



SELECTED CASES

DEFAMATION

High Court of Australia

- ***Papaconstuntinos v Holmes a Court* [2012] HCA 53; (2012) 249 CLR 534; 293 ALR 21 (Led by BR McClintock SC and R Potter).**

Instructed to appear for the respondent in a case concerning whether the defence of qualified privilege requires a “pressing need” to volunteer defamatory statements to a third party.

Court of Appeal

- ***Australian Securities and Investments Commission & Anor v Schlaepfer & Ors* [2017] NSWCA 247 (led by J Hmelnitsky SC)***

Instructed by the applicants seeking leave to appeal a first instance decision to allow the respondents to commence a claim in defamation out of time.

- ***Sakr v Australian Broadcasting Corporation* [2015] NSWCA 310 (led by ATS Dawson SC).**

Instructed by the defendant in a case arising out of the broadcast of the programme “Media Watch”. Both parties appealed from two related imputation judgments from the NSW District Court.

- ***Cush (2) Boland v Dillon* [2015] NSWCA 183 (leading BA Mee).**

Instructed by the respondent to resist a motion to permanently stay an earlier costs order made by the Court of Appeal in 2010. The application was dismissed.

- ***Dank v Cronulla and Sutherland District Rugby League Club Ltd and Ors* [2014] NSWCA 288 (led by P Wass SC)**

Instructed by the respondents in a case concerning, amongst other things, the proper pleading of an oral defamation and whether an original publisher requires “control” over the publication.

- ***Dillon v (1) Cush (2) Boland* [2012] NSWCA 364 (led by G O’L Reynolds SC)**

Instructed by the appellant seeking leave to appeal following a late amendment of pleadings.

Australian State Supreme Courts & Federal Courts of Australia

- ***Kostov v Nationwide News Pty Ltd [2018] NSWSC 858 (McCallum J)****

Instructed by the defendant to resist an application for an urgent injunction before Kunc J. That application was refused and a statement of claim was subsequently filed. The defendant successfully applied for summary dismissal on the basis that, amongst other things, the claim failed to surmount the threshold of seriousness. This was the first time the argument was heard in NSW. The plaintiff has since filed a notice of intention to appeal.

- ***Voller v Fairfax Media Publications, Nationwide News Pty Ltd and Australian News Channel, various appearances (McCallum J)****

Instructed by the defendants in a case concerning the liability of the mass media for third party comments on their Facebook pages. The defendants deny publication foreshadowing defences of innocent dissemination. The argument is scheduled to take place in late 2018.

- ***Vass v Nationwide News Pty Ltd [2016] NSWSC 1721 and [2018] NSWSC (McCallum J)****

Instructed by the defendants in a case commenced by an art collector over an article in the Daily Telegraph. Successfully struck out many of the plaintiff's imputations. Just before trial, and about 18 months after the defendant made an offer to make amends, the plaintiff purported to accept that offer. However, the defendant no longer wished to perform the offer due to material that had recently come to light about the plaintiff. In April 2018, I was instructed (led by D R Sibtain) to oppose the plaintiff's application for a declaration that the offer was accepted. The plaintiff obtained that relief. An appeal to the NSW Court of Appeal is pending.

- ***Shady Alsuleiman v Nationwide Pty Ltd, various appearances, Federal Court of Australia (Flick J) (led by D R Sibtain)***

Instructed by the respondents. The applicant is the President of the Australian National Imam Council who the Prime Minister publicly regretted inviting to an interfaith dinner at Admiralty House in June, 2016. The respondent was sued in relation to articles that were published shortly afterwards. Pled defences included: "Hore-Lacy", contextual truth and opinion. The case settled just prior to trial.

- ***Chau Chak Wing v Australian Broadcasting Corporation & Fairfax Media, various appearances, Federal Court of Australia (Rares J) (Led by M Collins QC)****

Instructed by the respondents who are being sued over a significant and high profile joint investigation concerning the influence of the Chinese Communist Party (CCP) in Australian politics. The findings of the investigation were broadcast on the ABC's flagship current affairs programme "4Corners". Imputations relate to the plaintiff engaging in espionage on behalf of the CCP. The defendants have pleaded truth, a "Hore-Lacy" defence and qualified privilege.

- ***Kazal v Fairfax Media Publications* [2018] NSWSC (McCallum J) (led by P Gray SC)**

Instructed by the defendant listed for trial in February 2018. The plaintiff complained of a sponsored post on the defendant's Facebook page. Publication and identification was in issue. The case settled the week prior to trial.

- ***Csortan v Nationwide News Pty Ltd* [2017] NSWSC 1349, various appearances (McCallum J)**

Instructed by the defendant in a case commenced by a former television personality and model who sued the defendant following an article concerning her relationship with a high profile Australian accountant. Imputations related to adultery. The case settled before the trial was due to commence.

- ***Murphy v Nationwide News Pty Ltd* [2017] FCA 603 & (No 2) [2017] FCA 781(White J) (led by Hmelnitsky SC)**

Instructed by the defendant. The plaintiff is a well-known solicitor in NSW that sued the defendant following an article in the Daily Telegraph that concerned the tactics he used in court. The case settled.

- ***Schlaepfer v Australian Securities and Investments Commission* [2017] NSWSC 47 (Garling J) (led by J Hmelnitsky SC) ***

Instructed to appear for the defendant. The case concerned an application by the plaintiffs to commence a claim in defamation out of time and purported oral defamation (slander). The plaintiff obtained leave to file the statement of claim out of time (imputations relate to "layering the market") and the defendant has now filed a defence pleading truth and qualified privilege. The case is listed for trial in March 2019.

- ***Mahmood v Facebook Australia Pty Ltd* [2017] NSWSC (McCallum J)**

Instructed by the defendant to strike out an amended statement of claim pleading a cause of action against it (and numerous other entities). The proceedings resolved before having to take any significant steps in the proceedings.

- ***Creak v Channel Seven (Sydney)* [2017] NSWSC 213 (led by Smark SC) & *Creak v Channel Seven Sydney* [2015] NSWSC 1002 (McCallum J) (led by P Wass SC)**

Instructed to appear for the plaintiffs in a claim in defamation, injurious falsehood and trespass following Channel Seven publishing various matter on "Today Tonight". The plaintiff was a used car salesman who, it was argued, lost his Ford Dealership because of the allegations in the programme. The case was stayed pending the result of related criminal proceedings. After the Plaintiff successfully won those proceedings, the defamation proceedings continued and the case settled in early 2018.

- ***Reid v Dukic* [2016] ACTSC 344 (Burns J)**

Instructed by the plaintiff, a former CEO of Capital Football (the governing body for football in the ACT). The case concerned the publication of various defamatory statements on Facebook. The plaintiff obtained default judgment and damages were subsequently assessed at \$182,700. The Court also ordered a permanent injunction.

- ***Gilbert & Ors v Nationwide News Pty Ltd* [2016] NSWSC 845 (McCallum J).**

Instructed by the defendant to appear in a case commenced by three members of the conservation organisation “Sea Shepherd” in relation to an article published in the Daily Telegraph. The case settled after mediation.

- ***Sharpe & Issa v Harbour Radio* [2015] NSWSC 1536 (McCallum J) (led by I Pike SC)**

Instructed by the plaintiffs, directors of Parramatta Rugby Leagues Club, in a case concerning various broadcasts by Ray Hadley on Radio 2GB. The case settled.

- ***Anderson v Nationwide News Pty Ltd* [2015] NSWSC 1952 (McCallum J).**

Instructed by the defendant to appear in a case commenced by the former General Manager of Gosford City Council over an article in the Central Coast Express Advocate. The case settled following a mediation.

- ***Lahoud v Hooper* [2015] NSWSC 1026 (Adamson J) (led by J Hmelnitsky SC)**

Instructed by the plaintiff to seek preliminary discovery from the defendant, a councillor of Willoughby City Council in NSW.

- ***Father Konidaris v Google Australia* [2015] NSWSC unreported (Fagan J).**

Successfully instructed by the defendant to set aside an injunction that was ordered *ex parte* and which concerned the wrong entity. The plaintiff did not seek to maintain the injunction (or seek relief against Google Inc) and the action was then abandoned. Instead, the claim became an application for preliminary discovery.

- ***Duffy v Google Inc* [2015] SASC 170 (Blue J)**

Instructed by the defendant to assist inter-state counsel in the preparation for trial and in the drafting of written submissions.

- ***A v Google Inc*, [2015] NZHC, unreported**

Instructed to assist the defendant’s New Zealand lawyers in relation to the defendant’s application to strike out the plaintiff’s claim.

- ***El-Mouhley v (1) Q Society and (2) YouTube* [2015] NSWSC 990 (McCallum J)**

Instructed to advise and appear for the second defendant, YouTube. The case settled against YouTube before applying to set aside service.

- ***Newhouse v News Limited (No.2)* [2015] NSWSC 567 and [2014] NSWSC 1939 (McCallum J).**

Instructed to appear for the defendant and well known journalist, Andrew Bolt, in a case concerning matter published in the Daily Telegraph newspaper. The case eventually settled after defences were filed.

- ***Bleyer v Google Inc* [2014] NSWSC 897 (McCallum J) (led by BR McClintock SC)**

Instructed to appear for the defendant. The case concerned the importation of *Jameel (Yousef) v Dow Jones* into NSW Law, whether the matter was proportionate in accordance with s.60 *Civil Procedure Act 2005* (NSW), and whether Google Inc was a ‘publisher’ of its search engine results page.

- ***Edwards & Ors v Trapman* [2014] NSWSC 1089 (McCallum J)**

Instructed to appear for the plaintiff solicitors to enforce the terms of a settlement deed against the defendant.

- ***Perry v Fairfax Media Publications* [2014] NSWSC (unreported)**

Instructed to appear for the defendant in an imputation argument in a case commenced by the coach of a well-known NSW rugby league team. The case settled before argument.

- ***Riske v Oxley (No.2)* [2014] NSWSC 1611 (McCallum J) (led by P Wass SC)**

Instructed to appear for the plaintiffs to extend the limitation period after particular documents came to light in the discovery process.

- ***O’Shane v Harbour Radio Pty Ltd & Jones* [2014] NSWSC 93 (Beech Jones J).**

Appeared for the plaintiff judicial officer in relation to the defendant's’ subpoena for production of documents by the Judicial Commission. Whether legitimate forensic purpose. Retained by the plaintiff to advise and appear generally with BR McClintock SC. The case eventually settled.

- ***Griffith v Australian Broadcasting Corporation & Ors* [2013] NSWSC 750 (Beech Jones J) (led by Bret Walker SC)**

Instructed by the Australian Broadcasting Corporation resisting declaratory relief in connection to the costs assessment process. Whether a costs assessor should determine complex issues of fact and law.

- ***Styles v Izzo and Ors* [2010] NSWSC, 17 December 2010, unreported (Davies J)**

Appeared for Facebook, Inc and Facebook Australia Pty Ltd reviewing the decision of the registrar permitting service on the domestic entities. The issues concerned whether Facebook Inc was present in the jurisdiction and the appropriate mechanism of service.

- ***Gilbert v (1) Duthie (2) Facebook Inc* [2010] FCA (unreported) December 2010.**

Instructed by Facebook, Inc protesting jurisdiction of the Federal Court of Australia. The matter against Facebook, Inc. settled at Court.

State District Courts and Tribunals

- ***Alfaro v Guardian News and Media Limited and Facebook Australia Pty Ltd*, [2018] NSWDC 134**

Instructed by Facebook Australia Pty Ltd to summarily dismiss a claim brought by the plaintiff on the basis of purported notification and a failure to remove the matter complained of in reasonable time. The defendant successfully argued the claim was an abuse of process and should, in any event, be summarily dismissed because the wrong entity had been sued.

- ***Khalil v Nationwide News* [2018] NSWDC 125, and *Khalil & Anor v Fairfax Media Publications* [2017] NSWDC 346 & (No. 2) [2018] NSWDC 40***

Instructed by the defendants in relation to proceedings concerning a court report of a notorious criminal trial in NSW. In relation to the Nationwide News proceedings, one of the matters complained of is an archived news article first published in 2013. The defendant argued, consistent with principles discussed in *Budu v BBC* [2010] EWHC 616, that publication of that matter is unrealistic and an abuse of process.

- ***Garment v Nationwide News Pty Ltd* [2018] NSWDC 38**

Instructed by the defendant in relation to an article concerning the plaintiff's standing for a local council election. The defendant successfully struck out most of the statement of claim. The case settled shortly afterwards.

- ***Burton v Nationwide News Pty Ltd* [2018] NSWDC, unreported**

Instructed by the defendant in a case concerning an article purportedly published by the Australian newspaper (online edition). The defendant successfully applied in November 2017 to strike out the statement of claim. The claim eventually settled in February 2018.

- ***B1 v B2* [2017] NSWDC 252*, and [2018] NSWDC 108**

Instructed by the plaintiff in a case concerning two Facebook posts by the plaintiff's former wife which allege serious domestic violence and child abuse. Various arguments relating to the proper

pleading of justification, qualified privilege, honest opinion and triviality. In April 2018, the plaintiff obtained a freezing order against the defendants assets.

- ***Amos v Nationwide News Pty Ltd* [2017] QDC, case settled before trial**

Instructed by the defendant in a case concerning a well-known Queensland landlord. The plaintiff filed proceedings in relation to a local paper called “City North News” and sued on imputations relating to his capacity as a landlord. The defendant pleaded truth. The matter was set down for trial in November 2017 but settled the week before it was due to commence.

- ***Kalac v Nationwide News Pty Ltd* [2017] NSWDC.**

Instructed for the defendant in a claim commenced by a well-known football coach of Western Sydney Wanderers Football club following publication of matter concerning his purportedly fake Tinder profile in the Daily Telegraph newspaper. After filing its objections in relation to the statement of claim, the case settled.

- ***Maley v Huxley* [2017] NSWDC, unreported**

Instructed by the defendant who was alleged to be the publisher of a fake letter from the Australian Securities Investments Commission containing defamatory matter of the plaintiff. The case settled.

- ***Sakr v Australian Broadcasting Corporation* [2015] NSWDC 25 and [2015] (No.2) NSWDC 34**

Instructed by the defendant in a case arising out of material broadcast on “Media Watch”. Both judgments concerned arguments on the plaintiff’s imputations. The case proceeded to appeal (detailed above) following which the matter settled.

- ***Palmer v Mohareb* [2015] NSWDC 134 and [2015] NSWDC 141(No.2)**

Instructed to appear for the defendant in an imputation argument and, later, to enforce a settlement deed.

- ***Cavric v Nationwide News Pty Ltd* [2015] NSWDC 107**

Instructed to appear for the defendant in the imputation argument relating to a report of a personal injuries judgment. The case settled at mediation.

- ***Seriocki v Google Inc* [2015] QDC (unreported) (led by Thomas Bradley QC)**

Instructed to appear for the defendant in an argument as to whether Google Inc is a publisher of its search engine results page. The case also involved various issues relating to the proper pleading of publication in Queensland. The pleadings were struck out and the plaintiff subsequently filed a further claim. After argument, the plaintiff agreed to re-plead and was ordered to pay the defendant’s costs.

- ***Zillman v Cambridge Scholars Publishing* [2014] QDC 142**

Instructed to appear for the British defendant publisher in setting aside a default judgment made against it in the Queensland District Court.

- ***Cush (2) Boland v Dillon* [2012] NSWDC (unreported) (led by G O’L Reynolds SC)**

Instructed to appear for the defendant in a malice only trial having been remitted from High Court of Australia. I was later instructed to appear, unled, for the defendant in an argument on costs. Issues of proportionality argued and discussed in the judgment.

- ***Herald & Weekly Times and Ors v ABC* [2012] AATA 914**

Instructed by the defendant to resist a *Freedom of Information Act* application brought by the H&WT and David Tennant.

- ***Mai v Vietnamese Herald and Ors* [2012] NSWDC (unreported)**

Instructed by China TV (second defendant) to appear on day two of a five day trial after its former counsel recused himself. The case settled on the fourth day of trial.

REPORTING THE COURTS

Court of Appeal/Court of Criminal Appeal

- ***AW v R (Nationwide News, Australian Broadcasting Corporation and the Australian Associated Press intervening)* [2016] NSWCCA 227 (led by ATS Dawson SC).**

Instructed for the media intervenors in an appeal by a defendant to “take-down” archived news content from the Internet on the basis that potential jurors may be prejudiced. Principles of open justice and the utility of court orders discussed. The appeal was dismissed.

- ***Nationwide News Pty Ltd & Australian Broadcasting Corporation v Qaumi & Ors* [2016] NSWCCA 97 (led by ATS Dawson SC).**

Instructed by the appellants who were resisting both non-publication and “take-down” orders. The case concerned the notorious criminal gang “Brothers for Life” and has been considered the most complex criminal trial in NSW History. Principles of open justice and the utility of court orders discussed. Appeal allowed in part.

- ***Hamzy v R* [2013] NSWCCA 156 & *Hamzy v District Court of NSW* [2013] NSWCA 130**

Instructed by the Australian Broadcasting Corporation (intervening) to resist suppression orders sought by a notorious defendant in a murder trial. The ABC were successful in part.

State Supreme Courts & Federal Court of Australia

- ***State of NSW v Kay* [2017] NSWSC 274 (Harrison J)**

Instructed by Nationwide News Pty Ltd to intervene in the State's application to extend a supervision order over the defendant, a serial rapist who had recently been released from custody. The defendant sought a suppression order over his name and image on the basis he feared for his safety. Principles of open justice discussed. The defendant's application was dismissed.

- ***Mosley v AB* [2017] NSWSC 916 (Walton J)**

Instructed by the Australian Broadcasting Corporation to resist suppression orders to prohibit publication based on the harm (psychiatric and self harm) that may be caused to the applicant's adult daughter. The applicant also sought injunctive relief alleging that there had been a breach of the 'implied undertakings' obligations.

- ***Seven Network (Operations) Limited v Harrison* [2017] NSWSC 129 (McDougal J)**

Instructed by the intervenors (Fairfax Media Publications and Nationwide News) in a high profile case in which they sought to resist the continuation of an interlocutory injunction, based on breach of confidence, that prevented the defendant, and former employee of the plaintiff, from speaking with the media.

- ***Obeid v Ipp & Ors* [2016] NSWSC (unreported) (Hammerschlag J)**

Instructed to appear on behalf of Fairfax Media Publications to revoke a suppression order previously made by the NSW Supreme Court in a high profile case concerning a former NSW 'Labor' politician suing, amongst others, the former Commissioner for the Independent Commission Against Corruption for purported misfeasance in public office. The suppression order was revoked allowing reporting on criminal proceedings relating to the plaintiff.

- ***R v Qaumi & Ors (No 16)* [2016] NSWSC 319 (Hamill J)**

Instructed by the intervenors, Nationwide News Pty Ltd, Fairfax Media Publications and the Australian Broadcasting Corporation to oppose the making of a 'take-down' order relating to archived content on the intervenors' websites. Open justice and the impact of the Internet on the utility of any orders discussed. The case went to appeal (detailed above).

- ***R v Qaumi & Ors (No 15)* [2016] NSWSC 318 (Hamill J)**

Instructed by the intervenors, Nationwide News Pty Ltd, Fairfax Media Publications and the Australian Broadcasting Corporation to oppose the making of non-publication orders that sought to postpone publication of a fair and accurate report of a murder trial until a consecutive and related murder trial was concluded. The case went to appeal (see above).

- ***R v Khan* [2016] NSWSC (unreported) (Fullerton J)**

Instructed by the intervenors: TCN Channel 9, Channel Seven (Sydney), Nationwide News and Fairfax Media Publications to appear at a high profile murder trial. The intervenors sought and obtained access to evidence (including a video of the defendant being interviewed in his hospital bed in the immediate aftermath of an explosion the subject of the trial). The defendant unsuccessfully argued the proposed publication was an invasion of privacy.

- ***R v Barakat* [2016] NSWSC (unreported) (N Adams J)**

Instructed by Fairfax Media Publications to apply for access to evidence in a murder trial. Access granted.

- ***R v Qaumi & Ors (No.67)* [2016] NSWSC 1601 (Hamill J)**

Instructed by Nationwide News Pty Ltd, Fairfax Media Publications and the Australian Broadcasting Corporation to seek revocation of suppression orders over evidence that included CCTV footage of a defendant attacking a co accused in the dock. Access granted.

- ***Bissett v Deputy State Coroner* [2011] NSWSC 1182 (RS Hume J)**

Appeared for the Australian Broadcasting Corporation to resist suppression and non-publication orders that were sought in the NSW Coroner's Court and, subsequently in the NSW Supreme Court.

- ***University of Sydney v Resmed* [2011] FCA unreported (Registrar Ng)**

Appeared for Professor Sullivan, the inventor of a sleep apnoea mask, in a long running intellectual property dispute. The Professor was subpoenaed to give oral evidence at an 'examination'. The Professor successfully applied to close the court for the duration of that "examination".

State District Courts and Local Courts

- ***DPP v Geering* [2018] NSWDC, unreported.**

Instructed by Nationwide News to oppose suppression orders at the sentencing of a defendant charged with drug related offences.

- ***DPP v Dwyer* [2018] NSWDC, unreported.**

Instructed by Nationwide News to oppose the making of a suppression order in a case involving a police officer charged with offences relating to the theft of his police hand gun (left unattended in his car) and domestic violence.

- ***DPP v Tarantino* [2018] NSWLC, unreported**

Instructed by Nationwide News and Channel Nine to oppose the making of suppression orders in relation to the committal of an accused charged with historical offences that included kidnapping and murder.

- ***R v JS and GS* [2016] NSWDC (unreported)**

Instructed by TCN Channel Nine to resist a suppression order sought in a case concerning the stabbing of two victims. The defendants were minors. Successfully argued suppression orders were unnecessary in the circumstances.

- ***DPP v JG* [2016] NSWDC (unreported)**

Instructed by Nationwide News Pty Ltd, TCN Channel Nine, the Australian Broadcasting Corporation, Fairfax Media Publications, Macquarie Radio and Channel Seven (Sydney) to resist the making of suppression orders in a case concerning a 17 year old charged by counter terrorism police for preparing (or planning) a terrorist act using social media. The defendant's application was dismissed as unnecessary.

- ***R v Harrison* [2015] NSWDC (unreported).**

Instructed to by Nationwide News Pty Ltd to resist a suppression order in a case concerning sexual based offences. The defendant's application was dismissed as unnecessary.

- ***R v Odishou* [2014] NSWDC (unreported)**

Instructed to appear for News Ltd, News Media Ltd; Fairfax and SBS to resist suppression orders sought by the defendant who was a member of "Brothers for Life" gang. The defendant's application was based on the prejudicial effect to the jury of pretrial publicity. The application was dismissed as being unnecessary.

- ***DPP v Elomar* [2014] NSWDC (unreported).**

Instructed to appear for the ABC to resist a suppression order over specific information arising out of a trial concerning terrorism charges. The matter settled at court.

- ***R v Lord* [2012] NSWDC 23 August (unreported).**

Instructed to appear for the Australian Broadcasting Corporation to resisting suppression orders concerning a relative of a well-known Australian soccer player.

IMPLIED FREEDOM OF POLITICAL COMMUNICATIONS

- ***Young v Facebook Australia Pty Ltd* [2015] FCA 1440. (Griffiths J)**

Instructed by the respondent in a case concerning the implied freedom of political speech under the Constitution and misleading and deceptive conduct. The claim was brought against the wrong entity. The respondent sought and obtained summary judgment.

COMMERCIAL/OTHER

High Court of Australia

- ***Rose v Meriton Apartments Pty Limited* [2013] HCATrans 29 (led by AW Street SC)**

Instructed by the appellant to seek special leave in relation to an order for sequestration made by the Federal Magistrates Court.

- ***Heperu Pty Ltd & Ors v Perpetual Trustees Australia Ltd* [2010] HCA Trans 16 (otherwise unreported).**

Instructed to assist Greg Burton SC and Digby QC in a case concerning equitable restitution. The case settled before judgment was published.

NSW Court of Appeal

- ***Hassoun v Wesfarmers General Insurance Ltd T/A Lumley General* [2015] NSWCA 33 (led by MJ Heath)**

Instructed to appear for the respondent. At first instance, the respondent insurer successfully sought security for costs. The proceedings were subsequently stayed. The applicant unsuccessfully sought leave to appeal.

NSW Supreme Court and Federal Courts of Australia

- ***Sutton v BearingPoint Inc* [2017] FCCA 477 (Judge Nicholls)**

Instructed to appear for the applicant to set aside a bankruptcy notice on the basis of an abuse of process.

- ***Sutton v BearingPoint* [2016] NSWSC 485 (Harrison AJ)**

Instructed to appear for the appellant seeking to set aside the decision of the Registrar in a case relating to an assignment of a debt from an Australian entity to its American parent company.

- ***Veolia Environmental Services v Ambler* [2015] NSWSC (unreported)**

Instructed to appear for the plaintiff to obtain a freezing order over a former employee who misappropriated over \$1million dollars. Subsequently instructed to obtain summary judgment.

- ***Saba v Moit Projects* [2014] NSWSC 1759 (McDougal J)**

Instructed to appear for the second defendant in a banking and finance trial that concerned the *Cheques Act* 1986 (Cth). The relevant questions were: whether an inchoate cheque was filled up with authority, delivered conditionally and whether those conditions were satisfied before being presented.

- ***Macquarie International Health v South Sydney Area Health Authority* [2013] to [2014] NSWSC, various (Kunc J)**

Instructed as one of many junior counsel to assist senior counsel for the defendant. The case was a complex case but principally involved an assessment of mesne damages following a finding of trespass. The case was valued in excess of \$200 million.

- ***National Australia Bank Limited v Zerafa* [2013] NSW Supreme Court (Davies J)**

Instructed to appear for the National Australia Bank in seeking summary judgment in possession proceedings. The defendant alleged (amongst other things) of fraud by bank officer.

- ***Vardenaga v Vardenaga* [2013] Family Court of Australia [2013] FCA**

Instructed to appear for the intervenor (the National Australia Bank) as mortgagee in an application by husband to set aside the wife's mortgage by reason that its purpose was to defeat a court order.

- ***Sefton v Grafton City Council* [2013] IRC, unreported.**

Instructed by the respondent in an employment related trial.

- ***National Australia Bank v Elixir & Ors* [2012] NSWSC, unreported**

Instructed by the plaintiff bank in relation to a “mistake” in a deed. The case settled at mediation.

- ***Galileo Japan Funds Management Limited as responsible entity for the Galileo Japan Trust v UBS AG, Australia Branch* [2012] FCA (Foster J) (led by Gregory Burton SC).**

Instructed to appear for the applicant in proceedings that involved the winding up of a AUD\$65 million loan facility. The case settled.

- ***National Australia Bank v Oberg* [2012] FMCA 233 (Barnes FM)**

Instructed to appear for the National Australia Bank as creditor. The Bank successfully sought a sequestration order against the debtor. The case concerned whether the debtor was “able to pay his debts” within the meaning of s.52(2) *Bankruptcy Act* 1966 (Cth).

- ***Control Software SA v Schneider Australia Pty Ltd*, various appearances between 2011 and 2012 in the NSW Supreme Court (Commercial list)**

Instructed by the defendants in a claim commenced by a Spanish company seeking to enforce an international arbitration agreement. The claim was predicated on the basis of a purported breach of a “best endeavours clause”.

- ***Australian Fishing Enterprises Pty Ltd v Clipper Kikushio*, [2011] and [2012] FCA, unreported (led by Alexander Street SC).**

Instructed by the respondent ship which had collided with a Blue Fin Tuna-fish pen in South Australia. The Pen was not marked on the nautical map used by the Ship. The publisher of that map was the Commonwealth of Australia. Accordingly, the respondent cross claimed against it. The case settled.

- ***National Australia Bank v Oberg* [2011] NSWSC, unreported, Einstein J.**

Instructed to appeared for the plaintiff bank in a motion to secure freezing orders and summary judgment. The defendant was found to have engaged in engaged in “Cheque Kiting” activity.

- ***Meats v KD Pty Ltd T/A Leader and Ors* [2011] ACTSC (unreported) (Master Harper) (led by I Neil SC).**

Instructed to advise and appear for the defendant in a claim relating to real estate commission.

- ***Park & Anor v Grace & Ors* [2011] NSWSC, unreported (Hammerschlag J)**

Instructed by the defendants in a claim concerning a high value property dispute. The case settled.

- ***Schoots & Ors v (1) Blue Chip Financial Services Australia Ltd (in Liq) (2) Turn and Wave Ltd*, Supreme Court ACT, 2010 (Led by Andrew Bell SC) (Master Harper)**

Instructed by the applicants in a claim in which the New Zealand defendants sought to stay the proceedings on the basis that Australia was the inappropriate forum. Principles of private international law discussed.

- ***Weller v Williams* [2010] NSWSC 716 (Ball J) & *Weller v Williams* [2010] NSWSC 741 (Ball J)**

Successfully appeared for the Commonwealth Bank of Australia in an claim concerning the application of s.43A *Real Property Act* 1900. The plaintiff subsequently applied unsuccessfully for a stay pending an appeal.

- ***ASIC v Rich & Ors* [2010] NSWSC, unreported.**

Instructed as junior counsel (one of four) advising ASIC in relation to the costs argument following the collapse of One Tel. Limited. The case settled.

NSW District Court

- ***Total Quality Sports Hire Pty Ltd v National Australia Bank* [2012] NSW District Court, unreported.**

Instructed to appear for the defendant bank in a case concerning the reversal of and incomplete “intra-bank” payment. The case settled at mediation.

- ***Mercedes Benz Services Australia Pty Ltd v White* [2012] NSWDC, unreported**

Instructed by the plaintiff to successfully resist an application to set aside default judgment.
