



COMMERCIAL DISPUTES
& INSOLVENCY

Resolution

[on the best possible terms]

TURN RIGHT



STRAIGHT TALK.

An ally you can depend on

Calm, capable and committed to your support

In the world of commerce, disputes sometimes occur. When they do, litigation can result – which comes at a cost. That's why it's important to find lawyers who can quickly identify where you are now, where you want to get to, whether you can get there, the most *cost-effective* way of getting there and how to minimise the damage if you can't.

By becoming involved at an early stage, identifying appropriate dispute resolution strategies and always being available, our Commercial Disputes & Insolvency lawyers can help you resolve your commercial disputes on the best possible terms – as fast as possible.

Donaldson Walsh has been listed as a 'Recommended Commercial Litigation & Dispute Resolution Legal Firm' in *Doyle's Guide to the Australian Legal Profession*, and several of our key team members have also gained personal recommendations in the *Doyle's Guide* across various practice areas.

We also act in front and back-end insolvency and reconstruction matters, assisting to minimise credit-risk exposure and maximise the chance of recovery if the deal does go wrong.

We're experienced in managing the often conflicting demands of financiers, business owners, insolvency practitioners, creditors and employees in distressed-asset situations.

SERVICES PROVIDED

DW's Commercial Disputes & Insolvency team is able to assist you with:

- Alternative dispute resolution
- Building and construction law
- Competition and Consumer Law
- Contract disputes and debt recovery
- Corporate reconstruction and business recovery
- Corporation law matters
- Defamation
- Injunctions
- Insolvency
- Intellectual property infringements and disputes
- Joint venture, shareholder and partnership disputes
- Lease, business and property disputes
- Liquidations and bankruptcies
- Misleading and deceptive conduct litigation
- Wills and estate litigation.

MEET THE TEAM

Christian Munt

direct +61 8 8229 0902
CMunt@dwlaw.com.au

Christian is the head of the Commercial Disputes & Insolvency team and leads the Commercial Disputes section of the team.

He specialises in contractual, corporate and property disputes, insolvency law, competition and consumer law litigation and building and construction law.

Christian also provides in-house counsel services for the firm.

Mark Gowans

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Mark leads the Insolvency section of the team. He has extensive experience in insolvency matters, including advice on the appointment of company receivers, administrators and liquidators; security enforcement; debt recovery litigation; enforcement of judgments and claims against company directors.

He also has experience in commercial litigation matters, such as contractual and transactional disputes, corporate law matters, professional negligence and consumer law.



Left to right: Mark, Melanie, Christian, Sandy, Josh, Liam and Sarah.

Melanie Bird

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Melanie has extensive experience in the areas of commercial litigation, banking and finance, debt recovery, insolvency, insurance, property and general contract law. She also has expertise in franchising disputes and wills and estates litigation.

Liam McCusker

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Liam is a commercial litigator with a particular focus on contractual disputes, property related disputes, building and construction disputes, competition and consumer law litigation, intellectual property litigation and major debt recovery.

He also handles corporate and professional negligence matters.

Sandy Donaldson

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Sandy leads the firm's Corporate & Commercial practice.

He also has considerable experience in the resolution of disputes and in litigation, particularly in intellectual property and competition and consumer law infringements.

Josh Richards

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Josh acts in both corporate and personal insolvency matters as well as in commercial dispute matters.

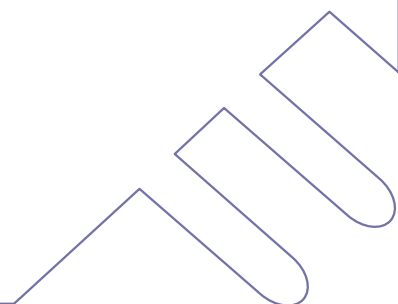
He also conducts debt collection matters and enforcement proceedings in the Magistrates, District and Supreme Courts for various organisations.

Sarah Annicchiarico

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Sarah practices in the area of commercial litigation and has been involved in numerous Federal, State and District Court proceedings on behalf of large corporations, SME's and corporate executives.

She is experienced in intellectual property matters, building and construction disputes, partnership disputes, contractual disputes, competition and consumer law litigation and estate litigation.



OUR EXPERIENCE

The DW Commercial Disputes & Insolvency team acts in commercial disputes, ranging from debt collection matters to large and complex matters, for public and private companies, statutory corporations, government entities, professional firms and high net-worth individuals.

In resolving disputes, we combine committed representation with pragmatic advice. We will always keep you up-to-date with the progress of your matter and the implications of developments.

Where appropriate, we can assist you with alternative dispute resolution procedures such as mediation, arbitration or reference to experts.

Our team also has expertise in insolvency and reconstruction, regularly acting for insolvency practitioners, lenders, directors and creditors in insolvencies, corporate recoveries, litigation and corporate restructurings.

Some highlights of our experience in commercial dispute resolution, insolvency and reconstruction:

- Acting for a franchisor of an Australia-wide franchise operation in a large representative action in the Federal Court, involving numerous complex issues under the Trade Practices Act
- Acting in a fencing and encroachment dispute in the Magistrates and in appeals

in the Supreme Courts, where our client, a member of Parliament, was successful on all issues at trial

- Acting for a franchisor in relation to complex legal proceedings concerning two of its interstate Master Franchisees
- Acting in a successful defence of a million dollar claim for misleading and deceptive conduct
- Acting for an importer in defending patent infringement allegations made by a multinational corporation
- Advising and representing a liquidator in a \$40 million Federal Court claim against a large multinational regarding an allegation of trade mark infringement
- Acting for a liquidator in legal proceedings involving an unregistered managed investment scheme
- Acting for executors and beneficiaries in two complex estate litigation matters, involving challenges to wills and issues arising in the administration of the estates
- Acting for landlords and tenants in relation to various lease disputes and rent recovery claims
- Acting in several Supreme Court proceedings concerning dissolution of partnerships, including the taking of accounts and inquiries
- Acting in a complex claim in the Federal Court, seeking orders for rectification of a contract and in respect of misleading or deceptive conduct, including successfully obtaining an interim injunction to restrain a party from enforcing an alleged termination of contract
- Acting on behalf of a liquidator on an equitable claim against directors, based on the accessorial liability of 'knowing assistance' in relation to an improvident takeover
- Acting on behalf of a director seeking to have his company wound up on just and equitable grounds following an irretrievable breakdown in co-director relationships
- Resolution, by mediation, of a contract dispute arising between financial advisers and their employers
- Successfully defending claims made by a construction company for building costs, and successfully prosecuting a counterclaim for damages for defective building work and breach of contract
- Acting against a large commercial and residential construction company to recover amounts owed under an Option Agreement securing purchase rights worth \$9m, and
- Defending a claim against a finance company, and one of its directors, for breach of contract, misleading and deceptive conduct and fraud.

LIKE TO TALK?

If you would like to discuss a commercial dispute or insolvency issue with any member of our team, please don't hesitate to contact them directly by phone or e-mail (for practitioner details see previous page).

Or, if you have a more general legal enquiry, simply contact us through any of the channels listed here and we'll put you in contact with the most appropriate Practitioner.

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