

Nicholas Bender SC


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Nicholas Bender regularly appears in superior courts at first instance and on appeal, often in complex cases involving substantial quantum. He specialises in commercial, corporations, insolvency and private international law matters and practises in all areas relating to commercial disputes. He also has substantial experience appearing in inquiries involving matters of significance to the client.

Nicholas is or has recently advised and appeared in the following notable matters:

- *MB Australia Pty Ltd v. Citadel Group Properties*: appearing in the Supreme Court of NSW for the seven principal defendants in a claim brought by the liquidators of the Max Brenner group of companies seeking to recover property valued by the liquidators at \$70 million.
- *ASIC v. Caddick*: appointed by the Federal Court as contradictor in the trial of civil penalty proceedings brought by ASIC against Melissa Caddick in which ASIC sought orders for the sale and distribution to investors of Ms Caddick's estate.
- *Camenzuli v. Hawke*: appointed by the Supreme Court of NSW as *amicus curiae* in the urgent final hearing of proceedings to resolve the status of the Executive Committee of the NSW Liberal Party during the pre-selection phase of the last Federal election.
- *Daiwa Can v. Koutsoukos*: appearing for a large, Japanese, listed company in an \$11 million claim against Australian liquidators of its subsidiary.
- *GetSwift* class action: appeared for the director defendant in representative proceedings



in the Federal Court of Australia in connection with alleged breaches of continuous disclosure obligations, including appearing in a successful appeal to the Full Court from the trial judge's decision not to disqualify himself.

- *Surfstitch* class action: appeared for the director defendant in representative proceedings in the Federal Court of Australia in connection with alleged breaches of directors duties.
- *Forge Group Ltd (in liq)*: appeared for three director defendants in proceedings brought by the liquidators in connection with the collapse of the Forge Group.
- *ICAC Operation Gerda*: appeared for the University of Sydney in a 2.5 week hearing into corruption in relation to the University's private security contracting arrangements.

Nicholas has appeared as lead counsel in several appeals in the New South Wales Court of Appeal. He has also appeared in a wide range of Commissions and Inquiries including substantial experience appearing at ICAC.

Over the course of his career, Nicholas has also been briefed in many large and complex cases. Some examples include ASIC's civil penalty proceedings against GetSwift Ltd and members of its board, AUSTRAC's prosecution of the CBA, class action proceedings involving the sale of metal-on-metal hip replacement devices by Johnson & Johnson, the complex *Boart Longyear* scheme of arrangement proceedings and the prosecution by ASIC of the directors and officers of James Hardie.

Nicholas has been listed in *Doyle's Guide (Leading Commercial Litigation and Dispute Resolution Barristers)* in each year from 2017 to 2022 (currently as "Leading") and *Doyle's Guide (Leading Insolvency and Reconstruction Barristers)* from 2015 to 2017 and 2021 to 2022 (currently as "Leading"). He has been listed in *Best Lawyers* for each of the last two years. In the past, Nicholas has been a Visiting Fellow at both the University of New South Wales and University College London where he taught private international law and international arbitration.