

James Neal - List of Cases

[Rodriguez & Sons Pty Ltd v Queensland Bulk Water Supply Authority t/as Seqwater \(No 7\) \[2016\] NSWSC 1335](#)

I appeared for the dam operator in relation to an application for discovery.

[Museth v Windsor Country Golf Club Ltd \[2016\] NSWCA 327](#)

Claim for nuisance against Golf Club, for whom I appeared.

[Harrington Estates \(NSW\) Pty Ltd t/as Harrington Grove Country Club v Turner \[2016\] NSWCA 369](#)

Personal injury claim against architect, for whom I appeared.

[Beslic v MLC Ltd \(No 2\) \[2016\] NSWSC 746](#)

Claim against financial advisor, for whom I appeared. Considered advanced rulings on admissibility of evidence.

[Schneider v AMP Capital Investors Ltd; Schneider v Kent Street Pty Ltd; AMP Office & Industrial Pty Ltd v AMP Capital Investors Ltd; \(“Schneider v AMP Capital Investors Ltd”\) \[2016\] NSWSC 333](#)

Final hearing. Personal injury claim against lift consultant, for which I appeared.

[Frewin v Adecco Industrial Pty Limited \[2015\] NSWSC 1568](#)

Final hearing. Personal injury claim against concrete plant operator, for which I appeared. Cross claim for contractual indemnity.

[Glenn Turner v Harrington Estates \(NSW\) Pty Ltd t/as Harrington Grove Country Club and Hassell Ltd \[2015\] NSWDC 256](#)

Final hearing. I acted for an architect who was sued in relation to personal injuries suffered by the plaintiff at a club.

[Beslic v MLC Ltd \[2015\] NSWSC 908](#)

Motion concerning advanced ruling as to admissibility pursuant to s.192A *Evidence Act*.

[The Owners Corporation Strata Plan No 74667; 74670 and 74662 v Auburn City Council \[2015\] NSWSC 86](#)

The plaintiffs sued the Auburn City Council and the fire safety engineer (for whom I appeared) in relation to fire safety defects in residential premises. The matter was listed for final hearing before Rein J but was settled pursuant to the plaintiffs' acceptance of offers of compromise. Justice Rein dealt with a dispute concerning appropriate costs orders following the plaintiffs' acceptance of the offers of compromise.

[The Owners - Strata Plan No 68372 v Allianz Australia Insurance Limited \[2014\] NSWSC 1807](#)

Adoption hearing in relation to a Referee's report.

[Rodriguez & Sons Pty Ltd v Queensland Bulk Water Supply Authority t/as Seqwater \[2014\] NSWSC 1565](#)

Strike out application in relation to representative proceedings concerning the January 2011 floods in south-east Queensland.

[Hazard Systems Pty Ltd v Car-Tech Services Pty Ltd \(In liquidation\) \[2013\] NSWCA 314](#)

Appeal against the decision of Olsson DJC who had allowed a plaintiff to amend in circumstances where the defendant (for whom I appeared) had alleged that the causes of action had been assigned to the plaintiff's insurer.

[Dymocks v Capral \[2013\] NSWSC 343](#)

Final hearing. Professional negligence claim against architect in respect of building at Grassy Head on the mid-North Coast of NSW. I appeared for the first defendant which supplied coated aluminium sheets. The plaintiff sued the first defendant on a warranty given in a deed.

[Pacific Resources International Pty Ltd v UTI \(Aust\) Pty Ltd; Brackley Industries Pty Ltd v UTI \(Aust\) Pty Ltd \[2012\] NSWSC 1274](#)

Final hearing. Claims by bailors (for one of which I appeared) of goods against the bailee, a tenant of a large warehouse destroyed by fire.

[Pacific Resources International Pty Ltd v UTI \(Australia\) Pty Ltd \[2012\] NSWSC 893](#)

Motion concerning whether defendant should be permitted to rely on late served expert evidence.

[Cardinal Project Services Pty Ltd v Hanave Pty Ltd \[2011\] NSWCA 399](#)

Concerned the construction of ss.21 and 26 *Building and Construction Industry Security of Payment Act 1999*.

[Atlas Financial International Ltd v Nortbale Pty Ltd; Atlas Financial International Ltd v Nortbale Pty Ltd; Atlas Financial International Ltd v John Palasty \[2011\] NSWSC 815](#)

Final hearing. Claim on loan agreements and deeds of guarantee. Case turned on credit of lay witnesses in relation to whether oral agreements concerning forgiveness of the debt had been made.

[Peter Tomson v Frank John Boitano \[2011\] NSWSC 527](#)

Summary dismissal application of professional negligence proceedings against solicitors (for whom I appeared) on the basis that, by reason of the plaintiff's bankruptcy, he had no standing to bring the claim.

[Building Insurers' Guarantee Corporation v The Owners – Strata Plan No. 57504 \[2010\] NSWCA 23](#)

Adoption hearing in relation to a Referee's report.

[Ideal Polyurethane v GWH Building Pty Ltd \[2009\] NSWDC 318](#)

Final hearing. Professional negligence claim against an engineer, for whom I appeared, in relation to the design and construction of a warehouse.

[Owners Strata Plan 62327 v Vero \[2009\] NSWSC 908](#)

The Owners Corporation sued its home owners' warranty insurer in relation to substantial building defects. The proceedings were settled with the Court left to determine liability for costs.

[Owners SP 62930 v Kell & Rigby \[2009\] NSWSC 1342](#)

Claim against engineer. Separate determination concerned whether certain exclusion clauses in the ACEA Guideline Terms of Agreement operated to exclude liability under the *Trade Practices Act*.

[Mantoufeh v Enterprise Finance Solutions Pty Ltd \[2009\] NSWSC 1144](#)

Appeal against decision of a magistrate concerning claim for payment under a lease/hiring contract for equipment.

[Limit \(No 3\) Limited v ACE Insurance Limited \[2009\] NSWSC 514](#)

Final hearing. Claim for 'recoupment' by one liability insurer against another in relation to a tunnelling project in Singapore.

[Leveraged Capital Pty Ltd v Modena Imports Pty Ltd \[2009\] NSWSC 509](#)

Case concerned whether the plaintiff had standing as a 'contingent or prospective creditor' of a company and whether or not the company ought to be wound up.

[Modena Imports Pty Ltd v Leveraged Capital Pty Ltd \(in liquidation\) \[2009\] NSWSC 20](#)

Application to set aside statutory demand.

[The Owners Strata Plan 57504 v Building Insurers' Guarantee Corporation \[2008\] NSWSC 1022](#)

Adoption hearing of referee's report.

[Auburn Council v Michael Davies Associates Pty Ltd \[2008\] NSWCA 286](#)

Appeal concerned claim against architect for professional negligence.

[Kevin Lucas & KDL Building Pty Ltd v Robert Montgomery and Anor \[2008\] NSWDC 207](#)

Motion concerning slip rule in UCPR 36.17.

[Kevin Lucas & KDL Building Pty Ltd v Robert Montgomery and Anor \[2008\] NSWDC 207](#)

Final hearing. Case concerned claim by owners against a builder, and claim by builder alleging professional negligence against barrister (for whom I appeared).

[State of NSW v Bovis Lend Lease Pty Ltd](#)

This long-running reference concerned defects in the Olympic swimming pool at Homebush. I appeared for one of the architects which was successful in defending a cross-claim by Bovis Lend Lease. After the Referee published his report, the claim against my client was settled.

[Coleman v Seaborne Pty Ltd \[2007\] NSWCA 60](#)

Appeal against adoption of referee's report by Nield DCJ concerning a claim for the cost of the renovation of a boat, and a counter-claim for defective work.

[Michael Davies Associates Pty Ltd v Auburn Council \[2007\] NSWSC 877](#)

Claim by architect for outstanding fees; cross claim for damages.

[Fallon Street Properties Pty Ltd v Steel & Stuff Pty Ltd \[2006\] NSWCA 296](#)

Appeal against the decision of Palmer J; see case below.

[Steel Stuff Pty Ltd v Fallon Street Properties Pty Ltd \[2005\] NSWSC 1148](#)

Claim for damages by tenant (for which I appeared) against landlord for breach of an implied term of a commercial lease.

[Scott Carver Pty Ltd v SAS Trustee Corporation \[2005\] NSWCA 462](#)

Appeal against the decision of Master Macready adopting a referee's report in relation to defects in building project at Chatswood.

[Ingham Enterprises Pty Ltd v McDonald \[2005\] HCAT Trans 551](#)

Special Leave application concerning construction of dangerous Goods Regulations in relation to a warehouse fire.