

CHARLES CASSIMATIS

Ground Floor Wentworth Chambers
180 Phillip Street, Sydney, NSW 2000
Ph: (02) 9230 3215
Email: cassimatis@wentworthchambers.com.au

Select Cases

Banking & Finance

<i>Vella v Australia and New Zealand Banking Group Limited</i> [2009] NSWSC 123	Mortgage, default, possession, real property	Led by R D Marshall SC
<i>National Australia Bank Limited v Joseph Belluccini & 2 Ors</i> (2010)	Mortgage, default, <i>Contracts Review Act</i> unjust contract, guarantee, set aside (matter resolved)	Led by P Braham SC
<i>Fast Fix Loans Pty Limited v Samardzic</i> [2011] NSWSC 19	Mortgage, default, <i>Contracts Review Act</i> , guarantees, possession real property	Unled
<i>Fast Fix Loans Pty Limited v Samardzic</i> (2011) 15 BPR 29,445; [2011] NSWCA 260	Mortgage, default, <i>Contracts Review Act</i> , guarantees, possession real property	Led by M B J Lee SC (as his Honour then was)
<i>Prime Capital Securities Pty Limited v Laperecon Pty Limited</i> [2012] NSWSC 386	Mortgage, default, <i>ASIC Act</i> , injunction and unconscionability, real property	Unled
<i>Perpetual Trustee Company Limited v Mark Paul Dias</i> , Supreme Court of New South Wales Proceedings No. 2012/00214886	Mortgage, default, possession (matter resolved)	Unled
<i>Avahlon Pty Limited v Kellas-Sharpe</i> [2012] NSWSC 800	Mortgage, default, possession, real property	Unled
<i>Perpetual Trustee Company Limited v Branko Stojcevski</i> , Supreme Court of New South Wales Proceedings No. 2013/60807	Mortgage, default, possession (matter resolved)	Unled
<i>Greater Building Society Limited v Andrew Barnden</i> , Supreme Court of New South Wales Proceedings No. 2015/195183	Mortgage, default, possession (matter resolved)	Unled
<i>RAMS (ACT) Pty Limited v Silver Brumby Estate Pty Limited</i>	Mortgage default	Unled
<i>Elders Rural Services Australia Limited v Norman Investment Partners Pty Limited</i> , Supreme Court of New South Wales Proceedings No. 2024/287538	Loan default	Unled

Bankruptcy and Insolvency

<i>Tree v Roadships Logistics Pty Limited</i> [2009] FMCA 882	Bankruptcy	Unled
<i>Re Forza Plumbing Systems Pty Limited</i> (ACN 152 442 978) [2013] NSWSC 1234	Winding up	Unled
<i>Mark Julian Robinson as liquidator of Reed Constructions Australia Pty Limited (in liquidation) v JFK Interiors Australia Pty Limited</i> , Federal Court of Australia Proceedings No. NSD 680 of 2015	Liquidation, unfair preference claim, insolvent transaction, limitation periods (matter resolved)	Unled
<i>Re Maria's Farm Veggies Pty Limited (admins apptd)</i> [2016] NSWSC 1899	Orders for validation of appointment of administrator, farm debt mediation	Led by D Bennett AC KC

Commercial

<i>Painaway Australia Pty Limited v JAKL Group Pty Limited</i> [2011] NSWSC 205	Breach of contract, intellectual property, licence to use	Led by J Ireland KC
<i>MIS Funding No 1 Pty Limited; Willmott Forests Limited, re V N W Truskett</i> [2017] NSWSC 1002	Contracts, power of attorney, profit à prendre	Unled
<i>Pistonbeir Pty Limited v Crowebar Pty Limited</i> , Supreme Court of New South Wales Proceedings No. 2021/266063	Leasing, relief against forfeiture, insolvency, urgent interlocutory application, right to possession	Unled
<i>JNN Investments Pty Limited v Francis</i> [2022] NSWSC 1063	Mortgage, partnership, set off	Unled
<i>Trend Laboratories Pty Limited v Hoyhaul Pty Limited</i> , District Court of New South Wales Proceedings No. 2023/136450	Breach of contract, damages, estoppel (matter resolved)	Led by D Pritchard SC
<i>Burgess Rawson (ACT) Pty Limited v Village Building Co Limited & Ors</i>	Real estate agency agreements, breach of agreements, damages (matter resolved)	Led by D Pritchard SC
<i>Phillip Smart v Resto Pros Pty Limited</i> , District Court of New South Wales Proceedings No. 2023/349722	Defective mechanic works	Unled

Class Action

<i>Erutuf Pty Limited v Westpac Banking Corporation Limited</i> [2014] NSWSC 1679	Preliminary discovery	Led by Dr A C Bell SC
<i>Good v Austona Pty Limited & Anor; Greenshades Pastoral Company Pty Limited v Hardi Australia Pty Limited</i> , Supreme Court of New South Wales Proceedings No. 2019/161439	Misleading or deceptive conduct (matter resolved)	Unled

Corporations

<i>Craig Thomas v BLAC Pty Limited & 5 Ors</i> , Supreme Court of New South Wales Proceedings No. 2022/142535	Discretionary trusts, oppression, share buyout; winding up	Unled
<i>Daniel Martellozzo & Anor v Rivtoy Pty Limited & Ors</i> , Supreme Court of New South Wales Case No. 2023/459932	Minority oppression, share sale, options, penalty clauses, misleading and deceptive conduct, unconscionability	Unled

Construction

<i>Scald Pty Limited v Peter John Bowyer</i> [2017] ACTSC 309	Building & construction, misrepresentation, negligence, limitation of actions	Unled
<i>Cobanov v Josifovski (No 2)</i> [2021] ACTSC 111	Partnership, capital gains tax, fiduciary duties, account of profit, equitable compensation, restitution, resulting trust, building defects, rectification, building contracts, statutory warranties, negligence	Unled
<i>Du & Anor v Tycen Demolitions Pty Limited</i> , NSW Civil & Administrative Tribunal File No. HB22/18059	Building defects, statutory warranties (matter resolved)	Unled
<i>The Owners Corporation – SP 101678 v Husky JB Limited & Anor</i> , Supreme Court of New South Wales Proceedings No. 2022/141129	Building defects, statutory warranties (matter resolved)	Unled
<i>Matthew Smith & Anor v Paton Constructions Pty Limited</i> , NSW Civil and Administrative Tribunal Proceedings No. HB22/48565	Building defects, statutory warranties (matter resolved)	Unled

Employment and Industrial Relations

<i>Idameneo (No 123) Pty Limited v Dr Nadi Kryollos Hanna</i> , Federal Court of Australia Proceedings No. NSD 724 of 2008	Breach of contract, restraint of trade, <i>Independent Contractors Act</i> , cross vesting	Led by M B J Lee SC (as his Honour then was)
<i>John Webb v Stratton Finance Pty Limited</i> [2013] FCCA 2197	Employment contract interpretation, entitlements	Unled
<i>John Webb v Stratton Finance Pty Limited</i> [2014] FCCA 924	<i>Fair Work Act 2009</i> contraventions, penalties and indemnity costs	Unled
<i>Stratton Finance Pty Limited v John Webb</i> (2014) 314 ALR 166		Led by M S White SC
<i>McGarva v Enghouse Australia Pty Limited</i> [2014] FCCA 1522	Employment, adverse action and discrimination	Unled
<i>Stratton Finance Pty Limited v John Webb</i> [2015] HCASL 75	Employment contract interpretation, special leave	Led by M B J Lee SC (as his Honour then was)
<i>Workcover Authority of NSW v Structural Concrete Industries Pty Limited</i> [2015] NSWDC 177	Work health & safety – plea of guilty	Unled
<i>Road Services Group Pty Limited & Anor v Fenworx Pty Limited & 4 Ors</i> , Supreme Court of New South Wales Proceedings No. 2015/377458	Restraint of trade, urgent interlocutory injunction	Led by Dr R Austin AM
<i>Malcolm Down v Palo Alto Networks Pty Limited (Australia)</i> , Federal Court of Australia Proceedings No. NSD 60 of 2019	Breach of contract, contraventions of <i>Fair Work Act</i> , misleading and deceptive conduct, damages (matter resolved)	Unled
<i>DC Resourcing Pty Limited v Bradley Lord</i> , Supreme Court of New South Wales Proceedings No. 2020/53844	Restraint of trade, urgent interlocutory injunction	Unled
<i>Con Markos v Nine Network</i> [2020] FWC 59	Unfair dismissal	Unled
<i>Nexgen Sydney Pty Limited v Barakat</i> [2020] NSWSC 1169	Anton Pillar/search orders, discovery, Harman undertaking	Unled
<i>PIA Mortgage Services Pty Limited v King</i> (2020) 274 FCR 225	Adverse action, breach of contract, penalties for contravention of <i>Fair Work Act</i>	Led by J Kelly SC
<i>Donovan Leitch v Apple Pty Limited</i> , Federal Court of Australia Proceedings No. NSD 414 of 2021	Breach of employment agreement, unlawful discrimination, damages (matter resolved)	Unled
<i>RP Data Pty Limited t/as CoreLogic Asia Pacific v Shelley Horton</i> , Supreme Court of New South Wales Proceedings No. 2021/341594	Restraint of trade, competition, urgent interlocutory injunction, (matter resolved)	Unled
<i>Nexgen Sydney Pty Limited v Barakat</i> [2022] NSWSC 312	Urgent interlocutory injunction, breach of contract, confidential information, restraint of trade, breach of trust, breach of fiduciary duty, damages	Led by R D Marshall SC
<i>RP Data Pty Limited t/as CoreLogic Asia Pacific v Jennifer An</i> , Supreme Court of New South Wales Proceedings No. 2022/00052216	Urgent interlocutory injunction, restraint of trade, (matter resolved)	Unled
<i>Gosbee Investments Pty Limited v Grahame Barlow</i>	Urgent interlocutory injunction, breach of contract, confidential information, restraint of trade, breach of trust, damages	Unled

Equity and Trusts

<i>Armstrong Scalisi Holdings Pty Limited & Anor v GTO Holdings Pty Limited & 3 Ors</i> , Supreme Court of New South Wales Equity Division Proceedings No. 2350 of 2009	Trusts, fraud, breach of fiduciary duty (matter resolved)	Led by P Braham SC
<i>Gray v United Super Pty Limited as Trustee for the Construction and Building</i> [2011] FCA 40	Superannuation, discretionary trust	Unled

<i>Dimitrijevic v Dimitrijevic</i> [2014] NSWSC 863	Constructive trust, proprietary estoppel, real property	Unled
<i>Dominic Morabito & Anor v Terence Steven O'Sullivan & Anor</i> [2014] NSWSC 1329	Possession, trustees for sale	Unled
<i>Judith Zappacosta v Roslyn Lunsford</i> , Supreme Court of New South Wales Case No. 2023/18607	s.66G <i>Conveyancing Act</i> , trustee for sale	Unled
Immigration		
<i>SZJHR v Minister for Immigration & Citizenship</i> [2007] FCA 1901	Immigration	Led by R Lancaster SC
<i>SZKTI v Minister for Immigration & Citizenship & Anor</i> (2008) 247 ALR 699	Immigration	Led by P Braham SC
Insurance		
<i>Halikiotis & Halikiotis v Insurance Australia Limited</i> [2011] NSWDC 31	Insurance, insurance contract, evidence, fraud	Unled
<i>Australian Holding Reserve v Certain Underwriters at Lloyds</i> , Supreme Court of New South Wales Proceedings No. 2013/274850	Duty of disclosure, <i>Insurance Contracts Act 1984</i> , total destruction by fire (matter resolved)	Unled
Intellectual Property		
<i>CAPStone IP Pty Limited v Cordelta Pty Limited</i> , Federal Court of Australia File No. NSD 1074/2020	Intellectual property, assignment, ownership, copyright, misleading and deceptive conduct, infringement, damages (matter resolved)	Unled
<i>SK Films Inc v Ocean 3D Film Pty Limited</i> , Supreme Court of New South Wales Proceedings No. 2019/42077	Urgent interlocutory injunction, breach of contract, film distribution rights, copyright (matter resolved)	Led by S Goddard SC
Professional Liability		
<i>Lepcanfin Pty Limited v Colin Biggers & Paisley Pty Limited</i>	Negligence, breach of fiduciary duty	Led by D Pritchard SC
Real Property		
<i>Brian John Harris v Mark Kevin Harris</i> [2013] NSWSC 1010	Property, contracts, unjust contracts, <i>Contracts Review Act</i>	Unled
<i>Gross v Greer & Anor</i> (2018) 19 BPR 38,905	Easements – right of carriageway	Unled
<i>Michelle Carroll v Mark Carroll</i> , District Court of New South Wales Proceedings No. 2019/229022	Debt recovery, possession of land, family dispute (matter resolved)	Unled
Special Commission of Inquiry		
Special Commission of Inquiry into acute care services in NSW Public Hospitals with Commissioner P Garling SC (as his Honour then was)		Assisting K Rees SC (as her Honour then was) and Georgina Wright SC