

Nicholas Simone

Barrister

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ADMISSION DATES: New South Wales Bar 2020
Supreme Court of NSW, Solicitor 2015

AREAS OF PRACTICE: Insurance & Professional indemnity Common law
Professional liability Commercial
Building & construction Equity
Inquests, Inquiries & Royal Commissions

EDUCATION: Bachelor of Arts / Laws 2014
The University of Sydney
Master of Laws ongoing
The University of Sydney

PREVIOUS EMPLOYMENT:

Hall & Wilcox Lawyers, solicitor 2016 – 2020
Associate to Judge Hatzistergos AM,
District Court of NSW 2015 – 2016

SELECTED CASES AS A SOLICITOR:

- Acted for a building subcontractor in a breach of contract claim relating to waterproofing works in a residential development, at both first instance and on appeal: *Sand Ground Engineering Pty Ltd v Super Render Pty Ltd* [2020] NSWSC 458
- Acted for receivers in relation to an application for summary dismissal of proceedings relating to historical allegations of breach of fiduciary duty, knowing assistance and breach of confidence: *Salmon v Albarran & Ors* [2019] NSWSC 243

- Acted for multiple insurers and property owners in multiple Supreme Court of NSW recovery proceedings in relation to catastrophic property damage within the community of Tathra following a bushfire which ignited following a tree falling onto power lines: *Creary & Ors v Essential Energy*; *Tathra Beach Motor Village Pty Ltd & Ors v Essential Energy*; *Harris & Ors v Essential Energy*; *Rowland & Ors v Essential Energy*
- Acted for a Lloyds of London syndicate in the Insurance List of the Federal Court in relation to an indemnity dispute as to the reasonableness of an insured's prior settlement of proceedings without the insurer's consent: *Daracon Contractors v Argo Syndicate 1200 At Lloyd's & Ors*
- Acted for electrical engineers in Supreme Court of NSW proceedings, relating to allegations of negligent design and commissioning works following an electrical fire: *Global Switch Pty Ltd v Keith Crampton & Ors*
- Acted for an insurer and a property owner in Supreme Court of NSW recovery proceedings which ran alongside representative proceedings and which related to catastrophic property damage following a bushfire which ignited at a rural windfarm: *Richard Graham & Anor v Infigen Energy Pty Ltd*
- Acted for a developer in defence of Supreme Court of NSW recovery proceeding brought by a home warranty insurer in relation to alleged construction defects in several residential developments: *AAI Limited t/as Vero Insurance v Nassif Nahas & Anor*
- Acted for a council authority in defence of personal injury proceedings in the District Court of NSW relating to the installation of temporary footpath coverings: *Susan Abela v City of Sydney Council*
- Acted for an officer of a company in relation to allegations she operated as a de facto director and allegations of insolvent trading: *In the matter of Swan Services Pty Limited (in liquidation)* [2016] NSWSC 1724
- Acted for liquidators in an interlocutory dispute relating to assertions of client legal privilege in documents sought by notices to produce: *Hastie Group Ltd (in liq) v. Moore & Ors* [2016] NSWSC 1315

AWARDS: 2019 Lawyers Weekly 30 Under 30, finalist (insurance)

MEMBERSHIPS: NSW Bar Association
 Australian Insurance Law Association
 Claims Discussion Group