

ILLUSTRATIONS OF OTHER CASES IN WHICH PHILIP DURACK SC HAS ACTED

Banking

<p><i>Spira v Commonwealth Bank of Australia</i> [2003] 57 NSWLR 544 (NSWCA); [2002] 174 FLR 274 (first instance)</p>	<p>Supreme Court proceedings by borrower arising from terms of additional finance – whether breach of obligation of good faith or unconscionable dealing by bank.</p>
<p><i>Impact Traders v ANZ</i> [2003] NSWSC 964</p>	<p>Acted for bank in NSW Supreme Court proceedings in 2003 for injunctive relief concerning bank credit card facility.</p>
<p><i>Allstate Life Insurance v ANZ Banking Group Ltd</i> [1996] 142 ALR 412</p>	<p>Federal Court proceedings commenced by junk bond holders against various banks arising out of the collapse of the Linter Group of companies.</p>
<p><i>Equiticorp Finance v Bank of New Zealand</i> [1993] 32 NSWLR 50</p>	<p>Supreme Court of NSW proceedings arising out of the collapse of the Equiticorp group of companies.</p>

Contractual/Trade practices/Equity Disputes

<p><i>Berndale Securities Ltd v Waterhouse</i></p>	<p>Acted for broker in dispute resulting in Supreme Court proceedings in 2008 for an injunction arising out of options trading.</p>
<p><i>Interlink Roads Pty Ltd v Macquarie Bank</i></p>	<p>Advice concerning 2008 dispute in relation to financing fees concerning widening of the F5/M5 motorway.</p>
<p><i>Abigroup Contractors Pty Ltd v ABB Services Pty Ltd</i> [2004] NSWCA 181</p>	<p>4 day appeal concerning what, if any, contract existed for the building of the roof of the Superdome for the Olympic games.</p>
<p><i>Brown v Westpac & Sagitta Wealth Management</i></p>	<p>Acted for Westpac and Sagitta in NSW Supreme Court proceedings in 2003 arising from termination of Mr Brown's employment.</p>
<p><i>Eric Newham Holdings v Waste Management Service NSW</i></p>	<p>NSW Supreme Court proceedings in 2003 concerning termination of contract to operate major waste service disposal in Sydney.</p>

<i>Qantas Airways and Others v Sydney Airports Corporation</i>	Federal Court proceedings concerning aeronautical charges at Sydney Airport.
<i>Highlands Pacific v Orogen Minerals</i>	Federal Court proceedings in 2002 in Brisbane concerning joint venture dispute in relation to resources in Papua New Guinea.
<i>POS Media Online Ltd v Queensland Investment Corporation</i> [2001] FCA 809	Federal Court proceedings for specific performance of alleged contract/estoppel for installation of advertising screens in shopping centres.
<i>Harrison v. Schipp</i> [2001] NSWCA 13	NSW Court of Appeal hearing in action for breach of fiduciary duty and unconscionable conduct between joint venture partners.
<i>Arrowfield v Coolmore Stud</i>	Dispute between studs in Hunter Valley and Ireland as to whether the stallion, Danehill , would travel to NSW for the Southern hemisphere breeding season.
<i>Stewart v. Woolnough</i> [2000] NSWCA 7; first instance BC9807528 of 1999	Appeal in NSW Court of Appeal and trial concerning error in valuation under contractual provision and claim for specific performance.
<i>Lexcray Pty Ltd v Northern Territory of Australia</i>	Supreme Court proceedings in the Northern Territory arising out of the implementation of the brucellosis and tuberculosis eradication scheme.
<i>Telstra Corporation v AAPT</i>	NSW Supreme Court proceedings in 1999 for injunctive relief in relation to selling activity of AAPT.
<i>Allens Group Ltd v Arena Meetings Conventions & Exhibitions Pty Ltd</i> (1997) 8 BPR 15, 623	Supreme Court of NSW proceedings concerning a booking of the Sydney Exhibition Hall, Darling Harbour for New Year's Eve turn of the century celebrations.
<i>Breen v Williams</i> [1996] 186 CLR 1	Proceedings from trial to the High Court, concerning a patient's rights in respect of medical records
<i>Trade Practices Commission v Gillette</i> [1993] 118 ALR 280	Federal Court proceedings for contraventions of section 50 of the Trade Practices Act.

Corporations Act/Insolvency

<i>Smart Communications Group v D'Angelo</i>	Federal Court proceedings in 2003 concerning insolvent trading.
<i>Dorajay Pty Ltd v Aristocrat Leisure Limited</i> [2004] FACA 634	Acted for Aristocrat in strike-out application in a class action by shareholders against Aristocrat for contravention of continuous disclosure obligations.
<i>King v Mortimer & Ors</i>	Acted for former director of GIO in Federal Court proceedings in 2000 arising out of AMP's takeover offer for GIO.
<i>Edge Technology v Lite-On Technology</i> [2000] 34 ACSR 301	Supreme Court of NSW proceedings concerning a statutory demand for payment.
<i>Cobar Mines Pty Ltd; Hall as Liquidator</i> , 1998, BC 9802903	Acted for liquidator in winding up proceedings and issue as to conflict of interest resulting from merger of Price Waterhouse and Coopers & Lybrand.
<i>Fenwick v Jeffries Industries Ltd</i> [1995] 13 ACLC 1334	Case concerning sharemarket manipulation and contraventions of the Corporations Law.

Professional Negligence

<i>Optus Networks Pty Ltd v Leighton Contractors Pty Ltd</i> [2002] NSWSC 327	6 month trial in the Commercial Division of the Supreme Court of New South Wales of claims resulting from the discharge into Optus' computer data centre of rusty water from a fire suppression system.
<i>Maronis Holdings v Nippon Credit Australia and Others</i> [2001] 38 ACSR 404	Trial in the Supreme Court of NSW and subsequent appeal in solicitor negligence case relating to the collapse of the Girvan property group.
<i>Middle East Trading v Nemes</i> [2003] NSWSC	Trial in the Supreme Court NSW for negligence against a solicitor in failing to advise as to the inadequacy of security in relation to debt exposure.
<i>Southern Equities Corporation Limited v. Arthur Anderson</i>	Supreme Court proceedings in South Australia for auditors negligence arising from the collapse of Bond Corporation.

Contamination of Land

<i>Vassiliou v State of New South Wales and Health Administration Corp</i>	Acted for NSW Government in 2009 Supreme Court proceedings concerning alleged residual contamination from former radium processing factory in Hunters Hill.
<i>DATM Pty Ltd v Mobil Oil Australia Limited</i>	Acted for the Plaintiff in Supreme Court proceedings in 2007 concerning spread of petrol contamination to adjoining sites.
<i>Camellia Properties v Golder Associates & Duracell</i>	Acted for Plaintiffs in Federal Court proceedings arising from purchase of commercial property contaminated from the manufacture of batteries.
<i>Qantas Airways v Mascot Galvanising (Holdings) Pty Ltd</i> 17/12/1998, BC 9806749	Supreme Court of NSW proceedings concerning the contamination of land near Sydney Airport.

Sale of Land and Leases

<i>Westpac Banking Corp v Tanzone</i> [2000] ANZ Conv R 354; (2000) 9 BPR 17, 287; (1999) TPR 46-195	Appeal and trial concerning rent review clause.
<i>Dibeek Holdings Pty Ltd v Notaras</i> [1997] 141 FLR 364	Acted for landlord in ACT Supreme Court proceedings concerning forfeiture of a lease in the Tuggeranong Markets.