

Curriculum vitae

David's primary areas of practice are equity and trusts, property, corporations/insolvency and general commercial litigation.

Prior to joining the bar, David practiced as a litigation solicitor for 10 years at leading firms in Sydney, London and Hong Kong.

A. ADMISSIONS

2008: Solicitor, Supreme Court of New South Wales

2009: Solicitor, High Court of Australia

2018: Barrister, Supreme Court of New South Wales

B. EDUCATION

2010: Master of Laws, University of Sydney

2007: Bachelor of Laws with First Class Honours, University of Technology, Sydney

C. PRINCIPAL AREAS OF PRACTICE

- Commercial
- Corporations Law
- Equity
- Insolvency
- Property

D. SOME RECENT INSTRUCTIONS

1. *Twigg v Pitcher Partners Holdings Pty Ltd*; Supreme Court of NSW (Commercial List) and NSW Court of Appeal. Dispute concerning breach of fiduciary duties and knowing assistance in a dishonest and fraudulent design.
 - a. **Primary Judgment:** [\[2023\] NSWCA 193](#). Appeal against application for a permanent stay.
 - b. **Judgment:** [\[2023\] NSWSC 109](#). Application for a permanent stay of proceedings on grounds of abuse of process.
 - c. **Judgment:** [\[2022\] NSWSC 1043](#). Application to transfer proceedings to the Supreme Court of Victoria.
2. *HBSY Pty Ltd v Lewis*; High Court of Australia (Full Court). Dispute concerning the jurisdiction of federal courts to hear appeals from State courts. Underlying dispute concerns the rule in *Cherry v Boulton*, bankruptcy set-off, and the effect of discharge from bankruptcy.
 - a. **Primary Judgment:** [\[2023\] FCAFC 109](#); (2023) 298 FCR 303.
 - b. **Primary Judgment:** [\[2022\] NSWSC 841](#); (2022) 108 NSWLR 558.
3. *Khattar v Khattar*; NSW Court of Appeal. Appeal against *Khattar v Hills Shoppingtown Pty Ltd (subject to a Deed of Company Arrangement)* [2022] NSWSC 363. Dispute concerning construction of a complex settlement agreement.
 - a. **Primary Judgment:** [\[2023\] NSWCA 133](#).
 - b. **Judgment:** [\[2022\] NSWCA 237](#). Vacation of hearing.
4. *BW1 Esher Pty Ltd v Ravimohan*; Supreme Court of NSW (Real Property List). Dispute concerning four interrelated contracts for sale of land.
5. *Ozem Azzam Kassem and Jason Bing-Fai Tang as joint and several liquidators of Touchline Pty Ltd (in liquidation) v Commissioner of Taxation*; Federal Court of Australia. Unfair preference claim.
6. *Dalmacija Sydney Croatian Club Limited v Bosnic*; Supreme Court of NSW (Corporations List). Proceedings concerning alleged breached of directors' duties.

7. *Avwin Pty Ltd v PT Limited and Zilver Chatswood Restaurant Holding Pty Ltd*; Supreme Court of NSW (Real Property List). Dispute concerning a commercial lease.
8. *Elite Reofix Pty Ltd v Grange Road Properties Pty Ltd*; Supreme Court of NSW (Common Law General List). Breach of contract dispute with an alternative unjust enrichment claim.
9. *Communitas v Infinity – Forms of Yellow Remember Pty Ltd*; Supreme Court of NSW (Real Property List). Claim concerning undue influence, unconscionable conduct and knowing receipt.
10. *Newall v Richards*; Supreme Court of NSW (Equity General List). Dispute concerning breaches of an alleged partnership agreement.
11. *In the matter of Delberne De Pty Ltd (in liquidation)*; Supreme Court of NSW (Corporations List). Dispute involving a liquidator examination (counsel for the liquidator) and subsequent insolvent transaction claims.
12. *Pennant Hills Estates 88 Pty Ltd (Receivers and Managers Appointed) (In Liquidation) v BNB88 Pty Ltd*; Federal Court of Australia. Proceedings to have four winding up applications dismissed.
13. *Khattar v Khattar*; Supreme Court of NSW (Commercial List). Commercial guarantee dispute.
14. *Stevens Carpets Pty Ltd v Khattar*; Supreme Court of NSW (Equity General List). Commercial guarantee dispute.
15. *Wing Yu Pty Ltd v Australian Huaxin International Investment Group Pty Ltd*; Supreme Court of NSW (Real Property List). Dispute concerning a commercial lease.
16. *The Owners – Strata Plan 91174 v RPF Building Pty Ltd*; Supreme Court of NSW (Technology and Construction List). Dispute concerning building defects and compliance with a settlement agreement.
17. *Mereniuk v Wilks*; District Court of NSW. Dispute concerning alleged loans between family members.
18. *Quarry Mining & Construction Equipment Pty Ltd v Stafford*; Supreme Court of NSW (Equity General List). Dispute concerning breaches of restraints and other issues arising following the acquisition of a mining supplies business.

19. *Preston v Nikolaidis*; Supreme Court of NSW (Equity General List). Proceedings in connection with a solicitor / client costs dispute. Remaining issues concern party / party costs orders, gross sum costs and third party costs orders, with orders dating back to 1993.
20. *Berens Construction Pty Ltd v Nilon*; Personal Injury Commission of NSW (Presidential Division). Dispute concerning identity of contracting parties for the purposes of a workplace injury claim.
 - a. **Primary Judgment:** [\[2024\] NSWPICPD 21](#).
 - b. **Primary Judgment:** [\[2024\] NSWPICPD 22](#).
21. *Benjamin & Khoury Pty Ltd v Rahme*; Supreme Court of NSW (Common Law General List). Appeals against decisions of Costs Assessment Review Panels and related proceedings.
 - a. **Judgment:** [\[2023\] NSWSC 756](#). Application to set aside three statutory demands based on costs certificates.
 - b. **Judgment:** [\[2022\] NSWSC 766](#). Stay of the operation of judgments pending appeal.
 - c. **Judgment:** [\[2022\] NSWSC 1143](#). Application to set aside subpoenas and notices to produce.
 - d. **Judgment:** [\[2023\] NSWSC 244](#). Appeal against interlocutory costs order.
22. *Hy-Gene Waste Services Pty Ltd v Daimler Truck and Bus Australia Pacific Pty Ltd*; District Court of NSW. Dispute concerning alleged damage to a cab chassis truck following fitment of a garbage compactor.
23. *SD Commercial Lawyers Pty Ltd v The Owners – Strata Plan 85263*; District Court of NSW. Appeals against decisions of Costs Assessment Review Panels concerning four solicitor / client costs assessments.
24. *Santangelo v Yates Holdings Victoria Pty Ltd*; Supreme Court of NSW (Real Property List). Claim for specific performance of a contract for sale of land.
 - a. **Primary Judgment:** [\[2022\] NSWSC 397](#).
 - b. **Judgment:** [\[2023\] NSWSC 315](#). Gross sum costs.
25. *Twigg v Twigg*; Supreme Court of NSW (Commercial List) and NSW Court of Appeal. Family trusts dispute concerning around \$100m.

- a. **Primary Judgment:** [\[2022\] NSWCA 68](#); (2022) 402 ALR 119.
 - b. **Primary Judgment:** [\[2020\] NSWSC 1159](#); (2020) 147 ACSR 389.
 - c. **Judgment:** [\[2020\] NSWSC 1782](#). Application to vary judgment.
 - d. **Judgment:** [\[2020\] NSWSC 1856](#). Orders consequent upon judgment including indemnity costs and tracing.
26. *Charisma Developments Pty Ltd v Rey (Plus) Projects Pty Ltd*; Supreme Court of NSW (Technology and Construction List). Dispute concerning the construction of a block of 27 apartments.
27. *Rey (Plus) Projects Pty Ltd v Suncorp-Metway Limited*; Supreme Court of NSW (Technology and Construction List). Dispute concerning payment under a bank guarantee.
28. *Fyto-Green Australia v El Ali*. Local Court breach of contract claim.
29. *Pregard Pty Ltd v Groth*. Local Court building defects claim.
30. *Professional Construction Services Pty Ltd v The Owners – Strata Plan 92156*. NSW Civil and Administrative Tribunal Appeal Panel proceedings concerning a building defects claim.
- a. **Primary Judgment:** [\[2023\] NSWCATAP 323](#).
31. *Ghodke v McDonald Jones Homes Pty Ltd*; NSW Civil and Administrative Tribunal (Consumer and Commercial Division). Claim concerning s 18B *Home Building Act 1989* (NSW) warranties.
32. *Boyd-McCredie v Ball*; NSW Civil and Administrative Tribunal (Consumer and Commercial Division). Commercial claim concerning customisation of a motor vehicle.
33. *Hermosura v McDonald Jones Homes Pty Ltd*; NSW Civil and Administrative Tribunal (Consumer and Commercial Division). Claim concerning s 18B *Home Building Act 1989* (NSW) warranties.
34. *Wood v Commissioner for Fair Trading*; NSW Civil and Administrative Tribunal (Occupational Division). Application to set aside a decision by Fair Trading to refuse an endorsed contractor licence for general building work.
- a. **Primary Judgment:** [\[2022\] NSWCATOD 114](#).

35. *In the matter of Graziers Pastoral Pty Ltd; Parilo v Graziers Pastoral*; Supreme Court of NSW (Corporations List). Oppression proceedings.
36. *Hopper v DJ Sincock Pty Ltd*; NSW Court of Appeal. Dispute concerning a guarantor's right to be indemnified by the principal debtor following payment and promissory estoppel.
 - a. **Primary Judgment:** [\[2021\] NSWCA 305](#); (2021) 107 NSWLR 153.
37. *In the matter of Wameja Limited*; Federal Court of Australia. Scheme of arrangement. Counsel for the company proposing the scheme.
 - a. **Judgment:** [\[2021\] FCA 878](#). First court hearing convening meetings.
 - b. **Judgment:** [\[2021\] FCA 1130](#). Second court hearing approving scheme.
38. *Stojanovski v Allstar Capital Pty Ltd*; Supreme Court of NSW (Real Property List). Contract for sale of land dispute.
39. *Naro Investments Pty Ltd v Benjamin & Houry Pty Ltd*; Supreme Court of NSW (Equity General List). Solicitors' costs recovery and enforcement of security.
 - a. **Judgment:** [\[2021\] NSWSC 262](#). Motion for summary dismissal of statement of claim and summary judgment on cross-claim.
 - b. **Judgment:** [\[2021\] NSWSC 1198](#). Motion for a lump sum costs order.
40. *ABBA Logistics Pty Ltd v AlSCO Pty Limited*; Supreme Court of NSW (Real Property List). Proceedings concerning the construction of a lease of commercial premises.
41. *The Owners – Strata Plan 74565 v Ettalong Beach War Memorial Club Limited*; Supreme Court of NSW (Equity General List). Dispute concerning water ingress into common property of a strata plan and specific performance of a settlement deed.
42. *211 Pacific Highway Pty Ltd v Logic DB Pty Ltd*; Supreme Court of NSW (Equity General List). Dispute concerning whether certain manuscript terms in a standard form building contract had been agreed.
43. *Combis & Staatz as joint and several liquidators of RB Hospitality Holdings Pty Ltd (in liq) v Lee*; Supreme Court of NSW (Possession List). Counsel for the liquidators seeking to enforce the terms of a guarantee and indemnity given by a director.
 - a. **Primary Judgment:** [\[2020\] NSWSC 1727](#).

- b. **Judgment:** [\[2020\] NSWSC 1828](#). Costs.
44. *Quinn v O'Rourke*; Federal Court of Australia. Bankruptcy proceedings.
- a. **Primary Judgment:** [\[2020\] FCA 1145](#).