

## CURRICULUM VITAE

### Areas of Practice

Appellant.	Commercial.
Insurance and Reinsurance.	Professional Liability.
Real Property.	Insolvency and Bankruptcy.
Equity.	Building and Construction.

### Admissions

Barrister – 2011.	Solicitor (England & Wales) – 2002.
Solicitor (New South Wales) – 1996.	

### Ranking

- Legal 500, Leading Juniors, Commercial Disputes, 2025 – 2026.
- Doyle's Guide, Best Barristers, Leading Professional Indemnity Junior Counsel (NSW), 2021 – 2025.

### Qualifications and Prizes

- Master of Laws (with Distinction), University of London, 2005.
- 1 Essex Court Prize for Finance Law, London School of Economics & Political Science, 2005.
- Bachelor of Laws (Hons), Sydney University, 1995.
- Bachelor of Economics, Sydney University, 1992.

### Selected Cases

#### Appellant (unled)

*Minister for Immigration and Border Protection v DDK16* [2017] FCAFC 188, acted for the respondent on an appeal by the Minister from a decision of the Federal Circuit Court in relation to an application for judicial review of a decision under Pt 7AA of the *Migration Act*.

*Coshott -v- Spencer* [2017] NSWCA 118, acted for the respondent to an application for judicial review of a decision of the District Court on an appeal under s. 384 of the *Legal Profession Act 2004* (NSW) and a further decision of a costs assessor.

#### Appellant (led)

*Zurich Australian Insurance Ltd v FKP Commercial Developments Pty Ltd* [2023] FCAFC 188, (led by Michael Jones SC) acted for the applicant/appellant on an application for leave to appeal and subsequent appeal from a decision of the Federal Court of Australia.

*Della Franca v Lorenzato; Burwood Council v Lorenzato* [2021] NSWCA 321, (led by Julian Sexton SC) acted for the respondent to two appeals from a decision of the Supreme Court relating to alleged negligent misstatements in a planning certificate and requisitions on title.

*DIF III – Global Co-Investment Fund LP & Anor -v- DIF Capital Partners Ltd & Ors* [2020] NSWCA 124,

(led by Michael Jones SC) acted for PI Insurers on DIF III's appeal from a decision dismissing its claim against its former investment manager.

*Spotlight Pty Ltd -v- Fatseas Investments Pty Ltd* [2020] NSWCA 132, (led by Mark McCulloch SC) acted for Fatseas on Spotlight's appeal from a decision of the District Court relating to a subrogated recovery claim brought by Fatseas' insurers under a lease.

*XL Insurance Company SE -v- BNY Trust Company of Australia Ltd* [2019] NSWCA 215, (led by Stuart Donaldson SC) acted for appellant insurers in a relation to a coverage dispute relating to a valuers' professional indemnity policy.

*Coshott v Spencer* [2018] HCATrans 81 (10 May 2018), (led by Robert Angyal SC) acted for the respondent to an appeal in the High Court of Australia, where special leave to appeal from a decision of the NSW Court of Appeal was revoked during the course of hearing.

*Coshott v Spencer* [2017] HCATrans 263 (15 December 2017), (led by Robert Angyal SC) acted for the respondent to an application for special leave to appeal to the High Court of Australia.

*Isin -v- Ozen* (2017) 19 BPR 38,123; [2017] NSWCA 316, (led by Jeremy Giles SC) acted for the appellants in relation to an appeal concerning a claim in relation to a disputed gift of real property.

*Neale -v- Ancher Mortlock & Woolley Pty Ltd* [2014] NSWCA 72, (led by Nick Kidd SC) acted for the respondent on an appeal concerning a claim alleging professional negligence by a firm of architects.

## Insurance and Reinsurance

*AMP Ltd & Ors -v- Chubb Insurance Australia Ltd & Ors* (NSW Supreme Court, Case No. 2022/121767), (led by Michael Jones SC) acted for excess layer PI Insurers in relation to AMP's claim to recover compensation and expenses incurred in connection with its customer remediation scheme for 'Fees for No Service' and inappropriate financial advice.

*Hiscox Dedicated Corporate Member Ltd & Ors v 360 Underwriting Solutions Pty Ltd & Anor* (NSW Supreme Court, Case No. 2022/89348), (led by Michael Jones SC) acted for Lloyd's underwriters in relation to a claim against their former coverholder.

*J & J Richards Super Pty Ltd -v- Linchpin Capital Group Limited (In Liquidation) ACN 163 992 961 & Ors* [2023] FCA 656, acted for PI and IMI Insurers in class action proceedings arising from the liquidation of the Linchpin Capital Group.

*FKP Commercial Developments Pty Ltd v Zurich Australian Insurance Ltd (No 2)* [2023] FCA 582; *FKP Commercial Developments Pty Limited v Zurich Australian Insurance Limited* [2022] FCA 862, (led by Michael Jones SC) acted for the respondent PI insurer in relation to a coverage dispute concerning loss arising from a *Home Building Act* claim;

*Mastoris & Anor -v- Allianz Australia Insurance Limited & Ors* (2021) 150 ACSR 535; [2021] NSWSC 249 (led by Michael Jones SC) acted for primary 'POSI' insurers in class action proceedings arising from the collapse of the 'Dick Smith' group.

*DIF III Global Co-Investment Fund LLP & Anor -v- Babcock & Brown International Pty Ltd* [2019] NSWSC 527 (led by Michael Jones SC) acted for PI Insurers in proceedings brought by DIF III against Babcock & Brown and others in relation to a investment in a US laundry business.

*BNY Trust Company of Australia Ltd -v- MMJ Real Estate (WA) Pty Ltd (No. 2)* [2018] NSWSC 1938 (led by Stuart Donaldson SC)

*Ningaloo Escape Pty Limited -v- The Hollard Insurance Company Pty Limited (ABN 78 090 584 473)* (2017) 25 DCLR (NSW) 310; [2017] NSWDC 147, acted for the plaintiff in relation to its claim for indemnity for losses resulting from Cyclone Olwyn in 2014.

*Global Investments Ltd -v- Babcock & Brown Global Investments Management Pty Ltd* (NSW Supreme Court, Case No. 2016/278486); *DIF III Global Co-Investment Fund LLP & Anor -v- BBLP LLC & Ors*, (NSW Supreme Court, Case No. 2016/285820), (led by Michael Jones SC) acted for PI Insurers in proceedings brought by GIL and DIF III against various Babcock & Brown entities in relation to a failed investment in Babcock's North American railcar leasing business.

## Real Property

2020 – 2021, acted for and advised numerous commercial and retail landlords and tenants in relation to disputes concerning COVID 19 rent relief and associated matters.

*Lorenzato -v- Burwood Council & Anor* [2020] NSWSC 1659, acted for the plaintiff in proceedings relating to nuisance and alleged negligent misstatements in a planning certificate and requisitions on title.

*Lees v Kennerley* [2020] NSWSC 630, acted for the plaintiff in relation to a claim to be entitled to exercise a put option relating to the sale of a rural property.

*Sze Tu -v- Jam Studios* [2018] NSWSC 868, acted for plaintiffs claiming possession of commercial premises.

*Tu -v- CH Real Estate Pty Ltd (t/as Raine & Horne Campbelltown)* [2015] NSWSC 1728, acted for the plaintiff on an application relating to jurisdiction in relation to a disputed retail lease.

## Equity

*Isin -v- Ozen* [2016] NSWSC 1480, acted for the plaintiffs in relation to a claim concerning a disputed gift of real property.

*Alec Finlayson Pty Ltd -v- Royal Freemason Benevolent Institution of New South Wales Nominees Ltd* [2013] NSWSC 1168, acted for the defendant in proceedings for specific performance of an agreement to grant an easement.

## Commercial

*Inlon Pty Ltd -v- Celli SpA* [2017] NSWSC 569, (led by Ian Davidson SC) acted for the defendant in relation to the disputed termination of an exclusive distribution agreement.

*Recoveries Corporation Group Ltd -v- American Express Australia Ltd* [2016] NSWSC 771, acted for the plaintiffs in relation to a claim for disputed commission payments.

*Heugh -v- Central Petroleum Ltd* [2014] WASC 311, (led by John West QC) acted for Central Petroleum in proceedings concerning the termination of its former Managing Director's employment.

## Professional Liability

*Alam v Giampietro trading as Legal & Company Solicitors* [2023] NSWDC 454; *Alam -v- Giampietro & Anor* [2020] NSWDC 471, acted for the defendant barrister in relation to a professional negligence claim by his former clients.

*McLean -v- Power & Ors* [2013] NSWSC 193, acted for the defendant law firm on a claim brought against it by a plaintiff in proceedings in which it had acted for the defendant.

## Insolvency and Bankruptcy

*Royal -v- El Ali* [2016] FCA 782, acted for a respondent to proceedings under the *Bankruptcy Act 1966* (Cth) and s. 37A of the *Conveyancing Act 1919* (NSW).

*Nathan El Ali (a bankrupt) -v- Mahrs & Anor* [2013] NSWSC 1883, acted for the plaintiff bankrupt on

an application in relation to his right to deal with 'after acquired property'.

*Re Property Builders (Constructions) Pty Ltd (in liq)* [2013] NSWSC 711, acted for the applicant creditor on an application for leave to carry on proceedings in the name of a company in liquidation.

## Building and Construction

Acted (unled) for the claimant in arbitration proceedings (in 2021) arising from the construction of a residential resort.

Acted (led by Philip Clay SC) for the respondent in arbitration proceedings (in 2014) arising from the construction of a shopping center.

*Cranbrook School -v- J A Bradshaw Civil Contracting Pty Ltd* [2013] NSWSC 430, (led by Mark Dempsey SC) acted for the plaintiff on an application for review of a determination under the *Building and Construction Industry Security of Payment Act 1999* (NSW).

*Anderson Street Banksmeadow Pty Ltd -v- Helcon Contracting Pty Ltd* [2013] NSWSC 657; [2013] NSWSC 491, acted for the plaintiff on an application for review of a determination made under the *Building and Construction Industry Security of Payment Act 1999* (NSW).

## Previous Experience

Between 1996 and 2011, practiced as a solicitor at:

- Wotton + Kearney (Sydney).
- Allens Arthur Robinson / Allen Allen & Hemsley (Sydney).
- Clyde & Co (London).
- Moray & Agnew (Sydney).

## Memberships

Member, Bar Association of New South Wales, Practice Development Committee, 2019 – Present.

Member, Australian Insurance Law Association (AILA).

Member, Australasian Professional Indemnity Group (APIG).

Member, Disputes Panel, Liberal Party of Australia (NSW Division), 2020 – Present.