

AUSTRALIAN CV BY PRACTICE AREA A-Z

Links to news articles underlined below

- **COMMERCIAL LITIGATION**
 - **Contract**
 - Acting for **Seven West Media Limited** in dispute as to breach of quality provisions in A\$450m media rights contract - *Seven Network (Operations) Limited v Cricket Australia* [2022] FCA 1290 leading to widely praised commercial settlement - <https://www.afr.com/chanticleer/seven-scores-big-in-cricket-deal-20230102-p5c9x1>
 - High profile dispute as to change of control provision in joint venture agreement leading to intervention in A\$9bn scheme of arrangement (one of the biggest by value in Australian history) against practically every bulge bracket investment bank and law firm in Australia leading to transformative commercial settlement – *Australian Container Freight Services (ACFS) v Asciano Limited* - <https://www.afr.com/markets/equity-markets/asciano-hit-with-lawsuit-on-acfs-joint-venture-ahead-of-905bn-takeover-vote-20160516-govut2>
 - Entirely novel and high-profile litigation of exclusivity of media rights agreement in relation to streaming pursued to NSW Court of Appeal against **Nine Network Australia** – *WIN Corporation Pty Ltd v Nine Network Pty Ltd* [2016] NSWCA 297 and *WIN Corporation Pty Ltd v Nine Network Australia Pty Ltd* [2016] NSWSC 523
 - **Debt Collection**
 - Acting in relation to debt collection ultimately settled against **Nicholas Bolton**, including garnishee, set-aside proceedings in District Court of NSW and Supreme Court of NSW (both dismissed with costs awarded against Mr. Bolton) and bankruptcy proceedings in the Federal Court of Australia - <https://www.afr.com/rear-window/nick-bolton-loses-fees-battle-with-john-atanaskovic-20240714-p5jtig>
 - Successful defence of creditors' statutory demand against application to set aside in Queensland Supreme Court in the matter of Innovative Pet Products Pty Ltd
 - **Expert Determination**
 - Referral of price adjustment provisions under A\$450m media rights contract acting for **Seven West Media Limited** against Cricket Australia before the Australian Centre for International Commercial Arbitration
 - **Finance/Structured Finance**
 - Supreme Court proceedings concerning interpretation of exceptionally complex cash waterfall provisions for a US\$4bn financing of the Wiggins Island Coal Export Terminal and pursuit of unpaid dividends leading to

successful commercial settlement

<https://www.theaustralian.com.au/business/dataroom/battle-of-wiggins-island-in-court/news-story/932c9a2667ce4c11f2e4387552a1bd32>

○ **Force Majeure**

- Dispute as to the effectiveness of force majeure notices under A\$450m media rights contract throughout the COVID-19 period acting for **Seven West Media Limited** against Cricket Australia

○ **Insolvency**

- Acting in relation to consortium including **Lachlan Murdoch's** Illyria in entirely novel litigation concerning whether the principles of *In Re Hellenic & General Trust Ltd* [1975] 3 All ER 382 for schemes of arrangement extended to a Deed of Company Arrangement for the Ten Network – *In the matter of Ten Network Holdings Limited (Administrators Appointed) (Receivers and Managers Appointed) and Others* [2017] NSWSC 1247
- Acting in relation to the administration of Innovative Pet Products Pty Ltd including the substitution of the administrator after two contested creditors' meetings then the successful proposal of a DOCA (deed of company arrangement) by **Indigo Venture Capital Partners**
- Bankruptcy notice and insolvency proceedings in the Federal Court of Australia pursued to commercial settlement against **Nicholas Bolton**

○ **Investigations/Regulatory**

- Acting for billionaire **Clive Palmer** in defence of proceedings brought by ASIC in relation to Mineralogy Pty Ltd - <https://www.asic.gov.au/about-asic/news-centre/find-a-media-release/2020-releases/20-163mr-clive-palmer-charged-over-breaches-of-directors-duties-and-fraud/>

○ **Joint Venture Disputes**

- Dispute as to change of control provision in joint venture agreement leading to intervention in A\$9bn scheme of arrangement - *Australian Container Freight Services (ACFS) v Asciano Limited*

○ **Preliminary Discovery**

- Application for preliminary discovery in relation to allegations of breach of A\$450m media rights contract in *Seven Network v Cricket Australia* [2021] FCA 1031; *Seven Network v Cricket Australia (No 2)* [2021] FCA 1032; and *Seven Network v Cricket Australia (No 3)* [2021] FCA 1303

○ **Settlement Agreements**

- Acting on exceptionally complex settlement involving business transformation of Australian Container Freight Services as a result of intervention in A\$9bn

scheme of arrangement - *Australian Container Freight Services (ACFS) v Asciano Limited*

- **Subpoenas**
 - Subpoenas issued to a very large number of major commercial concerns in the context of intervention in A\$9bn scheme of arrangement - *Australian Container Freight Services (ACFS) v Asciano Limited*
- **CORPORATE/COMMERCIAL**
 - **Asset and Share Purchases**
 - Acting for billionaire Bruce Gordon's **WIN Corporation Pty Ltd** on acquisition of assets of the Northern Rivers commercial television network from **Southern Cross Media**
 - Acting for management shareholders of **Cloudstaff Holdings** on sale of Cloudstaff Holdings to Engelmann Capital opposite Ashurst ADTLaw Singapore and Mills Oakley - <https://www.phcc.gov.ph/resource-details/pcc-clears-engelmann-s-acquisition-of-cloudstaff>
 - Acting for US acquirer VWR International, LLC on acquisition of Australia's leading manufacturer of mining assay flux, Klen International
 - **Commercial Contracts**
 - Acting for billionaire Bruce Gordon's **WIN Corporation Pty Ltd** on long-term multi-million dollar broadcast affiliation agreement with **Network Ten**
 - Acting for **Cloudstaff Holdings** on a wide range of issues concerning business process outsourcing agreements
 - **Deeds of Company Arrangement**
 - Acting in relation to consortium including **Lachlan Murdoch's** Illyria in Deed of Company Arrangement bid for **Network Ten Pty Limited** - <https://www.afr.com/companies/media-and-marketing/bruce-gordon-and-lachlan-murdoch-lob-higher-bid-for-network-ten-20170915-gyi8zf>
 - Acting on the successful proposal of a DOCA by **Indigo Venture Capital Partners** for Innovative Pet Products Pty Ltd
 - **Derivatives and Quasi-derivatives**
 - Acting for entities controlled by billionaire **Bruce Gordon** in relation to complex cash-settled equity swaps for shares in **Nine Entertainment Co. Holdings Limited**

- **Employee/Officer Contracts**
 - Acting for **James Warburton** (former CEO of Seven West Media Limited) in relation to appointment as chairman of XT Ventures - <https://www.afr.com/street-talk/james-warburton-joins-hcf-backed-sportstech-vc-raise-in-the-offing-20241013-p5khvr>
- **Employee Share Schemes**
 - Acting for **Cloudstaff Holdings** on both real and “phantom” employee share schemes
- **Schemes of Arrangement**
 - Intervention in A\$9bn shareholder scheme of arrangement (one of the biggest by value in Australian history) against practically every bulge bracket investment bank and law firm in Australia – *Australian Container Freight Services (ACFS) v Asciano Limited*
 - Analysis and advice on impact of lenders scheme of arrangement in exceptionally complex US\$4bn financing of the Wiggins Island Coal Export Terminal
- **PRIVATE CLIENT**
 - **Divorce**
 - Acting in relation to the taking of security over portions of a matrimonial estate valued at c.A\$80m in the context of longstanding actively litigated and widely reported matrimonial proceedings per *Aitken v Aitken* [2023] FedCFamC1A
 - **Family Provision**
 - Acting in Supreme Court Equity Division enforcement of an agreement in relation to family provision in the context of matrimonial proceedings
- **REAL PROPERTY**
 - **Boundaries and Encroachment**
 - Acting for substantial local property investor **Orazio Camuglia** <https://www.afr.com/property/residential/the-man-behind-the-coogee-castle-eyes-85m-for-rose-bay-waterfront-20250414-p5lrji> in NSW Land and Environment Court proceedings concerning encroachment by property in Rose Bay valued at between A\$85m and A\$130m
 - **Commercial Leases**
 - Drafting and settlement of complex and high-value port and infrastructure leases and novations, particularly in Port Botany, as part of the commercial settlement in *Australian Container Freight Services (ACFS) v Asciano Limited*

- **Estate Agents and Architects**

- Acting for substantial local property investor **Jason Camuglia**
<https://www.smh.com.au/property/news/property-investor-sells-rare-double-land-holding-for-circa-22-7m-20250602-p5m462.html>
in successful defence of Security of Payment Act proceedings by architect
- Confidential instruction in relation to agency for A\$215m sale of Double Bay InterContinental Hotel

- **Strata Schemes**

- Acting in relation to strata dispute concerning mixed use development at One Dixon Street, Darling Harbour, Sydney
- Acting in relation to strata dispute concerning residential strata block in Woollahra