



DAVID MONTEITH
Barrister

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ADMISSIONS

- 2024 Barrister, New South Wales Bar
- 2016 Solicitor, High Court of Australia and Supreme Court of NSW

EDUCATION

- 2014 **University of Sydney**, Bachelor of Laws
- 2012 **University of Sydney**, Bachelor of Economics (University Medal)

EXPERIENCE

- From 2024 **Barrister**, Banco Chambers
- 2016 - 2024 **Arnold Bloch Leibler** – Dispute Resolution & Litigation, Restructuring & Insolvency Senior Associate (2019 to 2024), Lawyer (2016 to 2019)
- 2015 **Supreme Court of NSW** – Equity researcher to the Hon Justice Bergin, Chief Judge in Equity

SELECTED MATTERS (as a solicitor)

Commercial

Manboom Pty Ltd v Jemena Gas Networks (NSW) Ltd [2024] NSWSC 445 – acted for two plaintiffs in proceedings involving a claim for trespass in relation to underground gas infrastructure.

MB Australia Pty Ltd (in liq) v Citadel Group Properties Pty Ltd & Ors (Supreme Court of NSW) – acted for a number of defendants in proceedings involving claims of breaches of directors' duties and uncommercial transactions.

Binqld Finances Pty Ltd (in liq) v Israel Discount Bank Limited [2019] FCA 1186 and [2020] FCA 1208 – acted for a bank in proceedings involving claims of breaches of fiduciary duties and accessorial liability under *Barnes v Addy*.

Israel Discount Bank Limited v ACN 078 272 867 Pty Ltd (in liq) [2019] FCAFC 90 – acted for two banks in an appeal concerning service out of the jurisdiction and voidable transaction claims under section 37A of the *Conveyancing Act 1919* (NSW).

Competition & white collar crime

CDPP v Citigroup Global Markets Australia Pty Limited & Ors [2021] FCA 757 and [2021] FCA 1345 – acted for Michael Richardson, former head of equity capital markets at Deutsche Bank, in defending criminal charges under the *Competition and Consumer Act 2010* (Cth).

Corporations, insolvency & examinations

QGold Pty Ltd v Woods & Ors (QUD260/2024) – acted for a 90% shareholder in compulsory acquisition proceedings under section 664F of the *Corporations Act 2001* (Cth).

Ford, in the matter of Careers Australia Group Ltd (in liq) v Mansfield [2022] FCA 1151 and [2022] FCA 1565 – acted for a number of defendants in proceedings involving claims of breaches of directors' duties and insolvent trading.

In the matter of MB Australia Pty Ltd (in liq) (NSWSC) – acted for examinees in compulsory liquidators' examinations under Part 5.9 of the *Corporations Act 2001* (Cth).

Practice & procedure

Bartier Perry Pty Ltd; Application of Austin Ta De Investment Pty Ltd & Anor [2023] NSWSC 1203 – acted for three companies in an application for payment of funds out of court.

Commissioner of Taxation v Israel Discount Bank Limited [2020] FCAFC 71 – acted for a bank in an appeal brought by the Commissioner of Taxation concerning access to documents and protected information under the *Taxation Administration Act 1953* (Cth).

Dimitrov v Bendigo and Adelaide Bank Limited [2019] VSCA 41 – acted for three respondents in an application for an extension of time for leave to appeal against orders approving a settlement of group proceedings.

Kenquist Nominees Pty Limited v Campbell (No 5) [2018] FCA 853 – acted for QRxPharma Limited in a dispute concerning claims of legal professional privilege.

Dimitrov v The Supreme Court of Victoria [2017] HCA 51 – acted for three individual defendants in proceedings commenced in the original jurisdiction of the High Court for an injunction and constitutional writs concerning orders approving a settlement of group proceedings.

Public law

FTXB; Secretary, Department of Social Services and (Social services second review) [2024] AATA 3021 – acted for a respondent in a review of a decision by the Department of Social Services concerning a youth allowance debt.

Real property

Bricktop Varsity Lakes Pty Ltd v Huang (Supreme Court of Queensland, BS42/22) – acted for a plaintiff in proceedings seeking specific performance of a contract for sale of land.

Wills & probate

Children's Cancer Institute Australia v Poularas (NSWSC) – acted for two charities in proceedings against an executor seeking orders for the distribution of an estate.

The Estate of Nicholas Paul Enright [2017] NSWSC 1646 – acted for David Marr in proceedings concerning the validity of the appointment of a literary executor.