

# Louise Hulmes

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## ADMISSIONS

- 2016                    **Barrister**, New South Wales & High Court of Australia
- 2006                    **Solicitor**, High Court of Australia
- 2005                    **Solicitor**, Supreme Court of New South Wales

## PRINCIPAL AREAS OF PRACTICE

- Banking & Financial Services
- Commercial
- Competition and Consumer Law
- Equity
- Insurance
- Class Actions
- Corporations Law
- Employment and Restraint of Trade
- Insolvency
- Regulatory

## PROFESSIONAL EXPERIENCE

- 2006 - 2015            **Clayton Utz**, Lawyer (2006-2009) and Senior Associate (2009-2015), Commercial Litigation
- 2004 - 2006            **DLA Phillips Fox** (now DLA Piper), Graduate-at-Law and Lawyer, Insurance Litigation

## EDUCATION

- 2013                    **University of Sydney**, Master of Laws
- 2004                    **University of Sydney**, Bachelor of Laws (Hons I)
- 2001                    **University of Sydney**, Bachelor of Commerce

## SELECTED APPEARANCES

### UNLED

**Commercial** *S & D Cambridge Management Services Pty Ltd v Couriers Please Pty Ltd* (2018/307440 NSWSC) Breach of contract claim; settled in 2021, 1<sup>st</sup> day of final hearing.

*Nicols Super Pty Ltd v Mediation & Online Dispute Resolution Operating Network Pty Ltd & Ors* (2019/400760 NSWSC) Misleading and deceptive conduct claim (ongoing).

*S & D Cambridge Management Services Pty Ltd v Couriers Please Pty Ltd* [2019] NSWSC 1418 Interlocutory; defence of an application for leave to amend a pleading.

*DIF III – Global Co-Investment Fund LP v Babcock & Brown International Pty Ltd (No 2)* [2019] NSWSC 1578 Application for order that plaintiffs pay the costs of an unsuccessful cross-claim.

*Ahtram Pty Ltd & Anor v Immaṣ International Pty Ltd & Ors* (2016/318073 NSWDC) Breach of a commercial lease; settled in 2017, 3<sup>rd</sup> day of final hearing.

**Insolvency** *Courtenay House Capital Trading Group Pty Limited (in liq) & Courtenay House Pty Limited (in liq)* [2021] NSWSC 256 Application for directions on behalf of Liquidators.

*In the matter of Courtenay House Capital Trading Group Pty Limited (in liq) & Courtenay House Pty Limited (in liq)* Public examinations on behalf of Liquidators.

*Thakran v TD TD Pty Ltd* [2019] FCA 829 Application for reinstatement of company registration and winding up.

*In the matter of Saker Nominees Pty Ltd (in liq)* [2017] NSWSC 668 Remitted hearing; application for approval of liquidators' remuneration.

### LED

**Appeals** *Hancock Prospecting Pty Ltd & Ors v DFD Rhodes Pty Ltd; Rinehart & Anor v Rinehart & Ors* (P42/2020 and P42/2020) Defending application for special leave to appeal to the High Court from order refusing a stay of proceedings; special leave refused (led by J Stoljar SC).

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|                   | <i>Management Services Australia Pty Ltd v PMWorks Pty Ltd &amp; Anor</i> [2019] NSWCA 107                         | Breach of contract; termination (led by M Cairns).   |
|                   | <i>Sanderson as liquidator of Saker Nominees Pty Ltd (in liq) v Saker</i> [2017] NSWCA 38                          | Appeal against a determination of liquidator's remuneration before a five-member bench of the Court of Appeal (led by V Whittaker SC).   |
| <b>Commercial</b> | <i>Molopo Energy Limited v Jobal &amp; Ors</i> (S ECI 2018/120 VSC)  | Breach of directors' duty claim; professional indemnity insurance claim (ongoing) (led by R Scruby SC and T Mitchell).   |
|                   | <i>Millennium Charters Pty Ltd v Macarthur Jet Charter Pty Ltd</i> (2019/353758 in the NSWDC)                      | Breach of contract claim; settled in 2021 (led by Y Shariff SC).   |
|                   | <i>DIF III Global Co-Investment Fund LP &amp; Anor v Babcock &amp; Brown LP &amp; Ors</i> [2019] NSWSC 527         | Breach of fiduciary duty claim; negligence; misleading or deceptive conduct; professional indemnity insurance claim; directors' & officers' insurance claim (led by R Scruby SC).              |
|                   | <i>Dimmi v RestaurantDiary.com</i> [2018] NSWSC 846  | Breach of contract claim; termination; estoppel (led by JAC Potts SC).   |
|                   | <i>DIF III Global Co-Investment Fund LP &amp; Anor v Babcock &amp; Brown LP &amp; Ors</i> (2016/285820 in NSWSC)   | Negligence, misleading or deceptive conduct claim; professional indemnity insurance claim; directors' and officers' insurance claim; settled first week of final hearing (led by R Scruby SC). |
|                   | <i>Management Services Australia Pty Ltd v PMWorks Pty Ltd &amp; Anor</i> [2017] NSWSC 1743 (Supreme Court of NSW) | Alleged joint venture; breach of fiduciary duty; misleading or deceptive conduct; unconscionable conduct; estoppel (led by M Cairns).  |
|                   | <i>RBC Investor Services Australia Nominees Pty Limited v Brickworks Limited</i> [2017] FCA 756                    | Shareholder oppression (led by AJL Bannon SC and JAC Potts SC).  |

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|                         | <i>Vella v Medallist Golf Holdings Pty Limited</i><br>[2017] NSWSC 211   | Alleged breach of a development agreement (led by IM Jackman SC and JAC Potts SC).  |
|                         | <i>Tenix Holdings Pty Limited v Olis Insurance Pte Ltd &amp; Ors</i> (2013/381728 in the NSWSC)  | Professional indemnity insurance claim. Settled just prior to commencement of eight week hearing (led by M Jones SC and K Williams SC). |
| <b>Insolvency</b>       | <i>In the matter of Courtenay House Capital Trading Group Pty Limited (in liq) &amp; Courtenay House Pty Limited (in liq)</i> [2020] NSWSC 780               | Application on behalf of Liquidators for directions as to application of doctrine of hotchpot (led by R Scruby SC).                     |
|                         | <i>In the matter of Courtenay House Capital Trading Group Pty Limited (in liq) &amp; Courtenay House Pty Limited (in liq)</i> [2019] NSWSC 1113              | Application for orders and directions as to whether funds deposited by investors are held on trust (led by R Scruby SC).                |
|                         | <i>In the matter of Gondon Five Pty Limited and Cui Family Asset Management Pty Limited</i> [2019] NSWSC 469   | Receiver's remuneration (led by V Whittaker SC).  |
|                         | <i>In the matter of Courtenay House Capital Trading Group Pty Limited (in liquidation) and Courtenay House Pty Limited (in liquidation)</i> [2018] NSWSC 404 | Separate question; trust law (led by V Whittaker SC).   |
| <b>Royal Commission</b> | Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, 2018  | Appeared for the Commonwealth Bank of Australia (led by C Scerri QC and Z Hillman).   |