

# Sam A. Adair

## Barrister

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## Curriculum Vitae

(current as at September 2020)

### Practice areas

I conduct a commercial practice with particular focus on the following areas:

- Building & construction
- Insurance & reinsurance
- Professional liability
- Commercial & corporate
- Equity & trusts
- Class actions

### Admissions

- 2009 Admitted to the New South Wales Bar
- 2005 Admitted as a solicitor in NSW and the High Court of Australia

### Current and recent matters

- *The Owners – Strata Plan No. 87231 v 3A Composites GmbH* (Federal Court): Appearing for Halifax Vogel Group in a funded class action concerning building cladding products. Led by Nicholas Owens SC. Instructed by Wotton + Kearney, Sydney.
- *Whyalla Ports Pty Ltd v Kerman Contracting Pty Ltd & Anor; Kerman Contracting Pty Ltd v BG&E Pty Ltd* (Supreme Court of South Australia): Appearing for Kerman Contracting in 2 proceedings concerning construction and engineering claims & cross claims. Led by Tom Duggan QC. Instructed by Wotton + Kearney, Sydney.
- *Confidential client*: Advising a director and shareholder of a substantial proprietary company in relation to members' remedies and responding to allegations of misconduct. Led by Senior Counsel.
- *Confidential client*: Advising a company in relation to misuse of confidential information. Instructed by Eastern Commercial Lawyers.

### Selected judgments

- *The Owners – Strata Plan No 87231 v 3A Composites GmbH (No 3)* [\[2020\] FCA 748](#). Led by Nicholas Owens SC. Instructed by Sparke Helmore, Sydney.
- *Asset Building Certifiers Pty Ltd v Hyblewski* [\[2020\] ACTCA 21](#). Led by Anthony Cheshire SC. Instructed by Sparke Helmore, Canberra.

- *Aligned Investment Management Pty Ltd as Trustee for the Rose Family Trust v Aligned FM Pty Ltd* [2019] NSWSC 1051. Led by Michael Heath. Instructed by David P. Selig.
- *Hyblewski v Bellerive Homes Pty Ltd* [2019] ACTSC 44. Unled. Instructed by Sparke Helmore, Canberra.
- *James v The Owners – Strata Plan No 11478* [2017] NSWCA 166. Unled. Instructed by Sparke Helmore, Sydney.
- *James v Owners SP 11478* [2016] NSWSC 1558; 18 BPR 36389. Unled. Instructed by Sparke Helmore, Sydney.
- *Doulman v ACT Electronic Solutions Pty Limited & Anor (No.2)* [2015] FCCA 1664; 300 FLR 121. Unled. Instructed by Sparke Helmore, Sydney.
- *WorkCover Authority of New South Wales v Construere Projects Pty Limited* [2014] NSWDC 310. Unled. Instructed by Danny Eid Lawyers.
- *Empire Waste Pty Ltd v District Court of New South Wales* [2013] NSWCA 394; 86 NSWLR 142. Led by Garry McGrath SC. Instructed by Eastern Commercial Lawyers.
- *Nicholls & Ors v Michael Wilson & Partners Ltd* [2012] NSWCA 383. Led by Garth Blake SC & Garry McGrath SC. Instructed by Henry Davis York.

#### **Other relevant experience**

- Appearing in Supreme Court of NSW proceedings involving allegations of undue influence and unconscionable conduct (settled on first day of 3-week trial). Led by David Murr SC. Instructed by Makinson d'Apice.
- Appearing for and advising a charitable foundation in a Supreme Court of NSW class action concerning historical abuse claims. Settled at mediation. Appeared on settlement approval hearing before Garling J (unreported). Led by Garth Blake SC and Julia Lonergan SC (as her Honour then was).
- Acting and advising in relation to a domestic arbitration conducted under the Resolution Institute Rules concerning claims & cross claims under a construction contract.
- Appearing (either as sole counsel or led by Senior Counsel) in numerous interlocutory applications in various courts and tribunals of subject matter ranging from claims for urgent injunctive relief to matters of practice and procedure.
- Appearing in numerous mediations on behalf of insurers, commercial clients and individuals (either as sole counsel or led by Senior Counsel) in disputes concerning issues of insurance policy coverage, construction and engineering claims, allegations of corporate oppression and directors' duties, contractual claims, as well as public liability claims and dental negligence.
- Advising Australian and London-based insurers on policy interpretation and coverage issues, as well as advice on prospects and conduct of proceedings, ranging from professional indemnity claims, ISR policies and directors' and officers' claims.

**Experience as a solicitor**

2007-2009            Deacons (Lawyer, Insurance Litigation Group)  
2005-2007            Vardanega Roberts (Associate 2007; Solicitor 2005-2007)

**Academic**

2004                    Macquarie University – BA LLB (Hons)

**Awards**

2009                    P. Blashki & Sons Prize for first place in February 2009 NSW Bar Exam