

I am an experienced litigator with over 15 years' experience in general commercial litigation.

In addition to my general commercial practice, I specialise in banking and finance litigation and insolvency. I have experience in managing the spectrum of debt recovery and insolvency issues that can arise and have the pragmatic approach to law that this area demands. I regularly act for banks, liquidators, receivers and administrators, including in some of New Zealand's most complex insolvencies. I have previously been seconded to ANZ's Asset Recovery Management team advising on how to resolve complex files. I was also co-author and presenter of two NZLS CLE seminars: *Business Insolvency Update* in 2019 and *Creditors' Remedies* in 2013.

I regularly advise clients on all aspects of consumer law and regulatory investigations. In 2016 I was seconded to the Commerce Commission's legal team where I advised the Commission on general consumer and consumer finance investigations and prosecutions.

I was admitted in 2003 and joined the independent bar in 2018, after eight years as a Senior Associate at Bell Gully.

Recent key experience:

Insolvency

- I have acted for PwC as the receivers, and subsequently liquidators of Ross Asset group of companies and related companies on a wide range of matters since November 2012. Ross Asset Management was operating the largest known Ponzi scheme in New Zealand's history. I acted as junior counsel in a precedent setting case against a former investor in order to claw back fictitious profits paid to him. Following a successful outcome in that case, I have been advising the liquidators on over 200 clawback claims against other former investors in Ross Asset Management. I was also junior counsel in an application by the liquidators to the High Court for directions on a number of novel and complex issues arising in the context of distributing the assets in the liquidation. (*Fisk v McIntosh* [2015] NZHC 1403; (2015) 11 NZCLC 98-033; *Re Fisk* [2018] NZHC 2007)
- I was junior counsel for the receivers of Ebert Construction Limited (in receivership and liquidation) in a landmark case addressing how the new retentions regime under the Construction Contracts Act 2002 applied in an insolvency. (*Bennett v Ebert Construction Limited (in rec and liq)* [2018] NZHC 2934)
- Following the disaster at the Pike River mine, I acted for PwC as receivers of Pike River Coal Limited on various matters arising out of the receivership including as junior counsel in successfully obtaining relief from cancellation of an integral lease of land. (*Pike River Coal Limited (in receivership) v O'Malley Farming Limited* (HC, Wellington, CIV 2011-418-66, 14 October 2011, Williams J)

- I have acted for various other clients on numerous insolvency related matters including statutory demands, voidable transactions and priority disputes.

Banking and finance litigation

- I was counsel for a major bank in successfully obtaining an order striking out proceedings brought by a former customer against it seeking damages of in excess of \$80 million. (*Thurston v ANZ Bank New Zealand Limited* [2017] NZHC 3269)
- I was counsel for a major bank in successfully opposing an application by a customer for an interim injunction preventing a mortgagee sale of a property and obtaining orders striking out the proceeding. (*Jenkins-Davies v ANZ Bank New Zealand Limited* [2014] NZHC 114)
- I have advised and acted for banks in a wide range of banking matters including debt recovery, recovery of mistaken payments, consumer finance compliance, fraud and litigation against negligent valuers and solicitors.

General commercial litigation, regulatory matters and inquiries

- I acted for a large listed company in a successful application before the Tenancy Tribunal for vacant possession of land following termination of a residential tenancy and in the subsequent appeal to the District Court, which upheld the Tribunal's decision. (*Clayton-Bray v Fletcher Concrete and Infrastructure Limited* [2018] NZDC 4128)
- I advised a bank in a Commerce Commission investigation into whether there had been consumer credit disclosure breaches.
- I advised Talent2 NZ Limited, the national payroll provider for all schools in New Zealand, on matters relating to the Novopay project. This involved advising on various contractual issues, communication regarding post-implementation issues and acting for Talent2 in the Ministerial Inquiry as to the Novopay issues.

Employment history

- August 2018 to present – Barrister, Thorndon Chambers
- February 2011 to August 2018 - Senior Associate, Bell Gully
- November 2007 to October 2010 - Dundas & Wilson CS LLP (now Cameron McKenna Scotland), Edinburgh.
- January 2003 to June 2007 - Bell Gully, Wellington.
- Admitted 2003

Qualifications:

2002: LLB (Hons – First Class) / BA (Criminology) Victoria University of Wellington.