



KELLIE DYON
Barrister

+61 2 8239 0230
kellie.dyon@banco.net.au

PROFESSIONAL

- Since 2022** Barrister, Banco Chambers, Sydney
- 2021** Senior Legal Consultant, Sydney
- 2012 - 2020** Senior Associate, Dispute Resolution, Freshfields Bruckhaus Deringer, London
- 2008 - 2012** Associate, Dispute Resolution, Freshfields Bruckhaus Deringer, London
- 2007** Associate, Mallesons Stephen Jaques, Melbourne

QUALIFICATIONS & EDUCATION

- 2012** Higher Rights of Audience, Courts of England and Wales
- 2011** Solicitor, England and Wales
- 2007** Australian Lawyer, Supreme Court of Victoria; High Court of Australia
- 2005** Bachelor of Laws (Hons), Bachelor of Arts (Mandarin Chinese major) University of Melbourne
Prize for first ranked student in Copyright, Patent and Allied Rights
Dean's Award for Academic Achievement in Arts

SELECTED MATTERS (LED)

Greensill proceedings (Federal Court of Australia (Lee J)); Ongoing

Acting for BCC Trade Credit Pty Ltd in Federal Court insurance litigation involving multiple proceedings related to the billion dollar Greensill collapse (authority; fraud; misleading or deceptive conduct).

Led by Peter Braham SC, Justin Williams SC, James Hutton SC and others; instructed by Kennedys.

SMBC Leasing and Finance Inc v Flexirent Capital Pty Ltd & Anor (Federal Court of Australia (Lee J)); Ongoing

Acting for SMBC Leasing and Finance Inc in proceedings related to a multi-million dollar fraud (breach of contract; indemnity; negligence; misleading or deceptive conduct).

Led by Michael Izzo SC and Emma Beechey; instructed by Jones Day.

European Brickworks Pty Ltd & Ors v Johan Steyn & Anor; Mecmoh Pty Ltd v Steyn & Ors (Federal Court of Australia (Halley J)); Ongoing

Acting for Attvest Finance Pty Ltd and related entities in relation to a post management-buyout shareholder dispute in two proceedings in the Federal Court (breach of fiduciary duty; knowing receipt; misleading or deceptive conduct; oppression).

Led by James Hutton SC; instructed by Arnold Bloch Leibler.

Pirrottina v Pirrottina (Supreme Court of NSW, Equity Division General List (Rees J))

Acting for the defendant/cross-claimant in partnership proceedings and a related counter-claim regarding proprietary estoppel (receivership; identification of partnership assets; proprietary estoppel; constructive trusts).

Led by Mark Ashhurst SC; instructed by Cara Marasco & Company.

ASIC v Nuix Limited & Ors (Federal Court of Australia (Goodman J))

Acting for a former director of Nuix Limited/Chair of the Audit & Risk Committee in a four week trial involving allegations of breach of continuous disclosure obligations and misleading or deceptive conduct in financial forecasting/market disclosures (disclosure obligations; misleading or deceptive conduct; directors' duties).

Led by Declan Roche SC; instructed by Horton Rhodes Lawyers.

In the matter of ASP Aluminium Holdings Pty Ltd [2024] NSWSC 183 (Federal Court of Australia (Black J))

Acting for the company in an application for leave to bring a derivative action under s 237 of the *Corporations Act 2001* (Cth) (derivative actions; oppression; directors' duties).

Led by Chris Withers SC; instructed by Thomson Geer.

Sino Iron Pty Ltd & Ors v Mineralogy Pty Ltd & Ors (Supreme Court of Western Australia, Court of Appeal)

Advising CITIC Limited and related entities in proceedings involving a tenement dispute regarding the Cape Preston Sino Iron magnetite ore project (breach of contract; contractual construction; estoppel).

Led by Noel Hutley SC and Sebastian Hartford Davis; instructed by Allens Linklaters and Herbert Smith Freehills.

Hakea Holdings Pty Ltd v Neon Underwriting Limited for and on behalf of the Underwriting Members of Lloyds Syndicate 2468 [2023] FCAFC 34 (Full Court of the Federal Court of Australia (Colvin, Button and Jackman JJ))

Acting for Hakea Holdings Pty Ltd in an appeal in relation to an insurance dispute arising from director misconduct (insurance; contractual construction).

Led by Chris Withers SC and Sebastian Hartford Davis; instructed by Holding Redlich.

G&G Mikhael Pty Ltd v Chalak (Supreme Court of NSW, Equity Division Possession List)

Acting for the defendant/cross-claimant in possession/breach of contract proceedings (possession; breach of contract; unconscionable conduct).

Led by David Sulan SC; instructed by Auslex; Led by Nick Bender SC; instructed by O'Halloran Deal.

SELECTED MATTERS (UNLED)

Pirrottina v Pirrottina (Supreme Court of NSW, Equity Division General List (Parker J; Rees J))

Discovery applications (appearing against Chris Wood SC).

Opposing application for access to documents produced under subpoena (privilege; duties of executors).

Opposing application for release from Harman obligations.

Instructed by Cara Marasco & Company.

Disrupt Group Holdings Pty Ltd v iQNovate Limited & Ors (Supreme Court of NSW, Equity Division Commercial List (Stevenson J))

Discovery application (appearing against Stefan Balafoutis SC).

Instructed by Webb Henderson.

Wang v Yang [2022] NSWSC 1757 (Supreme Court of NSW, Equity Division Duty List (Kunc J))

Application for the removal of a caveat (caveats; constructive trusts; resulting trusts).

Instructed by Katsikaris Family Lawyers.

TL Commercial Finance Pty Ltd v Lisa Moore (Local Court of New South Wales)

Application to set aside garnishee order.

Instructed by Bridges Lawyers.

Compulsory examination (Independent Commission Against Corruption)

Representing an individual in a compulsory examination before the Independent Commission Against Corruption.

Instructed by Company (Giles).

Muscat v Qin & Anor (Supreme Court of NSW, Equity Division General List)

Advising on matters arising in connection with a preliminary discovery application, including issues of estoppel.

Instructed by DINA Lawyers

SELECTED ADVICE WORK

Advice to the Australian Council of Superannuation Investors regarding potential liability of directors under the ISSB Draft Standards for Forward Looking Statements; together with Sebastian Hartford Davis:
<https://acsi.org.au/submissions/legal-opinion-on-issb-draft-standards/>

Advice to Environmental Defenders Office on climate-related business and regulatory issues