

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)
Magdalen and St John's Colleges, Oxford	Lecturer in Law (2012 – 2014)
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

In the matter of the NSW Rural Fire Service & Brigades Donations Fund | NSWSC – briefed by Norton Rose Fulbright and led by Jeremy Giles SC – acting for the trustees of the RFS Donations Fund in judicial advice proceedings concerning \$51 million received as a result of a Facebook fundraising appeal.

Crown Sydney Property Pty Ltd v Barangaroo Delivery Authority | NSWSC and NSWCA – briefed by Ashurst and led by Neil Young QC, Andrew Bell SC, Kristina Stern SC, and Sebastian Hartford-Davis – acting for Crown in a dispute concerning its integrated hotel and casino complex at Barangaroo in Sydney.

The Owners of Strata Plan 90047 & Others v BBC Developments & Others | FCA – briefed by Lander & Rogers and led by Duncan Miller SC – acting for the owners corporation and seventy-four individual lot owners in proceedings against a developer, local council and others concerning defective building work.

CPB Contractors Pty Ltd & Hansen Yuncken Pty Ltd v Celsus Pty Ltd & State of South Australia | Arbitration – briefed by King & Wood Mallesons and led by Elliot Hyde and Nuala Simpson – acting for CPB and Hansen Yuncken in proceedings in respect of the construction of the New Royal Adelaide Hospital.

Mobis Parts Australia Pty Ltd v XL Insurance Company SE | NSWSC and HCA (Special Leave) – briefed by Ashurst and led by Neil Young QC, Noel Hutley SC, and Terry Mehigan – acting for a major automotive spare parts supplier in proceedings against its insurer following the collapse of a warehouse.

Tredrea v KPMG Financial Advisory Services (Australia) Pty Ltd | NSWSC – briefed by Piper Alderman and led by Jeremy Giles SC and Tom O'Brien – advising and appearing on the class closure and settlement approval applications in the Discovery Metals shareholder class action.

In the matter of Atlas Construction Group Pty Ltd (In Liquidation) | NSWSC – briefed by Matthews Folbigg and led by Duncan Miller SC – advising and appearing for the liquidator in the examinations of the affairs of a construction company.

Premier Protection Agency (Aust) Pty Ltd v Australian Securities and Investments Commission | NSWSC – briefed by Ashurst and led by Anna Mitchelmore SC – acting for ASIC in a dispute with a former security services provider.

The Next Generation Pty Ltd v Independent Planning Commission | NSWLEC – briefed by Clayton Utz and led by Duncan Miller SC – acting for Blacktown City Council in proceedings concerning the planning approval of a waste energy facility.

Goodwin Street Developments Pty Ltd v DSD Builders Pty Ltd | NSWSC – briefed by Richard Green Construction Lawyers and led by Nick Kidd SC – acting for a developer in proceedings against a builder for defective building work.

In the Matter of Ulan Stone Pty Ltd | Briefed by Levitt Robinson and led by Nick Kidd SC – acting for a director in proceedings concerning a statutory demand issued on, and the disputed control of, a mining company.

KTC v David & Ors | NSWSC and FCA – briefed by Aitken Lawyers and led by Justin Hogan-Doran – acting for the director of a company in case brought against him by former joint venture partners, and in connection with parallel defamation proceedings.

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.

Mid-Coast Council & Anor v Fitch Ratings, Inc (A Company Incorporated In Delaware, USA) | FCA – briefed by Squire Patton Boggs and led by Noel Hutley SC and Chris Withers – acting in a class action for investors who suffered losses following the collapse of financial products rated by Fitch.

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.

McDonagh v Huxley & Ors | NSWSC – briefed by Lilas & Loel – advising and appearing in a two-week trial for three defendants in proceedings alleging fraud and misleading conduct.

Acciona Infrastructure Australia Pty Ltd v Borger Crane Hire & Rigging Services Pty Ltd | NSWSC – briefed by Vincent Young – advising and appearing for Acciona in proceedings to set aside a statutory demand.

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.

Tomanovic Multiown Pty Limited v Interlux Projects Pty Ltd | NSWSC – briefed by Doyles Construction Lawyers – acting for the defendant in proceedings to enforce a deed of loan.

Rusca Bros Services v DLaw Pty Ltd | NSWSC – brief by Doyles Construction Lawyers – acting for the respondent law firm in an application for costs assessment.

Estate of the Late Nancy Fae Hallman | NSWSC – briefed by Parker Kissane – acting for the plaintiff in family provision proceedings.

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.

Kamrun Naber v Bendalong Investments Pty Ltd | NSWDC – briefed by NECA Legal/CTI Lawyers – advising and appearing in proceedings concerning defective building work causing personal injury.

Camporeale Holdings Pty Ltd v Spectra Electrical and Communications & Ors | NSWDC – briefed by NECA Legal/CTI Lawyers – advising and appearing in proceedings concerning alleged defective electrical work.

Stoloff v Do Good Labs Pty Ltd & Others | NSWDC – briefed by Sapphire Legal – acting for a former in-house lawyer in respect of a claim for unpaid wages against a company.

Awe-sim Holdings Pty Ltd v L E Dias Electrical Contracting Pty Ltd | NSWDC – briefed by NECA Legal/CTI Lawyers – acting for the defendant in a dispute concerning allegedly unpaid electrical goods and services.

Australian Radiology Management Services Pty Ltd v Woonona Radiology Pty Ltd & Ors | NSWDC – briefed by One Group Legal – acting for a series of radiology practices in a dispute with a former service provider.

Ozzy Tyres Holdings Pty Ltd v Laland | NSWDC – briefed by One Group Legal Pty Ltd – advising and appearing for an automotive parts supplier in respect of claims to recover sums due from a customer.

Kumeroa v Western Sydney University | NSWLC – briefed by Bartier Perry and Clyde & Co – acting for the University in multiple proceedings commenced by a self-represented litigant.

Xiong v University of Wollongong | NSWLC – briefed by Clyde & Co – acting for the University in proceedings commenced by a student and tenant in residential accommodation.

Eezypak Pty Ltd v Byron Bay Superfoods Company Pty Ltd | NSWLC – briefed by Sasphire Legal – advising and appearing for a packaging manufacturer in a dispute against a customer for unpaid invoices.

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 – briefed by ADC Legal Litigation Lawyers – advising and appearing for the plaintiff in a hearing concerning a motor-vehicle collision.

Patrech v Total Focus Australia | FCC – briefed directly by Total Focus Australia – advising and appearing in workplace proceedings, including their successful dismissal.

Pauna v Continental Investments & Holdings Pty Ltd | FWC – briefed by Redenbach Lee – acting for a defendant employer in unfair dismissal proceedings.

DQV v Western Sydney University | NCAT – acting for the University in proceedings concerning alleged breaches of health and privacy legislation.

Karas v SAF Development Pty Ltd | NCAT – briefed by NECA Legal/CTI Lawyers – acting for the plaintiff in proceedings concerning the defective construction of a house.

R v Doyle | NSWLC – briefed by Marrickville Legal Centre – advising and appearing for a defendant charged with cruelty to an animal.

R v Kamara | NSWLC – briefed by Marrickville Legal Centre – advising and appearing for a defendant charged with failure to obey move on direction at Bankstown railway station.

Select publications and papers

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

Mann v Paterson Constructions Pty Ltd: A Casenote
(CLE and CPD paper presented on request)

Four Fundamentals of Equitable Remedies
(CLE and CPD paper presented on request)

Advocate's Immunity in Australia: Private Law Form, Public Law Substance
(Paper presented to the Obligations IX Conference | University of Melbourne, July 2018)

'Yes, there is an Australian Law of Unjust Enrichment' (Paper Presented to the Obligations VII Conference | University of Hong Kong, July 2014)

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

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

April 2020