

<b>Areas of Practice</b>	<ul style="list-style-type: none"><li>▪ Alternative dispute resolution (incl. mediation and arbitration)</li><li>▪ Appellate</li><li>▪ Banking, securities and insolvency</li><li>▪ Class actions and representative proceedings</li><li>▪ Commercial law (incl. property, real property and retail)</li><li>▪ Commercial litigation</li><li>▪ Constitutional law</li><li>▪ Construction law</li><li>▪ Corporate</li><li>▪ Equity</li><li>▪ Regulatory</li><li>▪ Trade Practices</li><li>▪ Trusts</li></ul>
<b>Education</b>	<p><b>Macquarie University – Bachelor of Arts with Bachelor of Laws (Hons class 1)</b> 2008</p> <p><b>College of Law, Sydney – Graduate Diploma of Legal Practice</b> 2010</p>
<b>Experience</b>	<p><b>Barrister, 5 Wentworth Chambers   2015 – Present</b></p> <p><b>Allens   2007 – 2015</b></p> <ul style="list-style-type: none"><li>▪ Senior Associate (from 2014 – 2015) (Corporate Insolvency &amp; Restructuring, Commercial Litigation &amp; Dispute Resolution and Projects practice groups)</li></ul>
<b>Description</b>	<p>David has a wide-ranging commercial litigation practice, specialising in high-profile and complex commercial disputes. These include regulatory matters and cases involving novel issues in corporate insolvency, contracts, misleading or deceptive conduct, equity and trusts.</p> <p>David appears regularly in the Federal Court of Australia, the Supreme Court of NSW and the District Court of NSW, both unled and as junior counsel.</p> <p>David is regularly briefed by leading law firms and acts for major corporate clients including Bupa, CIMIC and Kimberly-Clark. David is also sought after for his strategic and commercially focused litigation advice.</p>

David is recognised as a leading junior within the Australian Bar in the Legal 500's Commercial Disputes and Regulatory sections, and is an expert advisor for the LexisNexis Insolvency and Restructuring Practical Guidance module.

Prior to coming to the Bar, David was a Senior Associate at the leading international commercial law firm, Allens.

#### Appointments

**Solicitor, Supreme Court of New South Wales and High Court of Australia**  
2010

**Barrister, New South Wales**  
2015

#### Selected Cases

##### Appellate hearings

- *Porter v Dyer and Chrysanthou* [2022] FCAFC 116. Led by Anne Horvath SC, instructed by Kennedys.
- *Australian Competition and Consumer Commission v Kimberly-Clark Australia Pty Ltd ("flushable wipes" case)* [2020] FCAFC 107 (appeal) and [2019] FCA 992 (trial). Led by John Sheahan QC and Jonathon Redwood, instructed by King & Wood Mallesons.
- *Bupa HI Pty Ltd v Chang* [2019] FCAFC 180 (appeal) and [2018] FCA 2033 (trial). Led by Noel Hutley SC and Cynthia Cochrane, briefed directly by Bupa.
- *Bandara v Director of Public Prosecutions* [2016] NSWCA 140. Led by Michael Heath, as Amicus Curiae.

##### Misleading or deceptive conduct

- *Dig It Landscapes Pty Ltd (in liq.) v Bupa Aged Care Australia Pty Ltd* [2024] FCA 31; [2022] FCA 47. Unled, briefed directly by Bupa.
- *Australian Competition and Consumer Commission v Kimberly-Clark Australia Pty Ltd ("flushable wipes" case)* [2020] FCAFC 107 (appeal) and [2019] FCA 992 (trial). Led by John Sheahan QC and Jonathon Redwood, instructed by King & Wood Mallesons.
- *Lao & Ors v Bridges Financial Services Pty Ltd* (NSWSC proceedings 2020/00322884). Unled, instructed by King & Wood Mallesons.
- *Bupa HI Pty Ltd v Chang* [2019] FCAFC 180 (appeal) and [2018] FCA 2033 (trial). Led by Noel Hutley SC and Cynthia Cochrane, briefed directly by Bupa.
- *Silkroad Technology Inc v Vocus Group Ltd* (NSWDC proceedings 2018/00098442). Unled, instructed by Phillips Law & Advisory.

##### Commercial – including breach of contract, equity and restraint of trade

- *Negoescu v Dental Corporation Pty Ltd* [2022] WASC 365. Unled, instructed by Blackwall Legal.
- *John Holland Holdings Pty Ltd v CIMIC Group Ltd* (NSWSC Commercial List proceedings 2020/00295983). Led by Jeremy Stoljar SC, instructed by K&L Gates.

- *Biomass Solutions (Coffs Harbour) Pty Ltd v Coffs Harbour City Council* (2021 arbitral proceedings before the Hon. Robert McDougall QC). Led by Ross Foreman SC, instructed by Fishburn Watson O'Brien.
- *Al Jaber Holding LLC & Anor v CIMIC Group Ltd* (NSWSC Commercial List proceedings 2020/00105806). Led by Jeremy Stoljar SC, instructed by Allens. (Unreported decision of Hammerschlag J, 2020.)
- *Chevron Australia Pty Ltd v CPB Contractors Pty Ltd* (2017 arbitral proceedings). Instructed by Corrs Chambers Westgarth.
- *Dental Corporation Pty Ltd v Lee* [2016] NSWSC 1859. Led by Cynthia Cochrane, instructed by Minter Ellison

#### **Corporations matters, including oppression and insolvent trading**

- *Re Brew Still Pty Ltd (admin apptd)* [2023] NSWSC 256 (NSWSC Corporations List winding-up proceedings). Unled, instructed by Oakbridge Lawyers.
- *Re Systema AI Holdings Pty Ltd* (NSWSC Corporations List oppression proceedings 2021/0039515). Leading Eliot Olivier, instructed by Silberstein & Associates.
- *Mai v Letcher and Anor* (NSWDC proceedings 2019/00150730). Led by Gregory Burton SC, instructed by Du & Associates.
- *Re Elk Petroleum Ltd* (admins. apptd.) (NSWSC Corporations List application to extend convening period). Unled, instructed by Allens. (Unreported decision of Black J, 21 June 2019.)
- *Atlas Hall Pty Ltd v Gotsis* (NSWSC proceedings 2018/00006887). Led by Dominique Hogan-Doran SC, instructed by Athena Touriki Solicitors.
- *Re Rockgedgiel Pastoral Co Pty Ltd* (NSWSC Corporations List proceedings 2016/00186988). Led by David Pritchard SC, instructed by Pigott Stinson Lawyers.

#### **Other matters of note**

- *Siemens WLL v BIC Contracting LLC* [2023] FCA 1664; [2023] FCA 1669; [2024] FCA 2. Led by Nick Kidd SC and Ross Foreman SC, instructed by Allens. (Application to set aside garnishee order – recognition and enforcement of foreign arbitral awards – international conflict of laws as to proper location of debt.)
- *Trindall v NSW Aboriginal Education Consultative Group Inc* [2023] NSWSC 85. Unled, instructed by Pigott Stinson Lawyers. (Law of associations – challenge to call of meeting of members.)
- *Dyno Nobel Inc v Orica Explosives Technology Pty Ltd* (2019) 148 IPR 442; [2019] FCA 1552. Led by Tony Bannon SC, Cynthia Cochrane and Catherine Bembrick, instructed by Shelston IP. (Patent validity and infringement – Admissibility of evidence.)
- *Gotsis v Kotis* (NSWSC proceedings 2017/00213531). Led by Dominique Hogan-Doran SC, instructed by Athena Touriki Solicitors. (Law of associations – challenge to election of members.)