



DAVID SULAN
Barrister

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ADMISSIONS

- 2007 **Barrister**, New South Wales Bar
- 2004 **Solicitor Advocate**, High Court of England & Wales
- 2001 **Solicitor**, New South Wales

EDUCATION

- 2003 BCL (postgraduate law), Oxford University, Distinction
- 2000 Bachelor of Laws, University of Sydney, First Class Honours
- 1999 Bachelor of Commerce, University of Sydney

RANKINGS

Doyles Guide (NSW), 2015 – 2021, currently ranked as the “Market Leader” Commercial Litigation and Dispute Resolution Junior Counsel, and as a “Preminent” Insolvency and Restructuring Junior Counsel.

Chambers & Partners, Asia Pacific Guide, Band 4 Dispute Resolution Junior & Band 1 Restructuring and Insolvency Junior.

“David Sulan is, in the opinion of one interviewee, Australia's *“standout junior for insolvency,”* the same source going on to praise his *“practical, sensible and realistic”* approach and the fact that, having practised in the area for so long, *“he knows everything without explanation.”* Sulan is also praised for his impressive handling of *“a broad range of commercial disputes,”* one source calling him *“my commercial counsel of choice”* and citing Corporations Act, fraud and shareholder dispute experience specifically.

PROFESSIONAL EXPERIENCE

- 2005 – 2007 **Associate**, Advocacy Unit, Herbert Smith, London
- 2003 – 2005 **Associate**, Commercial Litigation, Herbert Smith, London
- 2001 – 2002 **Legal Researcher/Tipstaff**, the Hon. Justice Beazley AC (Now Governor of NSW), NSW Court of Appeal
- 2000 - 2001 **Associate**, Mallesons Stephen Jaques (Now King & Wood Mallesons), Sydney
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SELECTED CASES
Recent trials and contested first instance hearings

David also appears in numerous applications for urgent interlocutory relief (including injunctions, freezing orders, and applications in insolvency proceedings) and schemes of arrangement. A full list is available on request.

Arrium Proceedings

Acting for a major international law firm in proceedings arising from its role in advising the now insolvent mining company Arrium.

Virgin Australia (in admin)

Acting for the administrators of Virgin Australia.

Moriah College v Nosti [2020] NSWSC 942

Acting for Moriah College in proceedings against its former financial controller.

D H Flinders Pty Ltd v Australian Financial Complaints Authority Limited [2020] NSWSC 1690

A claim against AFCA for acting outside its jurisdiction and authority.

DIF III Global Co-Investment Fund v Babcock & Brown International [2019] NSWSC 527

Acting for an individual in a multi-party dispute involving alleged breaches of fiduciary duty and misleading or deceptive conduct in relation to the collapse of an investment fund.

The Bell Litigation – Distribution Proceedings, now settled

Acting for Insurance Commission of Western Australia (ICWA) in various proceedings concerning the distribution of proceeds from the earlier Bell bank litigation.

Hui v Champion [2019] FCA 1111

A joint venture and shareholders dispute.

SELECTED CASES
Appeal matters

Australian Executor Trustees (SA) v Kerr [2021] NSWCA 5

\$75 million claim for equitable compensation concerning breach of trust (appeared with A Sullivan QC but argued two grounds)

Stewart v Uber Technologies Incorporated [2020] NSWCA 208

Stated case arising from multiple class actions filed against Uber (unled).

TX Australia Pty Ltd v Network Ten Pty Ltd; Network Ten v TX Australia Pty Ltd [2019] NSWCA 51, [2018] NSWCA 312

Dispute concerning the administration of Channel 10 and whether that event triggered a buyout clause in a joint venture agreement providing for the ownership of telecommunications infrastructure (unled).

Kimberley Diamonds Ltd v Arnautovic (2017) 252 FCR 244

Appeal concerning whether examination summonses had been issued for an improper purpose.

SELECTED CASES
Current representative proceedings

Uber class action

Acting for Uber entities in a class action commenced by taxi industry participants.

Superannuation class actions

Acting for Colonial First State Investment Limited and Commonwealth Bank in three separate class actions.

Murray Darling class action

Acting for the lead plaintiffs in a class action against the Murray Darling Basin Authority.

SELECTED CASES
Royal Commissions & Inquiries

Royal Commission into Misconduct in the Banking, Superannuation and Financial Services - acting for Macquarie Bank Ltd.

Public Inquiry Under the Charitable Fundraising Act (the RSL NSW Inquiry) – acting for RSL NSW.