

NICHOLAS RIORDAN**CURRICULUM VITAE****Education and Professional Qualifications**

May 2018	Admitted to the New South Wales Bar
Feb 2009	Admitted as a solicitor of the Supreme Court of New South Wales Admitted as a solicitor of the High Court of Australia
2003-2008	Bachelor of Arts in Communication (Social Inquiry), Bachelor of Laws (1st Class Hons) (UTS)

Professional Career

May 18 – present	Nine Wentworth Chambers
Jan 16 – April 18	Thomson Geer
Feb 09 – Dec 15	Holding Redlich

Professional Accomplishments (as a barrister)

Appellate	<ul style="list-style-type: none"> • <i>Insurance Australia Limited v Meridian Travel (Vic) Pty Ltd; Taphouse Townsville Pty Ltd v Insurance Australia Limited; LCA Marrickville Pty Limited v Swiss Re International Se</i> [2022] HCATrans 172 (respondent) (led by DL Williams SC and RG Glover, instructed by DLA Piper) (special leave, insurance, business interruption) • <i>LCA Marrickville Pty Limited v Swiss Re International Se v (Second COVID-19 insurance test cases)</i> (2022) 290 FCR 435 (Full Court of the Federal Court) (respondent) (led by DL Williams SC and RG Glover, instructed by DLA Piper) (insurance, construction, business interruption cover, COVID-19) • <i>Gujarat NRE Limited v Wollongong Coal Limited</i> [2019] HCATrans 226 (respondent) (led by DL Williams SC, instructed by Thomson Geer) (contract, guarantee and indemnity, waiver) • <i>Almona Pty Ltd v Parklea Corporation Pty Ltd</i> (2021) 392 ALR 457 (appellant) (led by DL Williams SC, instructed by Bartier Perry) (fraud, unconscionable conduct, mortgagee duties) • <i>Jagatramka v Wollongong Coal Limited</i> [2021] NSWCA 61 (respondent) (led by A Coleman SC, instructed by Thomson Geer) (directors' duties, equitable compensation, accessorial liability) • <i>Supabarn Supermarkets Pty Ltd v Cotrell Pty Ltd</i> [2021] ACTCA 2 (led by JC Giles SC and SH Hartford-Davis, instructed by Corrs Chambers Westgarth) (breach of contract, assessment of damages) • <i>Wollongong Coal Limited v Gujarat NRE India Pty Ltd</i> (2019) 100 NSWLR 432 (appellant) (led by DL Williams SC, instructed by Thomson Geer) (contractual construction, equitable set-off)
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**Equity,
Contract and
Commercial**

- *BCEG International (Australia) Pty Ltd v Xiao* [2022] NSWSC 1102 (plaintiff) (led by DL Williams SC, instructed by Thomson Geer) (fraud, breaches of fiduciary duty, equitable compensation)
- *Anchorage Capital Master Offshore Ltd v Sparkes (No 4); Bank of Communications Co Ltd v Sparkes (No 2)* [2021] NSWSC 1025 (Supreme Court of NSW) (defendant in each proceeding) (led by DL Williams SC and ML Rose, instructed by Norton Rose Fulbright) (insolvent trading, misleading or deceptive conduct, negligent misstatement, assignment of tortious claims)
- *Axis Bank Ltd v Gujarat NRE India Pty Ltd* [2020] NSWSC 1711 (plaintiff) (led by CH Withers SC, instructed by Thomson Geer) (guarantee and indemnity, misleading or deceptive conduct, unconscionable conduct)
- *CIC Projects Pty Ltd v Eyre Kingston Pty Ltd* [2020] NSWSC 1658 (led by JC Giles SC, instructed by Thomson Geer) (contractual construction)
- *UIL (Singapore) Pte Ltd v Wollongong Coal Limited* (Federal Court) (led by CH Withers SC, instructed by Thomson Geer) (breach of contract, misleading or deceptive conduct)
- *Guojin Huang v Jinghong Wei (No 2)* [2022] NSWSC 473 (led by CH Withers SC, instructed by Thomson Geer) (constructive trust, undue influence, fraud)
- *Northwalker Realty Pty Ltd v TFM Chatswood Land Pty Ltd (No 2)* [2022] NSWSC 1409 (led by S Gollidge SC, instructed by H&H Lawyers) (claim for non-payment of agent's commission)
- *Wollongong Coal Limited v Gujarat NRE Properties Pty Ltd* [2020] NSWSC 254 (plaintiff) (led by A Coleman SC, instructed by Thomson Geer) (directors' duties, accessorial liability, constructive trust)
- *Lee v Lonestar International Pty Ltd* [2022] NSWSC 1688 (unled, instructed by H&H Lawyers) (debt recovery claim under a loan agreement, claim under a guarantee against guarantor)
- *Kenxue Pty Ltd atf The Susan Investments Trust v Westpro Finance Pty Ltd* [2020] NSWSC 1146 (plaintiff) (led by DL Williams SC, instructed by Stanton & Stanton) (misleading or deceptive conduct, unconscionable conduct, breach of contract)
- *Move 4 Life Pty Ltd v Illawarra Retirement Trust* (District Court of NSW) (unled, instructed by Thomson Geer) (contractual construction)
- *Huang v Wei* (Supreme Court of NSW) (plaintiff) (unled, instructed by Thomson Geer) (constructive trust, undue influence)
- *Move 4 Life Pty Limited v Illawarra Retirement Trust* [2021] NSWDC 654 (defendant) (unled, instructed by Thomson Geer) (termination, accrued rights, construction)
- *CPB Contractors Pty Ltd v Mott MacDonald Australia Pty Ltd* (Supreme Court of NSW) (defendants) (led by MA Ashurst SC, HJA Neal) (defects claims relating to North West Metro infrastructure project)
- *Leading Age Services Australia Limited v Rasko Holdings Pty Ltd* (Supreme Court of NSW) (plaintiff) (unled, instructed by Thomson Geer) (breach of contract, professional negligence)
- *ZACD Group Limited v Landerer & Company Legal Services Pty Ltd* (Supreme Court of NSW) (plaintiff) (led by DL Williams SC, instructed by Thomson Geer) (breach of trust, professional negligence)
- *Gujarat NRE India Pty Ltd v Wollongong Coal Limited* [2018] NSWSC 1459 (defendant) (led by DL Williams SC and C D Wood SC, instructed by Thomson Geer) (claim for indemnity under guarantee, unjust enrichment, money had and received, equitable set-off)
- *Koundouris v Koundouris* (Supreme Court of NSW) (plaintiff) (led by JC Giles SC, instructed by Corrs Chambers Westgarth) (oppression, breach of fiduciary duties, breach of directors' duties, accessorial liability, breach of contract, estoppel)
- *CPB Contractors Pty Ltd atf Celsus Pty Ltd* (commercial arbitration) (respondent) (led by PS Braham SC, EAJ Hyde, N Simpson, instructed by King & Wood Mallesons) (breach of contract, building defects, measure of damages, scope of rectification)
- *Australian Insolvency Group Pty Limited v LCM Litigation Fund Pty Limited* (Supreme Court of NSW) (defendant/cross-claimant) (led by DL Williams SC and EAJ Hyde, instructed by Piper Alderman) (breach of contract, breach of fiduciary duty)
- *Colette International Pty Ltd v Sharaf Trading LLC (No 2)* (Supreme Court of NSW) (plaintiff) (unled, instructed by Thomson Geer) (leave to proceed against foreign defendant, default judgment, assessment of damages)

- *GoGetta Equipment Funding Pty Ltd v Rubix Investments Group Pty Ltd (in liq)* (Supreme Court of NSW) (plaintiff) (led by EAJ Hyde, instructed by Jones Day) (artificer's lien, conversion and detinue, breach of contract)

Insurance

- *Uniting Church in Australia Property Trust (NSW) v Allianz Australia Insurance Limited (Liability Judgment)* [2023] FCA 190 (applicant) (led by DL Williams SC, instructed by Clayton Utz) (professional indemnity insurance, claim for indemnity, s 40(3) of the *Insurance Contracts Act*)
- *LCA Marrickville Pty Limited v Swiss Re International SE v (Second COVID-19 insurance test cases)* (2022) 290 FCR 435 (Full Court of the Federal Court) (respondent) (led by DL Williams SC and RG Glover, instructed by DLA Piper) (insurance, construction, business interruption cover, COVID-19)
- *Zurich Australian Insurance Limited v XL Insurance Company Limited* [2023] NSWSC 29 (plaintiff) (led by DL Williams SC, instructed by Colin Biggers & Paisley) (contribution, double insurance, claim for permanent stay on forum non conveniens grounds)
- *HDI-Global SE v Zurich Australian Insurance Limited* (Supreme Court of NSW) (defendant) (led by DL Williams SC, instructed by HBA Legal) (negligence, duty of care owed by primary layer to excess layer insurer, interference with contractual relations)

Corporations, Insolvency and Bankruptcy Law

- *Anchorage Capital Master Offshore Ltd v Sparkes (No 4); Bank of Communications Co Ltd v Sparkes (No 2)* [2021] NSWSC 1025 (Supreme Court of NSW) (defendant in each proceeding) (led by DL Williams SC and ML Rose, instructed by Norton Rose Fulbright) (insolvent trading, misleading or deceptive conduct, negligent misstatement, assignment of tortious claims)
- *Northwalker Realty Pty Ltd v TFM Chatswood Land Pty Ltd* [2022] NSWSC 1407 (plaintiff) (led by S Golledge SC, instructed by H&H Lawyers) (leave to proceed against company in administration)
- *Forge Group Limited (in liquidation) (receivers and managers appointed) v Hutchinson and Ors* (Supreme Court of NSW) (plaintiff) (led by JC Sheahan QC, WAD Edwards and A Hochroth, instructed by Banton Group) (directors' duties)
- *In the matter of Airtasker Limited* [2021] NSWSC 629 (plaintiff) (led by DL Williams SC, instructed by Thomson Geer) (s1322 relief)
- *In the matter of DAC Finance (NSW/Qld) Pty Ltd* [2020] NSWSC 182 (plaintiff) (led by DL Williams SC, instructed by Thomson Geer) (financial reporting obligations, s1322 relief from civil liability)
- *K S Queensland Pty Ltd v Jang* (Federal Court) (plaintiff) (unled, instructed by H & H Lawyers) (directors' duties, fiduciary duties)
- *Gasfields Limited v ASX Limited* (Supreme Court of NSW) (plaintiff) (led by DL Williams SC, instructed by Thomson Geer) (administrative law, unconscionable conduct, injunction)
- *In the matter of FW Projects Pty Ltd (in liquidation)* (Supreme Court of NSW) (plaintiff) (unled, instructed by Mills Oakley) (application for appointment of liquidators as receivers of assets of trust estate)
- *In the matter of Bond Resources Pty Ltd* (Supreme Court of NSW) (defendant) (unled, instructed by Thomson Geer) (winding up application, just and equitable grounds, oppression claim)
- *In the matter of Bytecan Pty Ltd (in liq)* (Supreme Court of NSW) (unled, instructed by Thomson Geer) (examination proceedings)

Regulatory

- *Wollongong Coal Limited v Chief Commissioner of State Revenue* (Supreme Court of NSW) (plaintiff) (led by DL Williams SC, instructed by Thomson Geer) (taxation, mining royalty, restitution)
- *Gasfields Limited v ASX Limited* (Supreme Court of NSW) (plaintiff) (led by DL Williams SC, instructed by Thomson Geer) (administrative law, unconscionable conduct, injunction)

Intellectual Property Law	<ul style="list-style-type: none"> • <i>She She TV Pty Ltd ats Embrace Sydney Australia Pty Ltd</i> (Federal Circuit Court) (respondents) (unled, instructed by Thomson Geer) (copyright infringement, breach of contract, misleading or deceptive conduct)
Procedural, Interlocutory and Duty Judge Motions	<ul style="list-style-type: none"> • <i>BCEG International (Australia) Pty Ltd v Xiao</i> [2023] NSWSC 57 (plaintiff, applicant) (led by DL Williams SC, instructed by Thomson Geer) (contempt of court, liability hearing) • <i>BCEG International (Australia) Pty Ltd v Xiao</i> [2021] NSWSC 1027 (applicant) (led by DL Williams SC, instructed by Thomson Geer) (freezing order, amendment, security for costs, application to set aside subpoenas and notices to produce) • <i>Almona Pty Ltd v Parklea Corporation Pty Ltd (No 2)</i> [2021] NSWCA 202 (applicant) (led by DL Williams SC, instructed by Bartier Perry) (extension of caveat pending application for special leave to appeal) • <i>Guojin Huang v Jinghong Wei</i> [2022] NSWSC 222 (plaintiff) (led by CH Withers SC, unled on application) (objection to hearsay evidence) • <i>Guojin Huang v Jinghong Wei (No 4)</i> [2023] NSWSC 164 (plaintiff) (unled) (gross sum costs application) • <i>In the matter of Cabramatta King Tea Pty Ltd</i> [2022] NSWSC 462 (plaintiff) (costs application arising from resolution of proceedings) • <i>Yu Xiao v BCEG International (Australia) Pty Ltd</i> [2022] NSWCA 223 (respondent) (security for costs of appeal, fraud findings as special circumstances) • <i>Wollongong Coal Limited v Gujarat NRE Properties Pty Ltd</i> [2019] NSWSC 187 (respondent) (led by CRC Newlinds SC, instructed by Thomson Geer) (security for costs) • <i>Wollongong Coal Limited v Gujarat NRE Properties Pty Ltd</i> [2019] NSWSC 758 (applicant) (led by CH Withers, instructed by Thomson Geer) (amendment) • <i>Gujarat NRE India Pty Ltd v Wollongong Coal Limited</i> [2018] NSWSC 1622 (applicant) (led by DL Williams SC and CD Wood SC, instructed by Thomson Geer) (stay of proceeding) • <i>Colette International Pty Ltd v Sharaf Trading LLC (No 1)</i> (Supreme Court of NSW) (plaintiff) (unled, instructed by Thomson Geer) (review of Registrar decision, application for substituted service against foreign defendant)

Professional Accomplishments (as a solicitor)

Equity, Contract and Commercial Law	<ul style="list-style-type: none"> • <i>Armstrong Strategic Management and Marketing Pty & Ors Limited v Expense Reduction Analysts Group Pty Ltd & Ors (No 9)</i> [2016] NSWSC 1005 (defendants) (claim for misleading or deceptive conduct, unconscionability, breach of fiduciary duties, breach of contract, unlawful termination, accessorial liability) • <i>Wollongong Coal Limited ats Bellpac Pty Ltd (in liquidation) (receivers and managers appointed)</i> (Supreme Court of NSW) (claim for redemption of face value of convertible bonds) • <i>Wollongong Coal Limited ats Pacific National (NSW) Pty Ltd</i> (District Court of NSW) (claim under an indemnity for loss occasioned by a rail derailment) • <i>Wollongong Coal Limited ats Gujarat NRE India Pty Ltd</i> (Supreme Court of NSW) (subrogation claim under a contract of guarantee and in restitution for money had and received) • <i>Wollongong Coal Limited v NRE Resources Pty Ltd</i> [2017] NSWSC 1552 (claim under an intercompany loan account) • <i>TNZI UK Limited ats Feroval Telefono Limited</i> (High Court of Justice, UK) (application to discharge an interlocutory injunction) • <i>PHD Networks Pty Ltd v Eagle Moss Limited</i> (District Court of NSW) (breach of contract claim for media buying services) • <i>Omnilab Media Limited ats Digital Cinema Networks Pty Ltd</i> (Federal Court) (hearing as to damages for involvement in breach of directors' duties) • <i>Streetscape Projects (Australia) Pty Ltd v City of Sydney</i> [2013] NSWCA 2 (appeal against holdings of breaches of fiduciary duty and duty of confidence) • <i>The City of Sydney v Streetscape Projects (Australia) Pty Limited & Moses Obeid</i> [2011] NSWSC 1214 (claim for breach of contract, breach of fiduciary duty and breach of confidence)
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**Corporations,
Insolvency and
Bankruptcy
Law**

- *Subex Americas Inc ats Soul Pattinson Telecommunications Pty Ltd* (Supreme Court of NSW) (claim for breach of contract for IT project delivery services)
- *GE Mortgage Solutions Limited v Jane Susan Fassos* [2012] NSWSC 1446 (possession matter arising under a contract of loan and mortgage) (pro bono)
- *In the matter of EcoBiotics Limited* [2017] FCA 643; [2017] FCA 1031 (two related members' schemes of arrangement)
- *In the matter of Dick Smith Holdings Limited (in liquidation) (receivers and managers appointed)* (examinations under Part 5.9 of the Corporations Act)
- *In the matter of Wollongong Coal Limited* [2017] NSWSC 201 (applicant) (application to buy-back shares)
- *In the matter of Qbiotics Limited* [2016] FCA 873 (applicant) (application to validate share transfers which contravened company constitution)
- *In the matter of Syn Dynamics Australia Pty Ltd* (respondent) (Supreme Court of NSW) (shareholder oppression suit)
- *In the matter of Isacson Pty Ltd (In Liquidation)* [2015] NSWSC 1394 (applicant) (application to terminate winding up)
- *Morrison & Ors v Bell Potter Securities Limited* (Federal Court) (claim under Part 7.6 of the Corporations Act against AFS licensee for fraud committed by its authorised representative)
- *Woollahra Constructions Pty Ltd v James* [2013] FMCA 95 (petitioning creditor) (application for sequestration order)
- *In the matter of Streetscape Projects (Australia) Pty Limited (deed of company arrangement)* [2013] NSWSC 1289 (applicant) (application to set aside deed of company arrangement)
- *Council of the City of Sydney v Obeid* [2013] FCA 149 (respondent) (application to dismiss creditor's petition)
- *Obeid v The Council of the City of Sydney* [2012] FMCA 450 (respondent) (application to set aside bankruptcy notice)
- *In the matter of Streetscape Projects (Australia) Pty Limited* [2012] NSWSC 653 (respondent) (application to set aside statutory demand)
- *In the matter of Serilake Pty Ltd* (Supreme Court of NSW) (plaintiff) (shareholder oppression suit)
- *In the matter of Signav Pty Limited (Administrators Appointed)* [2009] FCA 990 (applicant) (application to extend time for the lodgement of notice of a charge)

**Constitutional,
Public and
Administrative
Law**

- *Unions NSW & Ors v New South Wales* [2013] HCA 58 (plaintiff) (special case in the original jurisdiction of the High Court seeking judicial review of provisions of State legislation which impermissibly burdened the implied freedom of communication on governmental and political matters)
- *X v Commissioner of Police* [2012] NSWSC 930 (applicant) (application to permanently stay a pending criminal proceeding)
- *X v Minister for Immigration and Citizenship* (Federal Magistrates Court) (application for judicial review of independent merits review decision made under the Migration Act) (pro bono)
- *X v NSW Trustee and Guardian* (applicant) (application in the Guardianship Division of the NCAT to vary financial management order) (pro bono)
- *ACCC investigation into a financial services company alleged to have engaged in cartel conduct* (informal examination by 3-member panel)

**Intellectual
Property Law**

- *National Film and Sound Archive of Australia ats 220 Productions Pty Ltd* (Federal Court) (breach of contract claim concerning the licensing of sequel rights in a documentary television production)
- *French West, Inc v Pretty Girl Fashion Group Pty Ltd* (claimant) (copyright infringement claim for fabric prints)
- *Micropay Pty Ltd v Quest Payment Systems Pty Ltd* (Federal Court) (claim for infringement of trade mark and misleading or deceptive conduct)
- *Guttermesh Enterprises Pty Ltd v Scarr* (Supreme Court of NSW) (trade mark infringement, passing off, breach of confidence and misleading or deceptive conduct)
- *Kollaras & Co Pty Limited ats Centre Vinicole-Champagne Nicolas Feuillatte* (respondent) (copyright and trade mark infringement claims arising from parallel importation of alcoholic beverages)
- *Neoz Pty Ltd v GroupOn LLC* (claimant) (copyright infringement in respect of proprietary images of lighting products)
- *City of Sydney v Streetscape Projects (Australia) Pty Ltd* (Federal Court) (trade mark infringement, copyright infringement and misleading or deceptive conduct)

**Procedural,
Interlocutory
and Duty
Judge Motions**

- *Eugene Turk v Illawarra Retirement Trust* (defendant) (District Court) (preliminary discovery)
- *Electrical Distributors Australia Pty Ltd v John Nahlous* (Supreme Court) (injunction to restrain breaches of confidence and fiduciary duties)
- *Hayes v Lend Lease Darling Park One Pty Ltd* [2017] NSWSC 1376 (defendant) (application for summary dismissal)
- *In the matter of Syn Dynamics Australia Pty Ltd* (Supreme Court of NSW) (respondent) (injunction to restrain the passing of resolutions proposed at meetings of shareholders and directors)
- *Wollongong Coal Limited ats Bellpac Pty Ltd (in liquidation) (receivers and managers appointed)* (Supreme Court of NSW) (applicant) (security for costs application)
- *Armstrong Strategic Management and Marketing Pty Limited & Ors v Expense Reduction Analysts Group Pty Ltd & Ors (No 8)* [2016] NSWSC 384 (applicant) (application to exclude expert report on basis of failure to subscribe to code of conduct and failure to apply specialised knowledge)
- *Armstrong Strategic Management and Marketing Pty Limited & Ors v Expense Reduction Analysts Group Pty Ltd & Ors* [2016] NSWSC 49 (applicant) (application to examine director of addressee of subpoena in relation to adequacy of compliance)
- *Armstrong Strategic Management and Marketing Pty Limited & Ors v Expense Reduction Analysts Group Pty Ltd & Ors (No 7)* [2015] NSWSC 623 (applicant) (security for costs)
- *Armstrong Strategic Management and Marketing Pty Ltd v Expense Reduction Analysts Group Pty Ltd* (applicant) (numerous applications before the Commercial List Duty Judge for orders for short service and substituted service of subpoenas, application for issue of letter of request to United States District Court (California) for issue of subpoena)
- *Armstrong Strategic Management and Marketing Pty Ltd & Ors v Expense Reduction Analysts Group Pty Ltd & Ors* [2014] NSWSC 1141 (applicant) (application for stay of proceedings pending payment of costs order in appellate proceeding)
- *Streetscape Projects (Australia) Pty Ltd v The City of Sydney* [2012] NSWCA 63 (respondent) (application to stay the operation of a judgment pending appeal)
- *The City of Sydney v Streetscape Projects (Australia) Pty Limited* [2011] NSWSC 364 (respondent) (application to set aside subpoena)
- *PHD Networks Pty Ltd v Eagle Moss Limited* (County Court of Vic) (applicant) (application to stay proceeding under Service and Execution of Process Act)
- *Fintage Collection Account Management B.V. v Eric Bischoff Group LLC* (Supreme Court of NSW) (applicant) (interpleader application)