

# GUY DONNELLAN

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## CAREER OVERVIEW

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I was admitted to the New South Wales Bar in 2005, having practiced as a solicitor since 2000.

Prior to coming to the bar I was a solicitor at the Office of the Director of Public Prosecutions, Freehills and the Legal Aid Commission of New South Wales.

I have appeared as Junior Counsel in numerous class action proceedings, including in shareholder, mass tort and consumer protection actions conducted in New South Wales, Queensland and Victoria. I have also appeared led and un-led in commercial, general insurance, personal injury and professional negligence cases in a range of jurisdictions (including superior and inferior courts and tribunals).

## EDUCATION

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In 1999 I graduated from Arts/Law at the University of Technology, Sydney with first class Honours (Law). I was awarded first place in Constitution Law (1995), Equity and Trusts (1996) and in combined Arts/Law (1994 and 1999).

## SELECTED CASES

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*Jones v Treasury Wine Estates Limited* (current shareholder class action, led by M.B.J Lee SC for the plaintiff)

*Mitic v OZ Minerals Limited* (shareholder class action, led by M.B.J Lee SC for the applicant. Settled at commencement of trial for \$32.5 million)

*More & More v Endeavour Energy* (class action concerning the 2013 Blue Mountains (Springwood) bushfires - settled prior to trial. Appeared led by Anthony Payne SC for the plaintiffs on instructions from insurers pursuant to rights of subrogation. Appeared un-led for several insurers at the Springwood bushfire coronial enquiry)

*Richards v Macquarie Bank Limited* (class action concerning Macquarie Bank's role in funding investments in the failed financial advisory firm, Storm Financial Limited. Applicant alleged that Macquarie Bank participated in an unregistered managed investment scheme with Storm, breached its margin loan contracts with investors, engaged in unconscionable conduct and was liable as a "linked credit provider" under the *Trade Practices Act 1974* (Cth) for Storm's misleading or deceptive conduct and/or breaches of contract. Appeared for the applicant led by Douglas Campbell SC. Settled for \$82.5 million after 3 month trial while judgment was reserved)

*Streller v Albury City Council* (2012) 197 LGERA 222; [2012] NSWSC 729 (successfully acted for Council in catastrophic injury case. Led by Julian Sexton SC)

*Streller v Albury City Council* [2013] NSWCA 348 (successfully defendant appeal against above decision. Led by Julian Sexton SC)

*Yarrabee Chickens v Steggles Limited (No.1)* [2010] FCA 394 (class action for a group of chicken growers against Steggles Limited alleging breach of contract, promissory estoppel and misleading and deceptive conduct. Succeeded at initial trial of common issues. Led by Dr Andrew Bell SC)

*Yarrabee Chickens v Steggles Limited (No.2)* [2011] FCA 750 (claim for aggregate damages for group members arising out of trial of common issues in above class action. Succeeded in obtaining aggregate award of damages for growers. Led by Lachlan Gyles SC. Decision was later reversed on appeal in *Steggles Ltd v Yarrabee Chicken Company Pty Ltd* [2012] FCAFC 91. Appeared on appeal led by Dr Bell SC)

*Clime Capital v Credit Corp Group Ltd* [2012] FCA 218 (shareholder class action. Settled prior to trial for \$6.5 million. Led by Dr Andrew Bell SC)

*Saunders v Commonwealth Financial Planning Limited* (2011) (class action concerning alleged negligence against Commonwealth Financial Planning Limited arising out of the conduct of the financial planner Don Nguyen. Led by Michael Lee SC. Settled favourably for group members. Mr Nguyen was subsequently banned from acting as a financial planner until 2018)

*Perpetual Trustee Victoria v Yap* [2010] NSWSC 761 (appeared for Ms Yap and successfully raised defences under the *Contracts Review Act 1980* (NSW) and the *Consumer Credit Code* in order to resist orders for repossession of her home)

*Commissioner of Police New South Wales v Gray* [2008] NSWSC 414; [2009] NSWCA 49 (successfully resisted application by Commissioner of Police for judicial review of decision of the ADT ordering the provision of particulars of conduct relied on to refuse the applicant a security license under the *Security Industry Act 1997* (NSW)) (decision reversed on appeal)

*Ingram-Nader v Brinks Australia Pty Ltd* (2006) 151 FCR 524 (successful appeared on appeal to Federal Court from decision of Federal Magistrate refusing an extension of time to apply to the Federal Magistrates Court in a sexual harassment case brought under s 46PO(2) of the *Human Rights and Equal Opportunity Commission Act 1986* (Cth). Subsequently achieved a successful outcome for the applicant at mediation)

## PROFESSIONAL HISTORY

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May 2005	Joined the Sydney Bar
April 2003 to April 2005	Legal Aid Commission of New South Wales, Solicitor (civil litigation)
August 2000 to April 2003	Freehills, Solicitor (Employee Relations)
January 1999 to August 1999	Office of the Director of Public Prosecutions (Parramatta), Solicitor