

DAVID L WILLIAMS SC

List of Cases

(Arranged chronologically – for list by topics see curriculum vitae)

Munich Reinsurance Company of Australasia Limited v AMP Limited [2024] NSWSC 950

(Strike out, summary dismissal, amendment)

Lowe v Certain Underwriters at Lloyd's of London Subscribing to Policy Number ATCS100100 [2024] FCA 858

(Insurance, contractual construction, causation)

BCEG International (Australia Pty Ltd v Yu Xiao [2024] NSWSC 922

(Lump sum costs orders)

QBT Pty Ltd v Wilson [2024] NSWCA 114

(Contracts; construction; where literal construction would lead to absurd outcome)

Cessnock City Council v 123 259 932 Pty Ltd [2024] HCA 17

(Contracts; reliance damages; expenditure incurred in anticipation of or reliance on performance of contractual obligations; entitlement to cover wasted expenditure incurred by innocent party)

Nature's Care Holdings Pty Ltd v Chen (No 4) [2024] NSWSC 379

(Third party costs orders against major shareholders)

Lewis v Martinez and the persons named in the Schedule (No 5) [2024] NSWSC 359

(Partnership, expulsion, dissolution, contractual interpretation)

Nature's Care Holdings Pty Ltd v Chen (No 3) [2024] NSWSC 245

(Leave to serve third party costs application outside the jurisdiction)

Nature's Care Holdings Pty Ltd v Chen (No 2) [2024] NSWSC 107

(Interlocutory injunction; balance of convenience; injunction restraining exercise of rights acquired by minority shareholders; director/fiduciary duties)

Grant Reid Wilson atf G&L Wilson Family Trust v QBT Pty Limited (No 2) [2024] NSWSC 62

(Costs; apportionment of recoverable costs; exceptions to general rule that costs follow the event; offer of compromise)

Lowe v Sze Tu as Administrator of the Estate of the late Fung Chun Chow; Lowe v Pascoe as Administrator of the Estate of the late Kut Sze Tu [2023] NSWCA 282

(Partnership; contribution; costs)

In the matter of Balamara Resources Ltd [2023] NSWSC 1349

(Equity; interlocutory injunction; conversion of debt to equity under loan agreement and convertible notes)

Grant Reid Wilson atf G&L Wilson Family Trust v QBT Pty Limited [2023] NSWSC 1255

(Contracts; interpretation of contract where clauses inconsistent or interpretation leads to commercial absurdity; leave to amend pleadings)

Calvary Health Care ACT Ltd v Australian Capital Territory (No 2) [2023] ACTSCFC 2
(Costs; challenge to the validity of Act and Regulation)

Pitcher Partners Holdings Pty Ltd v Twigg [2023] NSWCA 193
(Permanent stay of proceedings; abuse of process)

Vaughan Constructions Pty Ltd v Melbourne Water Corporation (Building and Property) [2023] VCAT 699
(Costs; applications to join parties to proceedings)

Calvary Health Care ACT Ltd v Australian Capital Territory [2023] ACTSCFC 1
(Constitutional law; legislative power of the ACT Legislative Assembly; interpretation of statute compulsorily acquiring hospital and its assets; just terms for acquisition of property)

BCEG International (Australia) Pty Ltd v Xiao (No 3) [2023] NSWSC 554
(Contempt; breach of asset freezing undertakings; penalty; imprisonment; suspended sentences; indemnity costs)

123 259 932 Pty Ltd v Cessnock City Council (Costs) [2023] NSWCA 99
(Costs; offers of compromise)

123 259 932 Pty Ltd v Cessnock City Council (No 2) [2023] NSWCA 89
(Civil procedure; stay of proceedings; stay pending application for special leave to appeal to High Court)

Anchorage Capital Master Offshore Ltd v Sparkes (2023) 11 NSWLR 304; [2023] NSWCA 88
(Insolvency – long term debt; misleading and deceptive conduct – material adverse change; contractual construction; negligence; accessory liability in tort; employee liability for corporate conduct; causation)

Xiao v BCEG International (Australia) Pty Ltd (No 2) [2023] NSWCA 87
(Costs; apportionment where appeal allowed in part; re-exercise of discretion where different outcome on appeal)

Vaughan Constructions Pty Ltd v Melbourne Water Corporation (Building and Property) [2023] VCAT 366
(Application to join party to proceedings; statutory construction)

Canon Australia Pty Ltd [2023] FCA 281
(Cleansing orders; deed of cross guarantee; financial reporting obligations; application under s 1322(4) of the Corporations Act)

Xiao v BCEG International (Australia) Pty Ltd (2023) 111 NSWLR 132; [2023] NSWCA 48
(Fiduciary duties, remedies, causation; split election between compensation remedies and accounts of profits from accessories)

Giabal Pty Ltd v Gunns Plantations Ltd (in liquidation) (No 2) [2023] NSWSC 201
(Civil procedure; settlement of representative proceedings; assessment of fairness and reasonableness of proposed settlement)

Uniting Church in Australia Property Trust (NSW) v Allianz Australia Insurance Limited (Liability Judgment) [2023] FCA 190
(Insurance; s 40(3) notifications to insurer; bulk notifications; authority of solicitors to receive notice; utmost good faith; known claims circumstances exclusions; sections 33, 40(3) and 54 of the *Insurance Contracts Act 1984* (Cth); declaratory relief)

Vaughan Constructions Pty Ltd v Melbourne Water Corporation (Building and Property) [2023] VCAT 233

(Application to join party to proceedings; statutory construction)

***Giabal Pty Ltd v Gunns Plantations Ltd (in liquidation)* [2023] NSWSC 184**

(Costs; where no determination of the proceedings on the merits; revocation of leave to proceed)

***Twigg v Pitcher Partners Holdings Pty Ltd (No 4)* [2023] NSWSC 109**

(Stay of proceedings; abuse of process; re-litigation of successful proceedings against other parties)

***123 259 932 Pty Ltd v Cessnock City Council* (2023) 110 NSWLR 464; [2023] NSWCA 21**

(Contracts; remedies; reliance damages; principles in *Amann Aviation*)

***BCEG International (Australia) Pty Ltd v Xiao* [2023] NSWSC 57**

(Contempt; breach of asset preservation orders and undertakings; director's liability for contempt)

***Zurich Australian Insurance Limited v XL Insurance Company SE* [2023] NSWSC 29**

(Private international law; insurance; equal contribution on basis of coordinate liability; appropriate jurisdiction; international insurance policies)

***BCEG International (Australia) Pty Ltd v Xiao* [2023] NSWSC 6**

(Variation of freezing orders; application to permit a source of funds be available to pay judgment debt; alleged contempt; prejudice via bankruptcy)

***Twigg v Pitcher Partners Holdings Pty Ltd (No 2)* [2022] NSWSC 1714**

(Evidence; legal professional privilege; waiver)

***Lowe v Pascoe (No 14)* [2022] NSWSC 1591**

(Costs; mixed success of parties)

***Melbourne Water Corporation v Vaughan Constructions Pty Ltd* [2022] VSCA 241**

(Appeal; statutory construction; proportionate liability; *Water Act 1989* (Vic) s 157(4)(b); whether a water Authority relying on 'responsibility' of others under s 157(4)(b) requires proof of legal liability)

***Xiao v BCEG International (Australia) Pty Ltd* [2022] NSWCA 223**

(Security for costs of appeal; special circumstances)

***Watson & Co Superannuation Pty Ltd v Dixon Advisory and Superannuation Services Ltd* [2022] FCA 1273**

(Insurance; compulsory production of insurance policies; potential breach of confidence; prejudice mitigated by limitations on disclosure)

***Dermapenworld Pty Ltd v Dermapen IP Holdings LLC* [2022] FCA 1094**

(Confirmation of service outside Australia; criteria under *Federal Court Rules 2011*)

***BCEG International (Australia) Pty Ltd v Xiao (No 3)* [2022] NSWSC 1221**

(Costs; indemnity costs ordered on grounds of delinquency; conduct unnecessarily difficult and protracted)

***Twigg v Pitcher Partners Holdings Pty Ltd* [2022] NSWSC 1043**

(Application to transfer proceedings to another state; cross-vesting legislation)

***Zoobury Pty Ltd v Cariste Pty Ltd (No 2)* [2022] NSWSC 1018**

(Costs; offer of compromise; indemnity costs)

***BCEG International (Australia) Pty Ltd v Xiao* [2022] NSWSC 972**

(Corporations; sham sub-contracts; fraud; director and de facto director duties; fiduciary duties; remedies; split election between different defendants)

***Carter v Orix Australia Corporation Ltd* [2022] FCA 784**

(Employment and industrial relations; unpaid long service leave; equitable set-off; practice and procedure)

***Vaughan Constructions Pty Ltd v Melbourne Water Corporation (Building and Property) (Corrected)* [2022] VCAT 633**

(Statutory construction; *Water Act 1989* (Vic) s 157(4)(b); responsibility for injury, damage or loss)

***Legge v Universal Hospitality Group Pty Ltd & Ors (No 3)* [2022] NSWSC 709**

(Insurance; *Insurance Contracts Act* ss 21, 26, 27 and 28; alleged misrepresentation by insured; misrepresentation or failure to disclose)

***Lowe v Pascoe (No 13)* [2022] NSWSC 320**

(Equity; entitlement to distribution from trust funds; calculation of distributions)

***Zoobury Pty Ltd v Cariste Pty Ltd* [2022] NSWSC 18**

(Contracts; construction; corporations; reinstatement of deregistered company)

***Lowe v Pascoe (No 11)* [2021] NSWSC 1375**

(Equity; payment received from partnership fund; nature of payment; account of profits)

***123 259 932 Pty Ltd v Cessnock City Council (No 2)* [2021] NSWSC 1329**

(Contracts; unconscionable conduct; damages)

***Swiss Re International SE v LCA Marrickville Pty Limited (Second COVID-19 insurance test cases)* [2021] FCA 1206**

(Business interruption insurance; contractual interpretation; statutory interpretation; s 54 *Insurance Contracts Act 1984* (Cth)) ; s 61A *Property Law Act* (1958) (Vic)

***Lowe v Pascoe (No 10)* [2021] NSWSC 1232**

(Equity; trusts; right to call for distribution of trust property; calculation of final distribution of estate)

***Anchorage Capital Master Offshore Ltd v Sparkes (No 3); Bank of Communications Co Ltd v Sparkes (No 2)* [2021] NSWSC 1025**

(Insolvency – long-term financing liabilities; misleading or deceptive conduct; tort – personal liability of employees; material adverse change clauses; damages)

***Almona Pty Ltd v Parklea Corporation Pty Ltd* [2021] NSWCA 171**

(Mortgagee's duty on exercise of power of sale; fraud and indefeasibility; mortgages and securities)

***In the matter of Airtasker Limited* [2021] NSWSC 629**

(Corporations; capital raising; cleansing notice; s 1322 relief)

***Lowe v Pascoe (No 9)* [2021] NSWSC 163**

(Estoppel; Anshun estoppel; issue estoppel; equitable defences - laches and acquiescence; restitution)

***ET-China.com International Holdings Ltd v Cheung* [2021] NSWCA 24**

(Corporations; directors duties; resulting trusts; sham transfers; appellate review of credit findings)

***Cohen v Sacks* [2021] NSWSC 88**

(Adjournment application; financial difficulty; inferences from failure to adduce evidence)

***Giabal Pty Ltd v Gunns Plantations Ltd (In Liquidation)* [2020] NSWSC 1070**

(Leave to proceed against insurers; conflict of interest exclusion; lenders liability exclusion)

***Chubb Insurance Australia Ltd v Giabal Pty Ltd; Catlin Australia Pty Ltd v Giabal Pty Ltd* [2020] NSWCA 309**

(Leave to proceed against insurers; entitlement to disclaim liability)

***Evolution Precast Systems Pty Ltd v Chubb Insurance Australia Limited* [2020] FCA 1690**

(Insurance; construction of policy; advance payment of defence costs)

***Sydney Local Health District v Macquarie International Health Clinic Pty Ltd* [2020] NSWCA 274**

(Damages for trespass to land; mesne profits; user principle; taxation impacts on damages; re-opening application)

***Rodriguez & Sons Pty Limited v Queensland Bulk Water Supply Authority t/as Seqwater (No 25)* [2020] NSWSC 1544**

(Representative proceedings; causation and quantum issues affecting sample group members; appointment of referee)

***Almona Pty Ltd v Parklea Corporations Pty Ltd (No 5)* [2020] NSWSC 1514**

(Costs; gross sum costs orders)

***Rodriguez & Sons Pty Limited v Queensland Bulk Water Supply Authority t/as Seqwater (No 24)* [2020] NSWSC 1498**

(Representative proceedings; costs; joint and several costs order; apportionment of costs order)

***Legge v Universal Hospitality Group Pty Limited (No 2)* [2020] NSWSC 1411**

(Insurance; duty of disclosure; misrepresentation; admissibility of evidence; relevance; hearsay)

***Rodriguez & Sons Pty Limited v Queensland Bulk Water Supply Authority t/as Seqwater (No 23)* [2020] NSWSC 650**

(Representative proceedings; apportionment between tortfeasors; interest on property damage)

***Almona Pty Ltd v Parklea Corporations Pty Ltd (No 4)* [2020] NSWSC 553**

(Stay of proceedings; Bullock and Sanderson orders; security for costs; apportionment of costs)

***Augusta Ventures Limited v Mt Arthur Coal Pty Limited* [2020] FCAFC 194**

(Industrial class action; representative proceedings; costs sought against funder; "no costs" jurisdiction; security for costs order)

***DAC Finance (NSW/QLD) Pty Ltd & Other Companies* [2020] NSWSC 182**

(Corporations Act; failure to lodge financial statements; relief from civil liability under section 1322)

***Almona Pty Ltd v Parklea Corporation Pty Ltd* [2019] NSWSC 1868**

(Mortgagee exercise of power of sale; fraud; equity of redemption; indefeasibility of title; estoppel; equitable remedies)

***Rodriguez & Sons Pty Ltd v Queensland Bulk Water Supply Authority trading as Seqwater (No 22)* [2019] NSWSC 1657**

(Class actions; flood mitigation; negligence; nuisance; trespass; vicarious liability; causation)

***Macquarie International Health Clinic Pty Ltd v Sydney Local Health District; Sydney Local Health District v Macquarie Health Corporation Ltd (No 13)* [2019] NSWSC 1590**

(Damages; gross up of interest award for taxation)

***Turner v Tesa Mining (NSW) Pty Limited* [2019] FCA 1644**

(Class actions; security for costs against litigation funder; litigation funding generally)

***Rodriguez & Sons Pty Limited v Queensland Bulk Water Supply Authority t/as Seqwater (No 21)* [2019] NSWSC 294**

(Expert witness evidence; scope of re-examination; tendering of previously disallowed evidence)

Rodriguez & Sons Pty Limited v Queensland Bulk Water Supply Authority t/as Seqwater (No 19) [2019] NSWSC 262

(Re-opening; tender of expert report)

Bank of Queensland Limited v AIG Australia Limited [2019] NSWCA 190

(Insurance; aggregation clauses; multiple claims; representative proceedings)

Wollongong Coal Ltd v Gujarat NRE India Pty Ltd [2019] NSWCA 135

(Contracts; construction; waiver of subrogation clause; equitable set off)

Wollongong Coal Ltd v Gujarat NRE India Pty Ltd (No. 2) [2019] NSWCA 173

(Costs)

Macquarie International Health Clinic Pty Ltd v Sydney Local Health District; Sydney Local Health District v Macquarie Health Corporation Ltd (No 12) [2019] NSWSC 916

(Damages mesne profits for trespass; practice and procedure re-opening of proceedings; costs)

Legge v Universal Hospitality Group Pty Ltd [2019] NSWSC 760

(Practice and procedure; separate questions)

Sergi v Sergi [2019] NSWSC 865

(Practice and procedure; withdrawal of admission in pleading)

Dr Shanahan v Jatase Pty Ltd [2019] NSWCA 113

(Oppression; damages for oppression; valuation; new case on appeal)

Almona Pty Ltd v Parklea Corporation Pty Ltd [2019] NSWSC 579

(Privilege; communications in furtherance of a fraud)

Anchorage Capital Master Offshore Ltd v Delia Sparkes & Ors [2019] NSWSC 384

(Assignments of choses in action; whether capable of assignment; pleadings; summary disposal)

Miu v Miu [2018] FamCA

(Setting aside property consent orders; miscarriage of justice)

Robinson v Deep Investments Pty Ltd [2018] FCAFC 262

(Anshun estoppel; abuse of process; summary judgment)

Bank of Queensland Ltd v AIG Australia Ltd [2018] NSWSC 1689

(Insurance; number of claims; aggregation; representative proceedings)

Scenic Tours Pty Ltd v Moore [2018] NSWCA 238

(Representative proceedings; common questions; Australian Consumer Law consumer guarantees; damages; *Civil Liability Act 2002 (NSW)* as a surrogate federal law)

Australian Insolvency Group v LCM Litigation Investment Fund No 1 (No 2) [2018] NSWSC 1571

(Res judicata; issue estoppel; Anshun estoppel)

Gujarat NRE India Pty Ltd v Wollongong Coal Limited [2018] NSWSC 1459

(Guarantee and indemnity; debt; equitable set off)

Morris v IMF Bentham Limited [2018] FCA 1009

(Deceit; bankruptcy; damages – reflective loss; summary dismissal)

Rodriguez & Sons Pty Ltd v Queensland Bulk Water Supply Authority t/as Seqwater (No 13) [2018] NSWSC 565

(Evidence; business records)

In the matter of DSHE Holdings Limited (recs and mgrs apptd) (in liq) [2018] NSWSC 275

(Representative proceedings; costs)

Ipstar Australia Pty Ltd v APS Satellite Pty Ltd [2018] NSWCA 15

(Statutory unconscionability between commercial parties; defective goods; Australian Consumer Law statutory indemnities)

In the matter of DSHE Holdings Limited (recs and mgrs apptd) (in liq) [2018] NSWSC 82

(Leave to commence proceedings against company in liquidation; overlapping class actions)

LawCover Insurance Pty Ltd v Muriniti [2017] NSWSC 1557

(Insurance; utmost good faith; contract)

Rodriguez & Sons Pty Ltd v Queensland Bulk Water Supply Authority t/as Seqwater (No 9) [2017] NSWSC 1116

(Practice & procedure; amendments to pleading)

Hassid v Queensland Bulk Water Supply Authority t/as Seqwater (No 2) [2017] NSWSC 1064

(Class actions; "de-classing" orders)

Hassid v Queensland Bulkwater Supply Authority t/as Seqwater [2017] NSWSC 599

(Class actions; competing and overlapping classes; group definitions; strike out)

In the matter of Wollongong Coal Ltd [2017] NSWSC 201

(Corporations law; share capital reduction; share buy-back)

Clipsal Australia Pty Ltd v Clipso Electrical Pty Ltd (No 3) [2017] FCA 60

(Intellectual property; trade marks; passing off; misleading and deceptive conduct)

APS Satellite Pty Ltd v IPSTAR Australia Pty Ltd [2016] NSWSC 1898

(Sale of goods; merchantable quality; fitness for purpose; statutory unconscionability)

BCI Finances Pty Ltd (in liq) v Binetter (No 4) [2016] FCA 1351

(Directors' duties; fiduciary duties; tax evasion schemes)

Rodriguez & Sons Pty Ltd v Queensland Bulk Water Supply Authority t/as Seqwater (No 6) [2016] NSWSC 1279

(Practice & procedure; confidentiality orders)

Lambert Leasing Inc. v QBE Insurance (Australia) Ltd [2016] NSWCA 254

(Insurance; double insurance and contribution; section 45 *Insurance Contracts Act 1984* (Cth))

Clipsal Australia Pty Ltd v Clipso Electrical Pty Ltd (No 2) [2016] FCA 596

(Evidence; discretion to exclude; procedural prejudice)

Theiss Pty Ltd and John Holland Pty Ltd v Parsons Brinckerhoff Australia Pty Ltd [2016] NSWSC 173

(Contracts; remedies; torts; negligence; standard of care; apportionment of responsibility and damages)

Walker v New South Wales Bar Association (No 2) [2016] FCA 1051

(Costs; multiple sets of costs; indemnity costs)

***Walker v New South Wales Bar Association* [2016] FCA 799**

(Membership of corporation; rights and remedies; oppressive or unfair conduct; appointment as senior counsel)

***BCI Finances Pty Ltd (in liq) v Binetter (No 3)* [2015] FCA 1336**

(Remedies and orders; third party freezing orders; re-opening application)

***NRM Trading Pty Ltd v Australian Competition and Consumer Commission* [2015] FCA 595**

(Stay application)

***Rodriguez & Sons Pty Ltd v Queensland Bulk Water Supply Authority t/as Seqwater (No 5)* [2015] NSWSC 1771**

(Class actions; group definition; sub-groups; sample groups; common questions)

***Lambert Leasing Inc. v QBE Insurance Ltd (No 2)* [2015] NSWSC 1196**

(Pay-to-be paid insurance policy; costs orders; offers of compromise)

***Boensch v Pascoe* [2015] NSWSC 1882**

(Real property; Torrens title; caveats against dealings; who may lodge and what interest sufficient)

***Lambert Leasing Inc. v QBE Insurance Ltd* [2015] NSWSC 750**

(Insurance; contribution; indemnity; section 45 *Insurance Contracts Act 1984 (Cth)*; utmost good faith)

***Commonwealth Bank of Australia v CAN 076 848 112 Pty Ltd* [2015] NSWCA 314**

(Appeal and new trial; when appeal lies; interlocutory orders and judgments)

***Ahern v Aon Risk Services Australia Ltd* [2015] NSWSC 19**

(Evidence; admissibility; tendency; co-incidence and propensity; similar fact)

***Sze Tu v Lowe (No 2)* [2015] NSWCA 91**

(Procedure; civil proceedings in State and Territory courts; costs)

***BCI Finances Pty Ltd (in liq) v Binetter* [2015] FCA 86**

(Freezing orders)

***Sahade v The Owners – Strata Plan No 62022* [2015] NSWCATCD 5**

(Strata titles; unit reallocation; management and control)

***Sze Tu v Lowe* [2014] NSWCA 462**

(Equity; trusts, tracing, limitations of actions; partnerships and joint ventures; *Real Property Act 1900 (NSW)* – indefeasibility of title)

***Hudson Ventures Pty Ltd v Colliers International Consultancy and Valuation Pty Ltd* [2014] FCA 982**

(Procedure and evidence; representative proceedings)

***Caason Investments Ltd v Cao* [2014] FCA 1410**

(Class actions; pleading; causation; fraud on the market theory)

***Commonwealth Bank of Australia v ZYX Learning Centres Limited* [2014] NSWSC 1676**

(Summary dismissal; strike out; pleadings and particulars)

***Obeid v Australian Competition and Consumer Commission* [2014] FCAFC 155**

(Restrictive trade practices; validity of section 155 Notices; anti-competitive contracts; cartel conduct; definition of “services” under *Competition and Consumer Act 2010 (Cth)*)

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

(Class actions; group description; pleading of negligence case)

***F Firm v Ruane & Ors* [2014] FamCAFC 189**

(Accrued jurisdiction of Family Court; professional negligence claim in Family Law proceedings; single justiciable controversy; intermediate appellate courts departing from their own earlier decisions)

***Obeid v Australian Competition and Consumer Commission* [2014] FCA 839**

(Restrictive trade practices; validity of section 155 Notices; anti-competitive contracts; cartel conduct; definition of “services” under *Competition and Consumer Act 2010 (Cth)*)

***Grace v Grace (No. 9)* [2014] NSWSC 1239**

(Interest on costs; costs in cross-vested *Family Law Act 1975 (Cth)* proceedings)

***Armada (Singapore) Pty Ltd v Gujarat NRE Coke Ltd* [2014] FCA 636**

(Enforcement of international arbitral award; composition of arbitral tribunal; declaration as to future breaches)

***Grace v Grace (No 8)* [2014] NSWSC 419**

(Practice and procedure; subpoenas; redaction)

***King v Benecke* [2013] NSWSC 568**

(Solicitor’s negligence; lack of formal retainer; conflict of interest)

***White v Australian Securities and Investments Commissions* [2013] QCA 357**

(Stay of civil penalty proceedings pending criminal proceedings; sections 19 and 79 *Australian Securities and Investments Commission Act (Cth)* 2001)

Australia Securities and Investments Commission v ACN 101 634 146 Pty Ltd (in liquidation)

[2013] QSC 280

(Practice and procedure; evidentiary use of information)

***Australian Securities & Investments Commission v Managed Investments Pty Ltd (No 6)* [2013]**

QSC 355

(Witnesses; competence and compellability; privilege against self-incrimination)

***Westpac Banking Corporation v Billgate Pty Ltd* [2013] NSWSC 1304**

(Equity – implied and constructive trusts; unconscionable dealings; equitable fraud; unjust contracts; trade practices; misleading and deceptive conduct)

***Chubb Insurance Company of Australia Limited v Moore (No 2)* [2013] NSWCA 299, (2013) 17 ANZ Ins Cas 61-985**

(Practice and procedure; costs)

***Chubb Insurance Company of Australia Limited v Moore* [2013] NSWCA 212, (2013) 302 ALR 101, 17 ANZ Ins Cas 61-976**

(Insurance; statutory charge on insurance monies; section 6 *Law Reform (Miscellaneous Provisions) Act 1946 (NSW)*; extraterritorial operation of state acts)

***Portacomm Building Systems Pty Ltd v Southern Sheet* [2013] NSWCA 123**

(Practice and procedure; stay of proceedings)

Grace v Grace (No 6) [2013] NSWSC 897
(Equity – taking of accounts)

Grace v Grace (No 4) [2013] NSWSC 385
(Costs; practice and procedure; inquiry as to undertaking as to damages)

Ceva Logistics (Australia) Pty Ltd v Redbro Investments Pty Ltd [2013] NSWCA 46
(Miscarriage of fact finding; new trial; hearsay evidence in medical reports)

Southern Sheet & Coil Pty Ltd v Portacomm Building Systems Pty Limited [2013] NSWSC 38
(Contracts; misrepresentation; misleading and deceptive conduct)

Grace v Grace (No 3) [2012] NSWSC 1623
(Practice and procedure; stay application pending appeal)

Westpac Banking Corporation v Billgate Pty Ltd [2012] NSWSC 1447
(Practice and procedure)

Griffin v Coe (No 2) [2012] NSWSC 1239
(Practice and procedure; costs)

Griffin v Matthews [2012] NSWCA 348
(Probate; devastavit; practice and procedure; summary disposal)

Anderson v Australian Securities and Investments Commission (2012) 91 ACSR 452; (2012) 297 ALR 546; [2012] QCA 301; [2013] 2 Qd R 401
(Penalty privilege; privilege against self-incrimination; pleading rules)

Lowe v Pascoe (No 4) [2012] NSWSC 1493
(Partnership and joint ventures)

King v Benecke [2012] NSWSC 1012
(Practice and procedure)

Downer EDI Ltd v Gillies (No 2) [2012] NSWCA 384
(Practice and procedure; costs)

Downer EDI Limited v Gillies (2012) 92 ACSR 373; [2012] NSWCA 333
(Employment law; directors duties)

Grace v Grace [2012] NSWSC 976
(Undue influence; unconscionability; laches; trusts; oppression; winding up; family law; family provision)

Lowe v Pascoe (No 2) [2012] NSWSC 885
(Admissibility of evidence in a fresh trial)

Griffin v Coe [2012] NSWSC 412
(Probate; devastavit; procedure)

Ruane & Bachmann-Ruane and Ors (Accrued jurisdiction) (2012) 48 Fam LR 131; [2012] FamCA 369
(Constitution; Accrued jurisdiction of Family Court)

Traxys Europe SA v Balaji Coke Industries Pvt Ltd (No 2) (2012) 201 FCR 535; (2012) 291 ALR 99; [2012] FCA 276
(International arbitration; public policy; enforcement of arbitral awards)

Geoffrey Alan Lowe & Anor v Scott Pascoe & Ors [2012] NSWSC 151
(Practice and procedure; illness of trial judge; new trial)

Lowe v Pascoe (No 3) [2011] NSWSC 192
(Practice and procedure; jurisdiction; re-opening case)

Gillies v Downer EDI Ltd [2011] NSWSC 1055
(Employment law; contracts; damages)

Amaca Pty Ltd v Hicks (No 2) [2011] NSWCA 360
(Practice and procedure; indemnity costs)

Amaca Pty Ltd v Hicks [2011] NSWCA 295
(Damages; gratuitous care)

BE Australia (Subject to a Deed of Company Arrangement) v Sutton [2011] NSWCA 414
(Corporations law; deeds of company arrangement; creditors admissible to proof; scope of s447A Corporations Act 2001 (Cth); industrial law; claims under section 106 Industrial Relations Act 1996 (NSW))

BOS International (Australia) Ltd v Babcock & Brown International Pty Ltd [2011] NSWSC 1382
(Commercial law; contracts; construction; directors and officers insurance policies)

Pedulla v Panetta (2011) 16 BPR 30, 229; [2011] NSWSC 1386
(Real property; Torrens Assurance Fund; negligence; fraud; insurance; proportionate liability; amendment)

Lambert Leasing Inc v QBE Insurance Ltd [2011] NSWSC 745
(Insurance; practice and procedure; stay of proceedings; Forum non conveniens)

Smart v Westpac Banking Corporation (2011) 282 ALR 400; [2011] FCA 829
(Insurance; duty of utmost good faith)

Tropical Reef Shipyard Pty Ltd v QBE Insurance (Australia) Ltd (No 3) [2010] FCA 1439
(Business interruption insurance; summary dismissal; amendment)

Grace v Grace [2010] NSWSC 1527
(Practice and procedure; legitimate forensic purpose)

Aid/Watch Inc v Commission of Taxation (2010) 241 CLR 539; (2010) 85 ALJR 154; (2010) 272 ALR 417; [2010] HCA 42
(Charitable trusts; taxation; charitable institutions; political purposes)

Grace v Grace [2010] NSWSC 1526
(Hearsay re business records)

Grace v Grace [2010] NSWSC 1516
(Leave to cross-examine own witness; unfavourable evidence)

Grace v Grace [2010] NSWSC 1515
(Leave to cross-examine own witness; unfavourable evidence)

Grace v Grace [2010] NSWSC 1514
(Privilege; waiver; obvious mistake)

Grace v Grace [2010] NSWSC 1513
(Practice and procedure; notice to produce served in response to late served affidavits not yet admitted)

***Tropical Reef Shipyard Pty Ltd v QBE Insurance (Australia) Ltd (No 2)* (2010) 274 ALR 626; [2010] FCA 1093**

(Business interruption; quantification of losses; adequacy of statement of claim)

***Lowe v Pascoe (as Trustee of Estate of late Kut Sze Tu)* (2010) 5 ASTLR 1; [2010] NSWSC 388**

(Existence of partnership and joint venture; breach of trust)

***Phoenix Rising Investments Pty Ltd, Re: Grace v Grace* [2010] NSWSC 758**

(Superannuation; trustee's duties; practice and procedure)

***Lehman Brothers Holdings Inc v City of Swan & Ors; Lehman Brothers Asia Holdings Limited (in liq) v City of Swan & Ors* (2010) 240 CLR 509; (2010) 84 ALJR 275; (2010) 265 ALR 1; [2010] HCA 11**

(Liquidation; Deeds of Company Arrangement; statutory interpretation)

***Australian Securities and Investments Commission v Rich* (2010) 75 ACSR 1**

(Corporations; civil penalty proceedings; directors' duty of care and diligence; standard of care; business judgment rule; pleadings and particulars; evidence)

***Gillies v Downer EDI Limited* [2010] NSWSC 1323**

(Privilege; waiver of privilege)

***Tropical Reef Shipyard Pty Ltd v QBE Insurance (Australia) Ltd (No 2)* [2010] FCA 1093**

(Practice and procedure; summary judgment; business interruption insurance)

***Wilson v Sydney Markets Limited (No 2)* [2009] NSWADT 281**

(Retail shopping leases; changes to core trading hours)

***QBE Insurance (Australia) Limited v Tropical Reef Shipyard Pty Ltd* [2009] FCAFC 161**

(Separate questions; business interruption insurance)

***Shekhani v Ardino* [2009] NSWCA 361**

(Appeals from credit findings)

***Wilson v Sydney Markets Limited* [2009] NSWADT 256**

(Jurisdiction of Administrative Decisions Tribunal; construction of Retail Leases Act 1994 (NSW))

***(Re Jones – Mashman) Amaca Pty Ltd v CSR Ltd (No 2)* (2009) 7 DDCR 557; [2009] NSWDDT 24**

(Jurisdiction of Dust Diseases Tribunal; contribution)

***City of Swan v Lehman Brothers Australia Ltd* [2009] FCAFC 130**

(Deed of company arrangement; statutory construction)

***Commissioner of Taxation v Aid/Watch Incorporated* [2009] FCAFC 128**

(Charitable institutions; charitable and political purposes)

***City of Swan v Lehman Brothers Australia Ltd (subject to a deed of company arrangement)* [2009] 73 ACSR 86**

(Deed of company arrangement; third party release; separate questions)

***Shipley v MASU Financial Management* (2008) 68 ACSR 412**

(Subpoenas; confidentiality of material produced to ASIC under compulsory process)

***QBE Insurance Ltd v Nguyen* (2008) 100 SASR 560 (FC)**

(Insurance policy construction; conclusiveness of default judgment for purposes of legal liability policy; equitable doctrines; election)

***Fowler Corbett & Jessop t/as Haydon Fowler Corbett Jessop v Toro Constructions* [2008] NSWCA 178**

(Personal costs orders against solicitors)

***Twynam Pastoral Pty Ltd v AWR (Australia) Ltd* (2008) FCA 1922**

(Tendency evidence)

***Aid/Watch Incorporated v Commissioner of Taxation* (2008) 71 ATR 386; [2008] AATA 652**

(Charitable institutions)

***Grace v Grace* (2007) 25 ACLC 141**

(External administration; provision liquidation; oppression; just and equitable ground)

***Chandra v Perpetual Trustees Victoria Ltd* (2007) 13 BPR 24,675; (2007) ANZ Conv 12481;**

(2007) Aust Torts Reports 81-896; (2007) NSW Conv R 56-187; [2007] NSWSC 694

(Torrens system; assurance fund; indefeasibility of title; professional negligence)

***Collingwood Hotel Pty Ltd v O'Reilly; Night Knowledge Security Pty Ltd* [2007] NSWCA 155**

(Negligence; duties of licensees and security guards)

***Amaca Pty Ltd v Banton* (2007) 5 DDCR 314; [2007] NSWCA 336**

(Exemplary and aggravated damages; dust diseases)

***Snorkel Elevating Work Platforms Pty Ltd v Nominal Defendant* (2007) ACTCA 14**

(Legal practitioners; challenge to retainer; indemnity costs)

***HIH Insurance Ltd (in liq) v Adler* [2007] NSWSC 745**

(Strike out; trade practices; accessory liability; journal entries as evidence of damages)

***Grace v Grace* (2007) 25 ACLC 141; [2007] NSWSC 6**

(Appointment of provisional liquidator for corporation; external administration)

***Bective Station Pty Ltd v AWB (Australia) Ltd* [2006] FCA 1596**

(Contracts; trade practice; tendency evidence)

***Australian Securities & Investments Commission v Rich* (2006) 58 ACSR 414**

(Evidence in reply; splitting a plaintiff's case)

***Australian Securities & Investments Commission v Vines* (2006) 58 ACSR 298**

(Civil penalty orders; disqualification of directors; pecuniary penalties)

***Australian Securities & Investments Commission v Vines* (2006) 56 ACSR 528; (2006) 24 ACLC 165**

(Directors' duties; relief from liability)

***(Re Mowbray) Brambles Australia Limited v British Amehan Tobacco Australia Services Limited* (2006) NSWDDT 15**

(Discovery; destruction of documents; document retention policy)

***Australian Securities & Investments Commission v Vines* (2005) 55 ACSR 617; (2005) 23 ACLC 1,387**

(Directors' duties of care and diligence; Directors' duties of honesty; civil penalty proceedings)

***Rich v Australian Securities & Investments Commission* (2005) 54 ACSR 365 (CA)**
(Appeals from interlocutory rulings)

***Australian Securities & Investments Commission v Rich* (2005) 54 ACSR 28; (2005) 23 ACLC 838**
(Admissibility of business records; discretionary exclusion)

***Australian Securities & Investments Commission v Vines* (2005) 23 ACLC 1387**
(Standard of care of executive directors and chief financial officers)

***Australian Securities & Investments Commission v Rich* (2005) 220 ALR 324; (2005) 188 FLR 416; (2005) 52 ACSR 374**
(Use of evidence obtained under search warrant)

***Australian Securities & Investments Commission v Rich* (2005) 218 ALR 764; (2005) 54 ACSR 326; (2005) 23 ACLC 1,111 (CA)**
(Admissibility of expert evidence; discretionary exclusion)

***Australian Securities & Investments Commission v Rich* (2005) 216 ALR 320; (2005) 53 ACSR 752; (2005) 23 ACLC 838**
(Admissibility of business records; authentication; documentary opinion evidence)

***Rich v CGU Insurance Ltd; Silbermann v CGU Insurance Ltd* (2005) 214 ALR 370; (2005) 79 ALJR 856; (2005) 13 ANZ Ins Cas 61-642 (HC)**
(Director and officer insurance policies)

***Australian Securities & Investments Commission v Rich* (2005) 190 FLR 242; (2005) 53 ACSR 110; (2005) 23 ACLC 430; [2005] NSWSC**
(Admissibility of expert evidence; discretionary exclusion)

***Rich v Australian Securities & Investments Commission* (2004) 220 CLR 129; (2004) 209 ALR 271; (2004) 78 ALJR 1354; (2004) 50 ACSR 242; (2004) 22 ACLC 1198**
(Privilege against self exposure to a penalty)

***Australian Securities & Investments Commission v Rich* (2004) 213 ALR 338; (2004) 51 ACSR 363**
(Expert evidence; cross examination on the voir dire)

***Re One.Tel Ltd (in liq); Australian Securities & Investments Commission v Rich* (2003) 44 ACSR 682; (2003) 23 ACLC 556**
(Civil penalty orders; declarations)

***Gosford City Council v GIO General Ltd* (2003) 56 NSWLR 542 (CA)**
(Sections 40 and 54 of the Insurance Contracts Act)

***Australian Securities & Investments Commission v Vines* (2003) 21 ACLC 159**
(Practice and procedure; evidence of witnesses who will not swear affidavits)

***Australian Securities & Investments Commission v Vines* (2003) 21 ACLC 59**
(Outlines of evidence)

***Australian Securities & Investments Commission v Vines* (2003) 176 FLR 106; (2003) 46 ACSR 719**
(Privilege against self exposure to a penalty; effect on case management directions)

***Australian Securities & Investments Commission v Vines* (2003) 48 ACSR 291**

(Admissibility of expert opinion evidence)

***Australian Securities & Investments Commission v Vines* (2003) 48 ACSR 282**

(Admissibility of evidence against multiple defendants; discretionary exclusion)

***Australian Securities & Investments Commission v Vines* (2003) 182 FLR 405; (2003) 48 ACSR 322**

(Standard of skill and care for directors; expert evidence)

***Gosford City Council v GIO General Ltd* (2002) 12 ANZ Ins Cases 61-527**

(Sections 40 and 54 of the *Insurance Contracts Act 1984* (Cth))

***Re ACN 076 673 875 LTD (rec and mgt appointed) (in liq) Bendeich as liq, Greatorex & Ors intervening by leave* (2002) 42 ACSR 296**

(Liquidators; liquidation funding)

***Australian Securities & Investments Commission v Rich* (2001) 38 ACSR 251**

(Practice and Procedure – media access to court materials)

***Studer v Boettcher* (2001) ACL Rep 300 NSW 8 (CA)**

(Solicitors' negligence)

***John Wakim & Sons Pty Ltd v BBA Industries Pty Ltd* (2002) 10 BPR 18,475; (2001) ANZ Conv R 48; (2000) NSW Conv R 55-946**

(Contract; estoppel; section 54A of the *Conveyancing Act 1919* (NSW))

***Weston v Carling Constructions Pty Ltd* (2000) 175 ALR 202; (2000) 35 ACSR 100**

(Administrators' liens in company liquidation)

***Wily v Rothschild Australia Ltd* (1999) 47 NSWLR 555; (1999) 17 ACLC 1643**

(Preferences; set-off; securities)

***Treweeke v Wyong Shire Council* (1999) 29 MVR 489 (CA)**

(Negligence; misfeasance rule)

***Commissioner of Taxation v Macquarie Health Corporation Ltd* (1998) 88 FCR 451, (1988) 17 ACLC 171; (1988) 98 ATC 5214; (1998) 40 ATR 349**

(Constructive trusts; Limitation of actions; abuse of process; winding up; section 218 *Income Tax Assessment Act 1997* (Cth) notices)

***Re Credit Reference Association of Australia Ltd* (1998) 16 ACLC 491**

(Company arrangements and reconstructions)

***Wilkinson v Feldworth Financial Services Pty Ltd* (1998) 29 ACSR 642; (1998) 17 ACLC 220**

(Breach of trust; misleading and deceptive conduct)

***Garcia v National Australia Bank Ltd* (1998) 194 CLR 395; (1998) 72 ALJR 1243; (1998) ALR 614**

(Unconscionable conduct, guarantees; rule in *Yerkey v Jones*)

***Ultra Refurbishing & Construction Pty Ltd v John Goubran & Associates Pty Ltd* (1997) 13 BCL 330**

(Injunctions; security bonds)

***National Australia Bank Ltd v Garcia* (1996) 39 NSWLR 577; (1996) 21 ACSR 309 (CA)**

(Unconscionable conduct; guarantees)

***Lowns & Anor v Woods & Ors* (1996) Aust. Tort R.81-376 (CA)**

(Medical negligence)

***Drayton v Martin* (1996) 67 FCR 1; (1996) 137 ALR 145; (1996) 9 ANZ Ins Cas 61-322**

(Professional indemnity insurance; claims made policies; section 54 *Insurance Contracts Act 1984* (Cth))

***Trade Practices Commission v TNT Australia Pty Limited* (1994) ATPR 41-286**

(Abuse of process; discovery on interlocutory applications)

***Mineral & Chemical Traders Pty Ltd v T. Tymczyszczym Pty Ltd (in liq.) & Horn* (1994) 15 ASCR 398; (1994) 13 ASC 40**

(Effect of liquidation on floating charge)

***Insurance Superannuation Commission v Regal Life Insurance Ltd* (1994) 121 ALR 513**

(Life insurance; powers of judicial manager)

***Erolen v Baulkham Hills Shire Council* (1993) 10 ACSR 441; (1993) 11 ACLC 511**

(Security for costs)

***Drulroad Pty Limited v Gibson* (1993) ANZ Conv Rep 115**

(Oral agreement for mortgage; priorities)

***Reid v Howard* (1993) 31 NSWLR 298 (CA)**

(Privilege against self incrimination)

***TNT Australia Pty Limited v Fels* (1992) ATPR 40, 595**

(Discovery; challenges to section 155 notices)

***Re Spedley Securities Ltd (in Liq)* (1992) 9 ACSR 83**

(Liquidators' compromise with creditors; liquidators' application for directions)

***Garde v Workcover Authority (NSW)* (1992) 35 AILR 303; 35 AILR 423 (FC)**

(Powers of single judge; no case to answer submission)

***Garde v Workcover Authority (NSW)* (1992) 35 AILR 103**

(Termination of SES employees; *Public Sector Management Act 1988* (NSW); section 88F *Industrial Arbitration Act 1912* (NSW); unfair dismissal)

***Garde v Workcover Authority (NSW)* (1992) 34 AILR 398**

(No case to answer submissions)

***Fisons Pty Ltd v Rostinga Pty Ltd* (1991) ANZ Conv R 438**

(Leases; rent review clauses)

***Grimson v Aviation & General (Underwriting) Agents Pty Limited* (1991) 25 NSWLR 422; (1991) 7 ANZ Ins. Cas. 61-095 (CA)**

(Statutory charge on insurance monies; leave to proceed under section 6 of *the Law Reform (Miscellaneous) Provisions Act 1946* (NSW); limitations of actions)

***Henderson v Australian Chamber of Manufactures* (1991) 34 AILR 10**

(Employment termination packages; redundancy; eligible termination payments; implied terms; estoppel)

Re G.B. Nathan & Co Pty Limited (In Liq) (1991) 24 NSWLR 674; (1991) 5 ACSR 673; (1991) 9 ACLC 1291

(Powers of court on liquidator's application for directions; liquidators control over trust property)

Lee Gleeson Pty Limited v Sterling Estates Pty Limited (1991) 23 NSWLR 571; (1991) ATPR (Digest) 46-072 (1991) ASC 56-083

(Misleading and deceptive conduct; promissory estoppel; enforceability of oral building contracts; procedure before referee)

Spika Trading Pty Limited v Harrison (1990) 19 NSWLR 211; (1990) 1 ACSR 609; (1990) 8 ACLC 310

(Directors liabilities under section 556 Companies Code; contribution between directors)

Maurice Drycleaners Pty Limited v National Australia Bank Limited (1990) 8 ACLC 798

(Winding up; interest on void dispositions)

Edward Keller (Australia) Pty Limited v Henelly (1990) 35 IR 464; 33 AILR 79 (CA)

(Employment contracts; reasonable notice)

Clemada Pty Limited v Hire-it Pty Limited (No. 2) (1990) 3 ACSR 202

(Appointment of provisional liquidators)

Stanham v National Trust of Australia (NSW) (1989) 15 ACLR 87; (1989) 7 ALLC 628

(Rights of members at extraordinary general meeting; rights of members of corporations)

Fisons Pty Ltd v Rostinga Pty Ltd (1989) NSW Conv R 44-589

(Leases, rent review causes; declarations)

Vaughan v O'Meara (1989) 31 IR 221; 31 AILR 311

(Jurisdiction of Industrial Commission under section 88F *Industrial Arbitration Act 1912 (NSW)*)

O'Meara v Vaughan (1989) 31 IR 266

(Powers of Industrial Commission to stay of proceedings in Supreme Court)

Registrar-General v Northside Developments Pty Limited (1988) 14 NSWLR 571; (1988) 14 ACLR 543; (1988) 7 ACLC 52 (CA)

(Companies' indoor management rule)

Whitehouse v Remme (1988) 64 LGRA 375

(Jurisdiction of Land & Environment Court; trespass; injunction)

Corporate Affairs Commission (NSW) v Prime Commodities Pty Limited & Ors (1987) 11 ACLR 584; (1987) 5 ACLC 787

(Corporate Affairs Commission powers; injunctions)

Peter Nobbs Consultancy Pty Limited (In Liq) v Brambles Holdings Limited & Ors (1987) 8 NSWLR 231; (1987) 11 ACLR 460

(Settlements in bankruptcy; settlements under Companies Code)

Portfolio Projects Pty Limited v Oakes Building Co Pty Limited (1987) 5 ACLC 911

(Company winding-up; abuse of process)

Kitt v Tourism Commission of NSW (1987) 11 NSWLR 686; (1987) EOC 92-196

(Public Service Act 1999 (Cth); anti-discrimination legislation)

Wentworth v Rogers & Anor (No. 3) (1986) NSWLR 642 (CA)

(Practice and procedure on death of trial judge; substitution of judges; costs)

Guthega Development Pty Limited v Minister Administering the National Parks & Wildlife Act (NSW) 1974 (1986) 7 NSWLR 353; (1986) 61 LGRA 401 (CA)

(Building control and town planning; environmental impact statements; National Parks & Wildlife Act 1974 (NSW))

Leichhardt Municipal Council v Maritime Services Board of New South Wales (1985) 57 LGRA 169

(Noise control; environmental impact statements; determining authorities)

Re Ward; ex parte Official Trustee & Bankruptcy v Dabnas Pty Limited (1984) 55 ALR 395; (1984) 3 FCR 112

(Settlements in bankruptcy; assignments of choses in action; promissory estoppel)