

# LEANNE RICH

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## Brief Description

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

In 2021, The Legal 500 recognised Leanne as a highly rated junior talent, noting Leanne “has superb judgment for a barrister of her experience”.

Her practise at the Bar to date has included Commercial List, Corporations Act, 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. In addition to appearing in the Supreme and Federal Courts, Leanne has acted on matters in other courts and tribunals including the District Court, Local Court and Administrative Appeals Tribunal. In addition, Leanne’s practise includes acting in regulatory matters, examinations and ADR.

Leanne is a member of the Law Council of Australia’s Competition & Consumer Committee.

## Education

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

## Professional Experience

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<b>2017 to date</b>	<b>Barrister</b>	
	Alinea Chambers	Dec 2018 to date
	Banco Chambers	May 2017 to Dec 2018

Selected cases:

- Successfully defended 4 non-executive directors in the Dick Smith litigation concerning a claim for breach of directors’ duties (*DSHE Holdings (Receivers & Managers Appointed)(In Liquidation) v Nicholas Abboud (No 3); National Australia Bank Limited v Nicholas Abboud (No 4)* [2021] NSWSC 673) (led by Ian Jackman SC and Justin Williams 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 ABL in class action proceedings relating to Slater & Gordon's Entitlement Offer in 2015 (*Hall v ABL* Federal Court of Australia Proceedings VID1010/2019 - ongoing) (led by Peter Wood SC, Nicholas Bender and Georgie Coleman);
- Appeared for Centuria in a Real Property List dispute concerning a lease (*Thorn Australia Pty Ltd v Centuria Property Funds Ltd* [2021] NSWSC 1217) (led by Stuart Lawrance SC);
- 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 matter and on appeal 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 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 *Lifepan 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 application (*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 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 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 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 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 March 2021) (led by Neil Murray 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 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.

*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.

*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, which settled.

*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 acting 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

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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

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

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

Member, Competition Law Discussion Group