



## Sam Adair

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## Admissions, education and prior experience

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2009	Admitted to the New South Wales Bar
2005	Admitted as a solicitor
2004	Macquarie University – BA LLB (Hons)
Awards:	P. Blashki & Sons Prize for first place in February 2009 NSW Bar Exam

## Sample current and recent matters

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- *The Owners – Strata Plan No. 87231 v 3A Composites GmbH* (No.10) [2026] FCA 352 (27 March 2026). Appeared for successful second respondent, Halifax Vogel Group defending a funded class action alleging breaches of consumer guarantees and misleading or deceptive conduct in connection with the supply of aluminium composite panels (ACPs). Led by Nicholas Owens SC, instructed by Wotton Kearney, Sydney.
- *Lendlease Building Pty Ltd v McKenzie Group Consulting (Vic) Pty Ltd* (Supreme Court of Victoria): Appearing for Halifax Vogel Group in multi-party Commercial Court proceedings involving building cladding. Lead counsel, instructed by Barry Nilsson, Melbourne. Listed for 3-week trial commencing in August 2026.
- *RB Consulting Pty Ltd & Anor ats Caruana* (Supreme Court of New South Wales): Appearing for a building certifier in Technology & Construction List proceedings involving issues alleged major structural defects and abuse of process due to prior District Court proceedings. Unled, instructed by Wotton Kearney, Sydney. Listed for trial in August 2026.
- *RD Miller & Anor ats Clinton & Co* (Supreme Court of New South Wales): Appearing for vendors in equity proceedings, resisting claims for specific performance and liquidated damages under a call option deed and interrelated agreements. Appearing with Andre Zahra SC. Instructed by Wotton Kearney, Sydney.
- *DMC Consulting Engineers & Ors ats Predl* (Supreme Court of New South Wales): Appearing for structural engineer in multi-party proceedings concerning alleged serious defects in a residential dwelling. Unled, instructed by Lander & Rogers, Melbourne.

## Selected Judgements

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- *The Owners – Strata Plan No. 87231 v 3A Composites GmbH* (No.10) [2026] FCA 352 (27 March 2026). Appeared for successful second respondent defending class action alleging breaches of consumer guarantees and misleading or deceptive conduct in connection with the supply of aluminium composite panels (ACPs).
- *The Owners – Strata Plan No. 87231 v 3A Composites GmbH* (No.9) [2025] FCA 1108. Appeared for second respondent on application by a group member for leave to opt-out of representative proceedings after hearing of initial trial had concluded. Leading M Kingsland of counsel, instructed by Wotton Kearney, Sydney.
- *Palmer v Gayler trading as Farrell Lusher* [2025] NSWSC 190: Appeared for fifth defendant successfully resisting application to enforce alleged settlement terms. Issues included categorisation of settlement terms according to *Masters v Cameron*, whether the defendants had engaged in repudiatory conduct and the reasonableness of the plaintiff’s claim for costs in the circumstances. Unled, instructed by Kennedys, Sydney.
- *The Owners – Strata Plan No 87231 v 3A Composites GmbH (No 6)* [2023] FCA 188. Appeared for successful respondent on an interlocutory application seeking production of non-discoverable documents. Unled.
- *Asset Building Certifiers Pty Ltd v Hyblewski* [2020] ACTCA 21. Instructed by Sparke Helmore.
- *Aligned Investment Management Pty Ltd as Trustee for the Rose Family Trust v Aligned FM Pty Ltd* [2019] NSWSC 1051. Led by MJ Heath. Instructed by David P. Selig.
- *Hyblewski v Bellerive Homes Pty Ltd* [2019] ACTSC 44. Unled. Instructed by Sparke Helmore, Canberra.
- *James v The Owners – Strata Plan No 11478* [2017] NSWCA 166. Unled. Instructed by Sparke Helmore, Sydney.
- *James v Owners SP 11478* [2016] NSWSC 1558; 18 BPR 36389. Unled. Instructed by Sparke Helmore, Sydney.
- *Doulman v ACT Electronic Solutions Pty Limited & Anor (No.2)* [2015] FCCA 1664; 300 FLR 121. Unled. Instructed by Sparke Helmore, Sydney.
- *WorkCover Authority of New South Wales v Construere Projects Pty Limited* [2014] NSWDC 310. Unled. Instructed by Danny Eid Lawyers.
- *Empire Waste Pty Ltd v District Court of New South Wales* [2013] NSWCA 394; 86 NSWLR 142. Led by Garry McGrath SC. Instructed by Eastern Commercial Lawyers.
- *Nicholls & Ors v Michael Wilson & Partners Ltd* [2012] NSWCA 383. Led by Garth Blake SC & Garry McGrath SC. Instructed by Henry Davis York.

## Other relevant experience

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- Appearing in Supreme Court of NSW proceedings involving allegations of undue influence and unconscionable conduct (settled on first day of 3-week trial). Led by David Murr SC. Instructed by Makinson d'Apice.
- Appearing for and advising a charitable foundation in a Supreme Court of NSW class action concerning historical abuse claims. Settled at mediation. Appeared on settlement approval hearing before Garling J (unreported). Led by Garth Blake SC and Julia Lonergan SC (as her Honour then was).
- Acting and advising in relation to a domestic arbitration conducted under the Resolution Institute Rules concerning claims & cross claims under a construction contract. Unled.
- Appearing in numerous interlocutory applications in various courts and tribunals (both led and unled) of subject matters ranging from claims for urgent injunctive relief to matters of practice and procedure.
- Appearing in numerous mediations on behalf of insurers, commercial clients, and individuals (both led and unled) in disputes concerning issues of insurance policy coverage, construction and engineering claims, allegations of corporate oppression and directors' duties, contractual claims, as well as public liability claims and dental negligence.
- Advising Australian and London-based insurers on policy interpretation and coverage issues, as well as advice on prospects and conduct of proceedings, ranging from professional indemnity claims, ISR policies and directors' and officers' claims.