

CURRICULUM VITAE OF MATTHEW JOHN DARKE SC

ADMISSION AND PRACTICE

Admission

September 2001

Appointed Senior Counsel in October 2014

Areas of practice

Class actions

Commercial (all areas)

Banking & insolvency

Insurance & reinsurance

Competition & consumer law

Intellectual property

Selection of recent and current matters

Sheehy v Nuix Pty Ltd [2023] FCA 56 – representing Nuix in \$183 million claim by its former CEO in relation to certain share options.

Liberty Mutual Insurance Company v SunWater Ltd (No 2) [2021] NSWSC 1582 (first instance); *SunWater Limited v Liberty Mutual Insurance Company* [2022] NSWCA 273 (appeal) – representing insurers in resisting a claim for indemnity by SunWater in relation to its liability in the Queensland Floods class action.

Matheson Property Group Pty Ltd (Trustee) v Virgin Australia Holdings Limited [2022] FCA 1243 – representing Virgin Australia Holdings in ongoing class action proceedings brought on behalf of purchasers of unsecured notes.

Richmond Valley Council v JLT Risk Solutions Pty Ltd [2022] NSWSC 1761 – representing JLT Risk Solutions in class action proceedings brought on behalf of NSW local councils alleging breaches of contract, negligence and breaches of fiduciary duties.

ASIC v Westpac Banking Corporation – representing Westpac in ongoing regulatory proceedings brought by ASIC alleging insider trading and unconscionable conduct.

Lay v Nuix Limited – representing Nuix in ongoing shareholder class action proceedings concerning Nuix’s IPO and subsequent market disclosures.

ASIC v Nuix Limited – representing Nuix in ongoing regulatory proceedings brought by ASIC alleging non-disclosure and misleading conduct in relation to financial forecasts.

Hamilton v Meta Platforms, Inc – representing Meta in ongoing class action proceedings alleging anti-competitive conduct in connection with Meta’s cryptocurrency advertising ban.

Katie Jane Taylor v Killer Queen LLC – representing Katy Perry in ongoing trade mark proceedings brought by an Australian designer styled Katie Perry (judgment reserved).

Greentree v Jaguar Land Rover Australia Pty Ltd; Jennings v Jaguar Land Rover Australia Pty Ltd – representing Jaguar Land Rover Australia in ongoing product liability class action proceedings concerning the diesel particular filter on certain Jaguar and Land Rover model vehicles sold in Australia.

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Clerk: Emma Hoolahan

EMPLOYMENT

1999-June 2001 Solicitor, Minter Ellison, Sydney

1998 Associate to Justice Antony Whitlam, Federal Court of Australia
Research Officer, Criminal Law Committee, NSW Bar Association (part-time)

TERTIARY EDUCATION

Degree BA (Hons)/LLB (Hons 1; Univ. Medal)

University Australian National University, Canberra

Prizes University Medal in Law
Supreme Court Judges' Prize (first in the year)
Commonwealth Attorney-General's Department Prize (best results in final year)
Baker & McKenzie Intellectual Property Prize (shared)
Butterworths Selected Topics in Torts Prize
Fenner Hall Fellows' Prize (shared)
Phillips Fox Scholarship in Law

Publications 'Lobbying by Law Firms: a study of lobbying by national law firms in Canberra' (1997) 56(4) *Australian Journal of Public Administration* 32-46
'Euthanasia Laws and the Australian Constitution' (1997) 20(3) *UNSW Law Journal* 647-65 (co-authored with George Williams)

Extra-curricular President, ANU Law Students' Society, 1995
Winner, Australasian Law Students' Association Mooting Championship, 1994
Winner, Attorney-General's Shield Mooting Competition, 1994
Best Advocate, Attorney-General's Shield Mooting Competition, 1994
World Intervarsity Debating Championships, 1994, 1995 and 1998