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Admissions

6 December 2002 Supreme Court of New South Wales

October 2011 NSW Bar

Qualifications

2001 College of Law, New South Wales, Graduate Diploma in Legal Practice

2000 University of NSW, Bachelor of Laws

1998 University of NSW, Bachelor of Economics (Hons, First Class), University Medal

Academic Achievements

- UNSW University Medal in Economics
- Second Place in Graduate Class in Law
- UNSW Economic Society Prize for Economics
- Julius Stone Prize for Law and Social Theory

Main Practice Areas

- Insurance/Reinsurance
- Professional Negligence
- Commercial
- Corporations
- Equity
- Building and Construction

Selected cases

Appeals and Full Courts

- *Boensch v Pascoe* [2019] HCA 49; (2019) 268 CLR 593 (led by Dominic Priestley SC)
- *Scott v Ennis-Oakes* [2020] NSWCA 239 (led by John Kelly SC)
- *Wyzenbeek v Australasian Marine Imports Pty Ltd (in Liq)* [2019] FCAFC 167; (2019) 272 FCR 373 (led by Stuart Donaldson SC)
- *Bank of Queensland Limited v AIG Australia Limited* [2019] NSWCA 190 (led by Michael Jones SC)

- *Boensch (as trustee of Boensch Trust) v Pascoe* [2018] FCAFC 234; (2018) 264 FCR 25 (led by Dominic Priestley SC)
- *Onley v Catlin Syndicate Ltd as the Underwriting Member of Lloyd's Syndicate* [2018] FCAFC 119; (2018) 360 ALR 92 (led by Stuart Donaldson SC)
- *AAI Limited t/as Vero Insurance v GEO Group Australia Pty Limited* [2017] NSWCA 110 (led by Anthony Cheshire SC)
- *Khoury v Coffey Projects (Australia) Pty Ltd* [2015] NSWCA 371 (unled)
- *Violi v Commonwealth Bank of Australia* [2015] NSWCA 152 (led by David Pritchard SC)
- *King v Benecke* [2014] NSWCA 399 (led by Anthony McInerney SC)
- *Chubb Insurance Company of Australia Limited v Moore* [2013] NSWCA 212; (2013) 302 ALR 101 (led by David Williams SC and Jonathon Redwood)
- *Karl Suleman Enterprizes Pty Ltd (In Liq) v Pham & Ors* [2013] NSWCA 93 (led by David Pritchard SC)
- *Griffin v Matthews* [2012] NSWCA 348 (led by David Williams SC)
- *Benjamin v Geneville Constructions Pty Ltd; Geneville Constructions Pty Ltd v Benjamin* [2021] NSWCATAP 138 (unled)
- *Noureddine v Barbalace Construction Pty Ltd* [2019] NSWCATAP 223 (unled)
- *Petropoulos v CPD Holdings Pty Ltd t/as The Bathroom Exchange (No 2)* [2018] NSWCATAP 233 (unled)
- *Petropoulos v CPD Holdings Pty Ltd t/as The Bathroom Exchange* [2018] NSWCATAP 72 (unled)

Other selected cases

- *Stines v The GEO Group Australia Pty Limited* [2021] NSWSC 375 (unled)
- *The Owners – Strata Plan No 55682 v W. R. Berkley Insurance (Europe), PLC & Ors* [2020] NSWDC 758 (unled)
- *Evolution Precast Systems Pty Ltd v Chubb Insurance Australia Ltd* [2020] FCA 1690 (led by David Williams SC)
- *QBE Insurance Australia Ltd v Allianz Australia Insurance Ltd* [2020] FCA 589; (2020) 377 ALR 338 (led by Edward Muston SC)
- *Rickhuss v The Cosmetic Institute Pty Ltd (No.2)* [2020] NSWSC 393 (led in part by Michael Windsor SC)
- *Jason Tang and Ozem Kassem in their capacity as joint and several liquidators of Elite Plant Hire P/L (in liq) v MECON Winsure Insurance Group P/L* [2020] NSWSC 441 (unled)
- *Ange v Contos* [2020] NSWSC 64 (unled)
- *Epsilon Insurance Broking Services Pty Ltd v Liberty Managing Agency Ltd (No 2)* [2020] FCA 20 (unled)
- *Petropoulos v CPD Holdings Pty Ltd t/as The Bathroom Exchange* [2019] NSWSC 897 (unled)
- *Manmi v Manmi* [2019] NSWDC 96 (unled)
- *Australian Correctional Services Pty Limited v AIG Australia Limited* [2018] FCA 2043 (unled)
- *Ryan Wealth Holdings Pty Ltd v Baumgartner* [2018] NSWSC 1502 (led by Michael Jones SC)
- *Commonwealth Bank of Australia v QBE Insurance (Australia) Ltd* [2018] NSWSC 1440 (unled)
- *Progressive Direct Insurance Company, application under the Insurance Act 1973 (Cth) (No 2)* [2018] FCA 9 (unled)
- *Baker-Crooks v Separovich* [2017] NSWSC 708 (unled)
- *Boensch v Pascoe (No 3)* [2017] FCA 215 (unled)
- *Boensch v Pascoe (No 2)* [2017] FCA 146 (unled)
- *Gordian RunOff Limited, in the matter of Gordian RunOff Limited (No 2)* [2016] FCA 1498 (unled)
- *In the matter of Ji Woo International Education Centre Pty Ltd* [2016] NSWSC 1060 (unled)
- *Gabo Island Investments Pty Limited v Barea* [2015] NSWSC 1675 (unled)
- *Estate of Budniak; NSW Trustee & Guardian v Budniak* [2015] NSWSC 934 (led by Lindsay Ellison SC)
- *State of New South Wales v O'Mara and Ors* [2015] NSWSC 428 (unled)
- *Cahill v Kenna* [2014] NSWSC 1763 (led by Mark McCulloch SC)

- *In the matter of All Class Insurance Brokers Pty Ltd (in liq); Vardy v Westpac Banking Corporation* [2014] NSWSC 475 (unled)
- *Karl Suleman Enterprizes Pty Ltd (in liq) v Pham (No 2)* [2013] NSWSC 110; (2013) 273 FLR 127; (2013) 92 ACSR 691 (led by David Pritchard SC)
- *Karl Suleman Enterprizes Pty Ltd (in liq) v Pham* [2012] NSWSC 645; (2012) 90 ACSR 554 (led by David Pritchard SC)

Experience

Oct 2011 to date	Barrister, Sydney
Jul 2011 to October 2011	HWL Ebsworth, Sydney, Special Counsel, Insurance Group
Jul 2006 to July 2011	Ebsworth & Ebsworth / HWL Ebsworth, Sydney, Senior Associate, Insurance Group
Nov 2002 to July 2006	Ebsworth & Ebsworth, Sydney, Solicitor, Insurance Group <ul style="list-style-type: none"> • Professional negligence • Directors' and Officers' insurance • Coverage disputes • Insurance / reinsurance coverage advice • Defence of claims against lawyers, accountants, banks, finance professionals and insurance brokers • Commercial advice to insurers and reinsurers, including advice as to and drafting of policy wordings • Acting for insurers in claims on Bankers Blanket Bond and other FI Policies, for both first party and third party loss

Examples of Matters

- Acted for the party who succeeded in bringing a claim against a Justice of the Peace, in the decision which established that witnesses to real property dealings owe a duty of care to the property owner: *Graham v Hall* [2006] NSWCA 208
- Insurance coverage dispute determined in favour of LawCover Pty Limited in the Court of Appeal: *Carr t/as Forshaws Neill v Swart; Lawcover Pty Ltd v Swart* [2007] NSWCA 337. Special leave to appeal to the High Court was refused: *Malcolm Douglas Carr T-As Forshaws Neill v Swart & Ors* [2008] HCASL 355
- Assisted in acting for parties to the HIH Royal Commission
- Acted for insurers in relation to the Multiplex class action (and ASIC Enforceable Undertaking) arising out of the Wembley Stadium project and the Downer EDI class action settlement
- Acted for insurers in relation to various regulatory matters:
 - APRA and ASIC regulatory action regarding unit pricing of life insurance funds

- ASIC investigations concerning suspected continuous disclosure breaches / misleading and deceptive conduct and/or involvement by directors or officers
- ASIC investigation concerning suspected insolvent trading and unlawful related party transactions

April 1999 to April 2001

TressCox Lawyers, Sydney

Paralegal, Banking and Financial Services Division and Insurance Litigation Division

2000

University of New South Wales

Public Law Exam Marker

1998-2000

University of New South Wales

Aboriginal Education Program Tutor in Public Law

Publications and Seminars

- “Native Title and the Royal Metals” (2001) 6(1) *Australian Indigenous Law Reporter* 1 (cited by Spigelman CJ in *State of New South Wales v Cadia Holdings Pty Limited* [2009] NSWCA 174)
- Co-editor/Editorial Co-ordinator of the Ebsworth & Ebsworth *Insurance Review*/HWL Ebsworth *Insurance Review*, 2004-2011
- *Co-author Walking the Tightrope*, 2006 Geoff Masel Lecture, Australian Insurance Law Association
- Presentation of various seminars, including on insurance law, aggregation clauses, proportionate liability, advocates' immunity and directors' duties (including on ASIC's civil penalty prosecution of the James Hardie directors)
- Author of various case notes published in the *Ebsworth & Ebsworth Insurance Review*/HWL Ebsworth *Insurance Review* and elsewhere