

# Eli Ball

BARRISTER AT LAW

## Education

University of Oxford (Magdalen College)	Doctor of Philosophy in Law (2014) Master of Philosophy in Law (2011) Bachelor of Civil Law (2010)
Macquarie University	Bachelor of Laws with First Class Honours (2007) Bachelor of Commerce (Accounting) (2007)

## Experience

7 Wentworth Selborne	Barrister (2017 – Present)
Ashurst Australia (Disputes)	Solicitor (2014 – 2017)
St John's College, Oxford	Lecturer in Law (2013 – 2014)
Magdalen College, Oxford	Lecturer in Law (2012)
NSW Court of Appeal	Tipstaff to the Honourable Justice Ipp AO (2008 – 2009)

## Admissions

New South Wales Bar	2017
State of New York	2009
Supreme Court of NSW	2008

## Select led matters

- *Crown Sydney Property Pty Ltd v Barangaroo Delivery Authority* | NSWSC – briefed by Ashurst and led by Neil Young QC and Sebastian Hartford-Davis – acting for Crown in a dispute concerning its integrated hotel and casino complex at Barangaroo in Sydney.
- *New Royal Adelaide Hospital* | Arbitration – briefed by King & Wood Mallesons and led by Peter Braham SC, Elliot Hyde, and Nuala Simpson – acting for Leighton Contractors and Hansen Yuncken against the State of South Australia in an arbitration concerning the construction of the New Royal Adelaide Hospital.
- *Mobis Parts Australia Pty Ltd v XL Insurance Company SE* | NSWSC – briefed by Ashurst and led by Neil Young QC and Terry Mehigan – acting for a major automotive spare parts supplier in a five-week trial against its insurer following the collapse of a warehouse.
- *Mid-Coast Council & Anor v Fitch Ratings, Inc (A Company Incorporated In Delaware, USA)* | FCA – briefed by Squire Patton Boggs and led by Chris Withers – acting in a class action for investors who suffered losses following the collapse of financial products rated by Fitch.
- *Burkert Contromatic Pty Ltd v McCarthy & Ors* | NSWSC – briefed by Clayton Utz and led by David Sulan – acting for a company to recover the traceable proceeds of fraud committed by a former employee and company secretary.
- *Findlay & Anor v DSHE Holdings Ltd ACN 166 237 841 (receivers and managers appointed) (in liquidation) & Ors* | NSWSC – briefed by Bannister Law and led by Chris Withers – acting in an open class action for shareholders who suffered losses following the collapse of Dick Smith.

- *Mastoris v DSHE Holdings Ltd ACN 166 237 841 (receivers and managers appointed) (in liquidation) & Ors* | NSWSC – briefed by Johnson, Winter & Slattery and led by Chris Withers – acting in a closed class action for shareholders who suffered losses following the collapse of Dick Smith.
- *Rogers Engineering & Development Pty Ltd v Volvo Car Australia Pty Ltd* | FCA – briefed by Clinch Long Woodbridge and led by Scott Goodman SC and Julie Granger – acting for Volvo in proceedings concerning its V8 Supercar Racing Team.
- *Robert Huang v Dong Chen* | NSWSC – briefed by Mills Oakley and led by Brett Le Plastrier – advising and appearing in a trial concerning the recognition and specific performance of a joint venture.
- *In the Matter of DCM Green Pty Ltd (In Liq)* | NSWSC – briefed by ECOVIS Chapman Thackeray and led by Brett Le Plastrier – advising and appearing in proceedings concerning the imposition of a constructive trust over property in a bailee’s possession.

### Select unled matters

- *Sigma Pharmaceuticals (Australia) Pty Ltd v Wyeth & Others* | FCA – briefed by King & Wood Mallesons – advising Sigma on the undertaking as to damages in connection with an interlocutory injunction.
- *Clifford Hallam Healthcare Pty Ltd v Afifi* | NSWDC – briefed by Ashurst – acting in proceedings to recover money from a guarantor in respect of the purchase of pharmaceutical products.
- *McDonagh v Huxley & Ors* | NSWSC – advising and appearing in a two-week trial for three defendants in proceedings alleging fraud and misleading conduct.
- *KPMG v Financial Advisory Services (Australia) Pty Ltd* | NSWSC – briefed by Piper Alderman – advising and appearing on a class closure application in the Discovery Metals Class Action.
- *Pietor & Anor v Christie & Anor* | NSWSC – briefed by Piper Alderman – advising and appearing in proceedings concerning the disputed grant of letters of administration for a deceased estate.
- *Sekisui House Australia Pty Limited v Pidgeon* | NSWLC – briefed by ADC Legal Litigation Lawyers – advising and appearing in a three day trial concerning a serious motor-vehicle collision.
- *Avery v Shrestha* | NSWLC 2017/264133 – briefed by ADC Legal Litigation Lawyers – advising and appearing for the plaintiff in a hearing concerning a motor-vehicle.
- *Kamrun Naber v Bendalong Investments Pty Ltd* | NSWDC – briefed by CTI Lawyers – advising and appearing in proceedings concerning defective building work causing personal injury.

### Select publications

*Enrichment at the Claimant’s Expense: Attribution Rules in Unjust Enrichment*  
(Doctoral thesis and book published by Hart/Bloomsbury, 2016)

Harman undertakings: use and misuse of documents produced under compulsion  
(Ashurst Bulletin, March 2015)

High Court rules on contribution: *Lavin v Toppi* (Ashurst Bulletin, February 2015)

Strata claims in the High Court: *Brookfield Multiplex Ltd v Owners Corporation Strata Plan 61288*  
(Ashurst Bulletin, October 2014)

‘At the claimant’s expense’: *Menelaou v Bank of Cyprus Plc* (2014) 130 *Law Quarterly Review* 13

Abandonment and the problem of incidental gains in the law of restitution of unjust enrichment  
[2011] *Restitution Law Review* 54

Section 92 and the regulation of e-commerce: a casenote on *Betfair Pty Limited v Western Australia*  
(2008) 36 *Federal Law Review* 265

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