

Nicholas Bender

Call **2007**
Email bender@banco.net.au
Phone **+61 2 9376 0666**



Nicholas Bender regularly appears as lead counsel in superior courts, commissions and tribunals in first instance and appeal proceedings. He specialises in commercial, corporations, insolvency and private international law matters and is available to appear in relation to any dispute concerning commercial activity.

He is or has recently been briefed as lead or sole counsel in the following matters of significance:

- *ASIC v. Caddick*: appointed by the Federal Court as Contradictor in proceedings brought by ASIC seeking the sale and distribution to investors of Melissa Caddick's assets.
- *GetSwift* class action: appearing for the director defendant in representative proceedings in the Federal Court of Australia in connection with alleged breaches of continuous disclosure obligations.
- *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.
- *Liquidation of Max Brenner*: appearing for multiple parties in relation to substantial property claims brought by the liquidators.
- *TDE*: appeared for one of two shareholder/directors in their dispute over ownership and control of the TDE international retail fashion business.

- 
- *Re Tubi Ltd*: appeared for Mike Tilley's interests in the dispute as to the administration of Tubi.

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 appeared as junior counsel 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 is featured in the 2021 edition of Best Lawyers for litigation. He has also been listed in *Doyle's Guide (Leading Commercial Litigation and Dispute Resolution Barristers)* in each year from 2017 to 2021 and *Doyle's Guide (Leading Insolvency and Reconstruction Barristers)* from 2015 to 2017 and in 2021. In the past he 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.