

# Annabel Osborn Brodie

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## **Practice areas**

Annabel accepts briefs in all areas of law with particular interest in commercial law, equity and trusts, corporations law, insolvency law, regulatory investigations and enforcement proceedings and criminal law.

## **Professional Background**

- Called to the bar 2022
- Admitted to Supreme Court of NSW 2017; High Court of Australia 2018
- Associate, Deutsch Miller 2017 – 2022
- Paralegal, Deutsch Miller 2016
- Volunteer, Inner City Legal Centre 2016
- Paralegal, Nelson McKinnon Lawyers 2015 – 2016
- Paralegal / Administrative Assistant, Minter Ellison 2014 – 2015

## **Qualifications**

Bachelor of Arts (English) / Bachelor of Laws, University of Sydney (2011 – 2016)

## **Selected cases**

*nib Holdings Ltd v Raffy Nominees Pty Ltd as trustee of the Whitecoat Holding Trust; Raffy Nominees Pty Ltd v nib Holdings & Ors* [2023] NSWSC 715 – Led by James Arnott SC for nib Holdings Pty Ltd in successful application to enforce a loan agreement in the context of a joint venture. Cross-claim seeking rescission of the loan agreement was dismissed with indemnity costs.

*Hundy (liquidator), in the matter of 3 Property Group 13 Pty Ltd (in liquidation) and Be Athletic Canberra Pty Ltd (No 2)* [2023] FCA 173 – Led by Matt Karam for the Liquidator – Applications for retrospective approval of liquidator funding agreements under s 477(2B) of the *Corporations Act 2001* (Cth).

*Commissioner for Fair Trading v Bowes Street Developments Pty Limited & Ors* – ACT Supreme Court proceedings – Led by Naomi Sharp SC for the Commissioner in an action alleging breaches of Australian Consumer Law, including false and misleading advertising (reserved).

*Independent Review of The Star Pty Ltd by Adam Bell SC under the Casino Control Act 1992 (2022)* – Led by Peter Braham SC for a former employee of The Star Pty Ltd at the Independent Review.

*Fakhouri v The Secretary for the NSW Ministry for Health* – NSW Supreme Court class action proceedings (2020/356588) – Junior medical officers seeking to recover unpaid wages – Advised and assisted the defendant in relation to preparation of lay evidence.

## **Select matters as a solicitor**

*Maurtray Pty Ltd v Pillemer Pty Limited & Ors* [2022] NSWSC 1181 and [2022] NSWSC 1181 – Commercial dispute, misleading and deceptive conduct – Acted for the defendant in relation to claim for damages arising from alleged representations and non-disclosures in breach of loan agreement. The proceedings were dismissed and costs were awarded to the plaintiff on an indemnity basis.

*In the matter of Legal Practice Management Group Pty Ltd*, Corporations List, Supreme Court Proceedings (2017 – 2020) – Corporations law, commercial equity

- Leave application – Acted for shareholders in application for leave under section 237 of the *Corporations Act 2001* (Cth) to bring a derivative action for breaches of directors' duties. First litigation funded derivative action in Australia. Leave granted (*In the matter of Legal Practice Management Group Pty Ltd, nSynergy Pty Ltd, nSynergy International Pty Ltd* [2018] NSWSC 527; (2018) 125 ACSR 513).
- Substantive proceedings – Breaches of directors' duties, additional oppression claims, *Barnes v Addy* (second limb) claim against corporate defendants. Negotiated settlement approved by the Court under section 240 of the *Corporations Act 2001* (Cth).

*Santos Ltd v BNP Paribas* [2018] QSC 105 and *Santos Ltd v BNP Paribas* [2019] QCA 11; [2019] 3 Qd R 286 – Banking and finance law, contract law – High profile trade finance dispute. Proceedings commenced by the plaintiff to enforce a \$55 million bank guarantee issued by the client, BNP Paribas. The plaintiff's claim was dismissed on the basis that the demand did not strictly comply with the guarantee. The appeal was dismissed with costs.

*Silver Star Fashions v Dal Broi & Ors* [2018] NSWSC 1445; (2018) 019 BPR 38813 – Real property law – Acted for eight defendants in relation to a developer's application for leave to rescind various contracts for sale of land (the first substantive case under section 66ZL of the *Conveyancing Act 1919* (NSW)). The court denied leave and awarded the clients' costs, including, in part, on an indemnity basis (*Silver Star Fashions v Dal Broi & Ors (No 2)* [2018] NSWSC 1697).

## **Pro Bono**

*Aston v Australian National University* and *Vallis v Australian National University* – ACT Civil and Administrative Tribunal proceedings (XD 18/2022) – Advised the plaintiffs in relation to recovering fees paid in respect of occupancy agreements on the basis of frustration caused by public health measure associated with the covid-19 pandemic. Led by Steven Whybrow SC. Matter was heard in November 2022, decision pending.

*Duty Barrister Scheme*, NSW Bar Association: 2022 – present.

## **Publications**

"Tell us what the matter is", *BarNews: The Journal of the NSW Bar Association*, Winter 2022: 28-29.