



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
- 2006** Articled Clerk, Mallesons Stephen Jaques, Melbourne

QUALIFICATIONS & EDUCATION

- 2012** Higher Rights of Audience, Courts of England and Wales
- 2011** Solicitor, England and Wales (2011)
- 2007** Australian Lawyer, Supreme Court of Victoria; High Court of Australia
- 2005** Bachelor of Arts (Mandarin Chinese major); Bachelor of Laws (Hons), 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 major 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 significant 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 JJ)); 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).

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

Pirrottina v Pirrottina (Supreme Court of NSW, Equity Division General List); Ongoing

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

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

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.

Hakea Holdings Pty Ltd v McGrath (No 3) [2023] FCA 39 (Federal Court of Australia (Yates JJ))

Acting for Hakea Holdings Pty Ltd in an application for a lump sum costs order on an indemnity basis (costs).

Led by Sebastian Hartford Davis; instructed by Holding Redlich.

SELECTED MATTERS (UNLED)

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| <i>Pirrottina v Pirrottina</i> (Supreme Court of NSW, Equity Division General List (Parker J)) | Discovery applications (appearing against Chris Wood SC). Instructed by Cara Marasco & Company. |
| <i>Disrupt Group Holdings Pty Ltd v iQNovate Limited & Ors</i> (Supreme Court of NSW, Equity Division Commercial List (Stevenson J)) | Discovery application (appearing against Stefan Balafoutis SC). Instructed by Webb Henderson. |
| <i>Wang v Yang</i> [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. |
| <i>TL Commercial Finance Pty Ltd v Lisa Moore</i> (Local Court of New South Wales) | Application to set aside garnishee order. Instructed by Bridges Lawyers. |
| <i>Compulsory examination</i> (Independent Commission Against Corruption) | Representing an individual in a compulsory examination before the Independent Commission Against Corruption. Instructed by Company (Giles). |
| <i>Muscat v Qin & Anor</i> (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

Advice to the Australian Council of Superannuation Investors regarding potential liability of directors under the ISSB Draft Standards for Forward Looking Statements; together with Dr S H 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

FURTHER SELECTED MATTERS AS A SOLICITOR

Advising on a major consumer class action against Toyota Australia in relation to defective vehicles (*Williams v Toyota Motor Corporation Limited* [2002] FCA 344).

Acting for a French listed company and certain individual directors defending English High Court litigation seeking to recover USD800m of dividends allegedly paid unlawfully and in breach of duty.

Representing the majority Taiwanese shareholders of a very substantial Cayman Islands company in a long-running shareholder dispute involving allegations of minority oppression and complex contract and company law issues. The case involved litigation in the Grand Court of the Cayman Islands and in the British Virgin Islands.

Acting for a German multinational investment bank in significant English High Court litigation against a Norwegian company, including successfully defending an USD8bn counterclaim and ultimately seeking enforcement of a USD320m judgment debt.

Advising a British multinational on matters related to the announcement of an accounting scandal in its Italian business, following which £8bn was wiped off the company's value. The case involved US "stock drop" litigation and criminal proceedings in Italy.

Advised on significant English High Court tax litigation for a multinational pharmaceutical company in a transfer pricing dispute with HM Revenue & Customs (UK).

Advising a leading professional services firm on a high profile breach of warranty IT outsourcing dispute in the English High Court.

Acting pro bono on an IT outsourcing dispute in relation to the defective performance of a database services contract for a major UK charity's educational project in Egypt.