltd (see, for example, *Optus Networks Pty Ltd v Telstra Corp Ltd* [2010] FCAFC 21) – a contractual and equity dispute in which Optus succeeded against Telstra. Leanne acted for Optus in this long-running dispute.

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 price fixing cartel. Leanne acted for the respondent, Bayer AG.

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. Leanne acted for Mr Symond.

Arthur Andersen Corporate Finance Pty Ltd v Buzzle Operations Pty Ltd (in liq) [2009] NSWCA 104 - Arthur Andersen successfully challenged extensions of time for service of statement of claim. Leanne acted for the partners of Arthur Andersen.

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. Leanne acted for the ACCC.

Dick v Deputy Commissioner of Taxation [2008] HCATrans 84; and *Deputy Commissioner of Taxation v Dick* [2007] NSWCA 190 – A pro bono matter in which Leanne acted for 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

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

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, Hon. Kevin Lindgren AM QC and Hon. Justice Lindsay Foster on litigation practice and reforms, Nov 2015

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

Contributing Author, *Australian Master Human Resources Guide*, 1st to 10th editions, 2004-2014

Professional Memberships

Committee Member, Law Council of Australia, Competition & Consumer Committee, Business Law Section

Member, Federal Litigation & Dispute Resolution Section and International Law Section, Law Council of Australia