

Areas of Practice	<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>
Education	<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>
Experience	<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>
Description	<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. David also regularly acts in disputes involving clubs and associations, including advising on corporate governance.</p> <p>David is recognised as a leading junior counsel within the Australian Bar in Legal 500's Commercial Disputes and Regulatory sections. He 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 Medibank. David is also sought after for his strategic and commercially focused litigation advice.</p> <p>Prior to coming to the Bar, David was a Senior Associate at the leading international commercial law firm, Allens.</p>
<b>Appointments</b>	<p><b>Solicitor, Supreme Court of New South Wales and High Court of Australia</b> 2010</p> <p><b>Barrister, New South Wales</b> 2015</p>
<b>Selected Cases</b>	<p><b>Misleading or deceptive conduct</b></p> <ul style="list-style-type: none"> <li>▪ <i>Dig It Landscapes Pty Ltd (in liq.) v Bupa Aged Care Australia Pty Ltd</i> [2024] FCA 31; [2022] FCA 47. Unled, briefed directly by Bupa.</li> <li>▪ <i>Australian Competition and Consumer Commission v Kimberly-Clark Australia Pty Ltd (“flushable wipes” case)</i> [2020] FCAFC 107 (appeal) and [2019] FCA 992 (trial). Led by John Sheahan QC and Jonathon Redwood, instructed by King &amp; Wood Mallesons.</li> <li>▪ <i>Lao &amp; Ors v Bridges Financial Services Pty Ltd</i> (NSWSC proceedings 2020/00322884). Unled, instructed by King &amp; Wood Mallesons.</li> <li>▪ <i>Bupa HI Pty Ltd v Chang</i> [2019] FCAFC 180 (appeal) and [2018] FCA 2033 (trial). Led by Noel Hutley SC and Cynthia Cochrane, briefed directly by Bupa.</li> </ul> <p><b>Commercial – including breach of contract, equity and restraint of trade</b></p> <ul style="list-style-type: none"> <li>▪ <i>Siemens WLL v BIC Contracting LLC</i> [2023] FCA 1664; [2023] FCA 1669; [2024] FCA 2. Led by Nick Kidd SC and Ross Foreman SC, instructed by Allens.</li> <li>▪ <i>Fohec Pty Ltd v Kahila</i> [2024] NSWSC 1120. Unled, instructed by Patane Lawyers.</li> <li>▪ <i>Negoescu v Dental Corporation Pty Ltd</i> [2022] WASC 365. Unled, instructed by Blackwall Legal.</li> <li>▪ <i>John Holland Holdings Pty Ltd v CIMIC Group Ltd</i> (NSWSC Commercial List proceedings 2020/00295983). Led by Jeremy Stoljar SC, instructed by K&amp;L Gates.</li> <li>▪ <i>Biomass Solutions (Coffs Harbour) Pty Ltd v Coffs Harbour City Council</i> (2021 arbitral proceedings before the Hon. Robert McDougall QC). Led by Ross Foreman SC, instructed by Fishburn Watson O’Brien.</li> <li>▪ <i>Al Jaber Holding LLC &amp; Anor v CIMIC Group Ltd</i> (NSWSC Commercial List proceedings 2020/00105806). Led by Jeremy Stoljar SC, instructed by Allens. (Unreported decision of Hammerschlag J, 2020.)</li> </ul>

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

- *Re QLD Keystone Pty Ltd* [2024] NSWSC 1678 (NSWSC Corporations List application for leave to bring derivative proceedings). Led by Gregory Burton SC, instructed by Du & Associates.
- *Advanced Medical Devices (AMD) Pty Ltd v MS Precision Co Ltd* (Federal Court of Australia corporations proceedings NSD1364/2024). Unled, instructed by Lucid Legal.
- *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.

### **Clubs and associations**

- *Blake v Carlingford Bowling Sports and Recreation Club Ltd* [2024] NSWSC 1078. Unled, instructed by Brown Wright Stein Lawyers.
- *Trindall v NSW Aboriginal Education Consultative Group Inc* [2023] NSWSC 85. Unled, instructed by Pigott Stinson Lawyers.
- *Gotsis v Kotis* (NSWSC proceedings 2017/00213531). Led by Dominique Hogan-Doran SC, instructed by Athena Touriki Solicitors.

### **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.