

## CURRICULUM VITAE – NICHOLAS FURLAN

### **Personal Details**

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Name: Nicholas Edward Furlan  
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### **Areas of Practice**

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- Commercial Law
- Contracts
- Equity
- Corporations and Insolvency
- Employment and Industrial Law
- Intellectual Property Law and Consumer Law
- Professional Negligence

### **Qualifications**

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#### **Education**

Bachelor of Laws, University of Sydney, 2001 (Honours I)

Bachelor of Commerce, University of Sydney, 1999

Awarded prizes in law

#### **Professional**

Admitted as a legal practitioner of the Supreme Court of NSW, 2001

Admitted as a Barrister, 2007

Equal overall highest result in NSW Bar exams, 2006

## Work Experience

Barrister at law: (2007 – present)

Baker & McKenzie: Solicitor (2006 – 2007)

Tipstaff / Researcher to Palmer J (Equity Division, Supreme Court of NSW) and Hunt AJA (NSW Court of Appeal): (2005 – 2006)

Harmers Workplace Lawyers: Senior Associate (2003 – 2005)

Freehills: Solicitor (2001 – 2003); Summer Clerk, paralegal, graduate at law (1999 – 2001)

## Selected Cases

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- *Hardcastle v Mitch Enterprises Pty Ltd & Ors* [2016] FCA 1569 – unled  
Federal Court of Australia, Bromwich J  
Consumer Law; alleged representations as to future earnings; misleading and deceptive conduct; unconscionable conduct; applicability of *Australian Consumer Law* in employment context
- *Renshaw v Queensland Mining Corporation Ltd* [2016] FCA 1482– unled  
Federal Court of Australia, Katzmann J  
Bankruptcy; appeal against sequestration order; whether lodgement of caveat by creditor evidence of security interest; whether creditor’s petition stale
- *Bakarich ats Bakarich* – unled  
Supreme Court of New South Wales, Stevenson J, (settled at trial – March 2017)  
Equity; property law; resulting trust and presumption of advancement; proprietary estoppel
- *Careline Australia Pty Ltd & Anor ats Homart Pharmaceuticals Pty Ltd* – unled  
Federal Court of Australia, Burley J, Judgment reserved  
Intellectual property (passing off); consumer law (misleading and deceptive conduct); skin care products
- *Putland & Anor v Royans Wagga Pty Ltd* – unled  
Federal Court of Australia, Bromwich J, Judgment reserved  
Employment Law; whether work performed as employee or independent contractor; alleged sham contracting; alleged breach of award conditions

- *StarTrack Express Pty Ltd v Transport Workers Union of NSW* – unled  
Industrial Relations Commission of New South Wales, Newall C, Judgment reserved  
Termination of contract of carriage (delivery driver)
- *Kamal & Ors v Zattere & Ors* – led by Kelly SC  
Supreme Court of New South Wales, Darke J, Part Heard  
Real property; contract; breach of obligation to use best/reasonable endeavours to complete subdivision before sunset date
- *Combined Rural Traders Pty Ltd v Smith & Anor* – unled  
Supreme Court of New South Wales, hearing date to be allocated  
Professional negligence (solicitor); alleged failure to advise in relation to relinquishment of directorship and shareholding
- *Singeetham & Ors v Oen Zoan Castle Hill Property Investment Group Pty Ltd* – unled  
Supreme Court of New South Wales, Darke J, hearing to be allocated  
Real property; specific performance; failure to complete subdivision before sunset date
- *TNT Australia Pty Ltd v Transport Workers' Union of Australia* – unled  
Federal Court of Australia, Flick J, (settled at trial – February 2016)  
Employment/industrial law; general protections/adverse action; termination of employment; trade union delegate
- *Unilever Australia Ltd v Revlon Australia Pty Ltd* [2015] FCA 137 – led by Cobden SC  
*Unilever Australia Ltd v Revlon Australia Pty Ltd* [2014] FCA 573  
Injunctions; intellectual property (passing off); consumer law (misleading and deceptive conduct); personal care consumer goods
- *Flo Rida v Mothership Music Pty Ltd* [2013] NSWCA 268 - unled  
Private international law; jurisdiction of inferior courts over foreign defendants; appeal against order permitting service of process on foreign defendant by Facebook
- *Queensland Mining Corporation Ltd v Butmall Pty Ltd, in the matter of Butmall Pty Ltd (in liq)* [2016] FCA 16 - unled  
Corporations; application to remove liquidator for apparent conflict of interest

- *Renshaw v Queensland Mining Corporation Limited* (2014) 103 ACSR 358; [2014] FCAFC 172 – led by Thawley SC  
Corporations; action for recovery of retirement benefits paid to managing director
- *Fair Work Ombudsman v Amritsaria Four Pty Ltd & Anor* [2016] FCCA 968 – unled  
Workplace relations; breaches of *Fair Work Act 2009*; imposition of pecuniary penalties
- *Veolia Water Solutions & Technologies (Australia) Pty Ltd; Emmanuel Gayan; Bertrand Devolve; and OTV International v Thibaut De Crisnay* [2015] FWCFB 7742 (Fair Work Commission – Full Bench) - unled  
Workplace relations; appeal; denial of procedural fairness
- *In the matter of Butmall Pty Ltd* [2015] NSWSC 1211 - unled  
Corporations; application to set aside statutory demand
- *Carr v Resource Equities Ltd* (2010) 275 ALR 366 – led by Studdy SC  
Corporations; director's duties; equitable contribution
- *Hudson Investment Group Limited v Atanaskovic* [2015] HCASL 54 - led by Hutley SC  
*Hudson Investment Group Limited v Atanaskovic* [2014] NSWCA 255 - led by Hutley SC  
*Hudson Investment Group Ltd v Atanaskovic* [2013] NSWSC 64 - led by Kelly SC  
Professional negligence (solicitors)
- *nearmap Ltd v Spookfish Pty Ltd* [2014] NSWSC 1790 - led by Coleman SC  
Commercial arbitration; application of compulsory arbitration clause to action for preliminary discovery
- *UGL Rail Services Pty Limited v Janik* [2014] NSWCA 436 - led by Kimber SC  
Employment law; appeal against award of damages arising out of claimed redundancy of position; incentive compensation scheme (share option entitlements)
- *Pearson v HRX Holdings Pty Ltd* (2012) 205 FCR 187 – led by Dixon SC  
*HRX Holdings Pty Ltd v Pearson* (2012) 205 FCR 169 – led by Studdy SC  
Employment law; restraint of trade doctrine

- *Informax International Pty Ltd v Clarius Group Ltd* (2012) 207 FCR 298 – led by Kimber SC  
*Informax International Pty Ltd v Clarius Group Limited* (2011) 192 FCR 210 – led by Kimber SC  
*Independent Contractors Act 2006*; restraint of trade doctrine; trade practices
- *Barescape Pty Ltd as trustee for V's Family Trust v Bacchus Holdings Pty Ltd as trustee for Bacchus Holdings Trust (No 9)* [2012] NSWSC 984 – led by Kelly SC & Henskens SC  
Partnership dispute (fine dining restaurant); breach of equitable and employment duties
- *Li v Steelco Group Pty Ltd* [2015] FWC 6590  
Workplace Relations; unfair dismissal
- *Columbus Investment Services Ltd* [2014] NSWSC 47 – unled  
Judicial advice; managed investment scheme
- *In the matter of Blueclay Pty Limited* [2014] NSWSC 1903 – unled  
Application to terminate winding up
- *Oliphant v Savills* [2014] FWC 6245  
Workplace relations; *Fair Work Act 2009*, transmission of business
- *Tapp v Gray* [2011] NSWSC 44 - unled  
Professional negligence (solicitor); assessment of damages
- *Oriolo v Wolfram* [2011] NSWSC 544 – unled  
Contract; enforcement of agreement to settle proceedings
- *Stewart v Ronalds* (2009) 76 NSWLR 99 – led by Kelly SC  
Administrative law (review of decision to withdraw commissions of NSW Minister); torts
- *DTC No 1 Pty Ltd v David Norman Matthew* [2009] NSWSC 1485 – led by Henskens SC  
Equity; contract (dispute between parties to joint venture)
- *Tapp v Official Trustee in Bankruptcy* [2009] FMCA 1264  
Bankruptcy

- *Wyeth Australia Pty Ltd v Slaven* [2009] FMCA 474  
Bankruptcy
- *Tarabay v Fifty Property Investments Pty Ltd* [2009] NSWSC 617 – led by Faulkner SC  
Trade practices; building and construction
- *Keramianakis v Regional Publishers Pty Ltd* (2007) 70 NSWLR 395 – led by Henskens SC  
Defamation; inferior court powers