

# Doran L. Cook SC

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## Education

**BACHELOR OF COMMERCE (1990)**  
**BACHELOR OF LAWS (1992)**

## Career Experience

### BARRISTER

- 1994-2003 Junior counsel at Johannesburg Bar, South Africa

### SOLICITOR

- 2004-2005 Solicitor, Ashurst, Insolvency and Reconstruction Group
- 2005 Senior Associate, Henry Davis York, Banking and Finance Group

### BARRISTER

- 2005-2016 Junior counsel at NSW Bar
- 2016 Appointed Senior Counsel at NSW Bar

## Distinctions

- 2016 Doyle's Guide recommended Leading Insolvency & Reconstruction Junior Counsel NSW
- 2016 Doyle's Guide recommended Leading Insolvency & Reconstruction Junior Counsel Australia Wide
- 2017 Doyle's Guide recommended Leading Insolvency & Reconstruction Senior Counsel NSW
- 2017 Doyle's Guide recommended Leading Commercial Litigation & Dispute Resolution Senior Counsel NSW
- 2018 Doyle's Guide recommended Leading Insolvency & Reconstruction Senior Counsel NSW
- 2018 Doyle's Guide recommended Leading Commercial Litigation & Dispute Resolution Senior Counsel NSW
- 2019 Doyle's Guide recommended Leading Insolvency & Reconstruction Senior Counsel NSW
- 2020 Doyle's Guide recommended Leading Insolvency & Reconstruction Senior Counsel NSW
- 2021 Recognised in Best Lawyers (Insolvency & Restructuring)
- 2022 Doyle's Guide recommended Leading Insolvency & Reconstruction Senior Counsel NSW
- 2022 Recognised in Best Lawyers (Insolvency & Restructuring)
- 2023 Doyle's Guide recommended Leading Insolvency & Reconstruction Senior Counsel NSW

## Experience as counsel

- Prosecuting and opposing appeals arising out of diverse causes of action.
- Prosecuting and defending insolvent trading claims.

- Prosecuting and defending voidable transactions, including preferences and uncommercial transactions.
- Prosecuting and defending directors on breach of duties claims.
- Defending proceedings to set aside DOCAs.
- Conducting public examinations for liquidators.
- Advising litigation funders on prospects of success.
- Prosecuting and defending oppression suits in respect of minority shareholders.
- Prosecuting and defending commercial lease claims.
- Defending multi-million dollar building claim.
- Cross-border insolvency applications.
- Acting for receivers and managers in respect of mining tenements.
- Prosecuting claims brought by ASIC in respect of managed investment schemes.
- Advising ASIC on various corporations law matters.
- Prosecuting unconscionable lending claims on behalf of ASIC.
- Defending adverse possession claim in respect of Torrens land.
- Mortgage proceedings.
- Prosecuting and defending claims under the ACL (TPA).
- Advising on partnerships and acting in partnership disputes.
- Defending restraint of trade claims against employees.
- Contractual disputes.
- Disputes involving the sale of land, easements and other interests in land, including caveats.
- Acting for banks in recovering debts and defending cross-claims brought against the bank.
- Advising on beaches of continuing disclosure obligations on the ASX.
- Prosecuting claim against Chinese parastatal in respect of port access.
- Applications for judicial advice and directions.
- Advising on trusts.
- Prosecuting large fraud claim against former hotel manager.
- Represented trader in high-profile ASX share manipulation case brought by ASIC.
- Represented banned directors in appeals against ASIC banning orders.
- Representing a liquidator in disciplinary proceedings brought by ASIC.
- Representing witnesses in ASIC investigations.
- Conducting witness examinations on behalf of ASIC.

## Reported Cases

### **HEAVY PLANT LEASING PTY LTD (IN LIQ) V McCONNELL DOWELL CONSTRUCTORS (AUST) PTY LTD (NO 2) (2022) 163 ACSR 562**

- Interpretation of building contract
- Solvency

### **NITOPI V NITOPI (2022) NSWLR 390; (2022) 405 ALR 470**

- Unconscionable conduct and special disadvantage

**MARKEL SYNDICATE MANAGEMENT LTD V TAYLOR AS LIQUIDATORS OF HEADING CONTRACTORS PTY LTD (IN LIQ) (2021) 399 ALR 659**

- Interpretation of insurance policy

**GOLDUS PTY LTD (SUBJECT TO DOCA) V CUMMINS (2021) 157 ACSR 118**

- Declarations in respect of mining tenements

**FULLER V ALBERT (2021) 152 ACSR 80**

- Mortgages and redemption

**NORTHERN ENERGY CORP LTD, In re (2020) 147 ACSR 572**

**CITADEL FINANCIAL CORP PTY LTD (SUBJECT TO DOCA) (2020) 146 ACSR 220**

- Application to terminate DOCA

**FUSSELL v DEIGAN (2019) 019 BPR 39,853**

- Appeal concerning contract construction and specific performance of sale of land contract

**FUSSELL v DEIGAN (2018) 019 BPR 38,755**

- Contract construction and specific performance of sale of land contract

**SANDERSON as liquidator of SAKR NOMINEES PTY LTD (IN LIQ) (2017) ALR 343 524; (2017) NSWLR 459; (2017) 118 ACSR 333**

- Remuneration of liquidators and proportionality of fees

**LIGON 158 PTY LTD v HUBER (2016) 117 ACSR 495**

- Setting aside of statutory demands

**BCI FINANCES PTY LTD (IN LIQ) v BINETTER (NO. 4) (2016) 348 ALR 227; (2016) 117 ACSR 18; (2016) 104 ATR 248**

- Breach of director and fiduciary duties in the context of tax avoidance scheme

**STREL v CORDIA (2016) 18 BPR 36,443**

- Adverse possession of land

**MINERALOGY PTY LTD v SINO IRON PTY LTD (2015) 329 ALR 1**

- Administrative law, breach of contract and equity – dispute over the ownership of a port used to export iron ore to China

**RECYCLING HOLDINGS PTY LTD, Re (2015) 107 ACSR 406**

- Termination of a Deed of Company Arrangement

**Re PIONEER CRYOGENICS PTY LTD - (2015) 108 ACSR 461**

- Leave to raise grounds under s 459S in respect of statutory demands

**SHEAHAN and LOCK (Liquidators) Re Binqld Finances Pty Ltd (in liq) (2015) 107 ACSR 163**

- Legal professional privilege

**COMMISSIONER OF TAXATION v MOODIE and Another – (2014) 308 ALR 571; (2014) 98 ACSR 274**

- ATO's entitlement to indemnity from directors in unfair preference action

**MUSTANG MARINE AUSTRALIA SERVICES PTY LTD (IN LIQ) (2014) ACSR 461**

- Insolvent trading claim against foreign bank

**ALPHENA PTY LTD (IN LIQ) V PS SECURITIES PTY LTD (2013) 94 ACSR 160**

- Entitlement to fees of liquidator of corporate trustee

**SK FOODS LP (CALIFORNIA LTD PARTNERSHIP) (UNDER CHAPTER 11) V SK FOODS AUSTRALIA PTY LTD (IN LIQ) (2013) 302 ALR 260**

- Res judicata and issue estoppel in the context of a judgment given by the US Bankruptcy Court

**Re REAL ESTATE CAPITAL PARTNERS MANAGED INVESTMENTS LTD (as responsible entity of the REAL ESTATE CAPITAL PARTNERS USA PROPERTY TRUST) - (2013) 93 ACSR 96**

- Managed investments

**Re ACN 002 408 040 PTY LTD (in liq) - (2013) 94 ACSR 485**

- Meaning of "interested person" in context of de-registered company

**RE WAN ZE PROPERTY DEVELOPMENT (AUST) PTY LTD - (2012) 90 ACSR 593**

- Constructive trusts and derivative proceedings

**ASIC v AUSTRALIAN LENDING CENTRE PTY LTD (2011) 283 ALR 299 & (2012) 302 ALR 260**

- Unconscionable conduct in the context of micro-lending transactions

**DIB GROUP PTY LTD v VENTOURIS ENTERPRISES PTY LTD (2011) 284 ALR 601**

- Causation and loss in respect of future representations under the Trade Practices Act

**ONEFONE AUSTRALIA PTY LTD and Others v ONE.TEL LTD and Others - (2010) 80 ACSR 11**

- Liquidator's remuneration and the appropriate approach to quantification

**ASIC v SOMERVILLE (2009) 259 ALR 574; (2009) 77 NSWLR 110**

- Director's duties and civil penalties

**INGOT CAPITAL INVESTMENTS PTY LTD and Others v MACQUARIE EQUITY CAPITAL MARKETS LTD and Others (No 6) - (2007) 63 ACSR 1 & (2008) 65 ACSR 324**

- Misleading and deceptive conduct in the context of a capital raising