



# TALITHA FISHBURN

BA LLB (Hons) (USyd) LLM (Usyd)  
Barrister

## OVERVIEW

### My Approach

I am solution-oriented and progressive with an abiding commitment to ethical practice and justice.

### Career Summary

I have 16 years' experience in litigation including 8 years at the Sydney Bar. Previously, I was Legal Counsel at Westpac Banking Corporation and a Senior Associate at Allens Linklaters. I maintain a broad practice with expertise in commercial, consumer and regulatory matters. My clients are solicitors and in-house lawyers from city, regional and country areas within large law firms, boutique law firms and sole practice.

I hold a Master of Laws (Distinction), a Bachelor of Laws (Honours) and a Bachelor of Arts from the University of Sydney.

### Known for

Thorough preparation.

Telephone - 02 8005 3089 | Mobile - 0408 647 003 | Email - [barrister@talithafishburn.com.au](mailto:barrister@talithafishburn.com.au)  
Chambers - Level 13/111 Elizabeth St, Sydney NSW 2000 | Web - [www.talithafishburn.com.au](http://www.talithafishburn.com.au)

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## **SPECIALIST AREAS**

Commercial | Civil | Equity

Commercial Litigation  
Corporations & Insolvency  
Real Property  
Regulatory  
Equity & Trusts

Additional Areas

Corporate Social Responsibility  
Family Law  
Professional Discipline  
Native Title

## **PROFESSIONAL ADMISSIONS**

05 2012                      Barrister (New South Wales)  
07 2005                      Solicitor (New South Wales)

## **PROFESSIONAL EXPERIENCE**

05 2012 - Current              Barrister, New South Wales Bar  
08 2010 - 04 2012              Legal Counsel, Westpac Banking Corporation  
07 2010 - 07 2012              Senior Associate, Allens Arthur Robinson  
02 2005 - 06 2010              Lawyer, Allens Arthur Robinson

## **TERTIARY EDUCATION**

Master of Laws (Dist)              University of Sydney  
Bachelor of Laws (Hons)              University of Sydney  
Bachelor of Arts                      University of Sydney

## **PROFESSIONAL ACTIVITIES & MEMBERSHIPS**

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2019 - 2020	Board Member Diverse Women in Law
2018 - 2019	Committee Member Innovation & Technology Committee, NSW Bar
2014 - 2019	Editorial Committee Bar News, NSW Bar
2014 - Current	Violinist NSW Lawyers Orchestra
2012 - Current	Chorister NSW Bar Choir
2015 - 2016	Executive Committee Member Women Lawyers Association of New South Wales
2014 - 2016	Committee Member Sport & Wellbeing Committee, NSW Bar
2012 - Current	Member Women Barristers Forum, NSW Bar
2012 - 2018	Duty Barrister Duty Barrister Scheme, NSW Bar

## **CONFERENCE PAPERS & LEGAL SEMINARS**

Regular delivery of conference papers and legal seminars to law firms, law societies and legal conferences including Law Society of New South Wales.

## **ARTICLES & PUBLICATIONS**

Regular case updates and articles for various legal publications and journals including *Law Society Journal* and *Bar News*.

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## PROFESSIONAL EXPERIENCE

### Select Matters (2012 - 2020)\*

\* including matters that settled

#### Court of Appeal

Charan & Anor v CBA (2)	2017 (Leeming, Payne JJA)	Leave to Appeal (Banking)
Lott v Council of the NSW Bar Ass	2017 (Meagher, Simpson JJA, Sackville AJA)	Disciplinary
Charan & Anor v CBA	2015 (Baste, Tobias JJA)	Leave to Appeal (Banking)

#### Supreme Court of New South Wales

Flipout Thonton P/L v DC Strategy P/L & Ors	2020 (Hammerschlag J)	Consumer Law (Ongoing)
In the matter of GSQ Holdings	2020 (Rees J)	Corporations (Statutory Demand)
Sokolov v Levytska	2020 (Darke J)	Real Property (s 66G) (Ongoing)
Moxham v Hyam	2020 (Hallen J)	Family Provision
Salib v Salib	2020 (Darke J)	Real Property (s 66G)
Westpac Banking Corporation v Kay	2020 (Davies J)	Possession
In the matter of Australasian College Broadway	2019 (Registrar)	Public Examination
The Estate of Rothe	2019 (Hallen J)	Family Provision
The Estate of Rothe	2019 (Slattery J)	Possession Proceedings
In the matter of AXL Financial P/L	2019 (Black J)	Corporations (Statutory Demand)
Morano v McBride	2019 (Slattery J)	Partnership Dispute
Towers v Hanson Construction P/L & Anor	2019 (Darke J)	Real Property (Caveat)
Bosworth Estate	2019 (Lindsay J)	Estate (Executor Replacement)
Hawkins Civil Constructions P/L v Creteform P/L	2019 (Registrar)	Construction / Contract (settled)
Estate of the late Norma June Pantle	2018 (Rees J)	Equity (Estate Distribution).
Mehta, Choksi & Ors v Calista & Anor	2018 (Darke J)	Real Property
Bean & Sprout P/L (admin apptd)	2018 (Black J)	Interlocutory (Indemnity Costs)
Bean & Sprout P/L (admin apptd)	2018 (Black J)	Voluntary Administration

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Morano v McBride	2018 (Parker )	Partnership Dispute (strike out)
Cai & Zheng v Liu & Mao	2018 (Darke J)	Real Property - Specific Performance
Signature Garden Retirement Resort P/L v Maitland City Council	2018 (Darke J)	Real Property - Easement
Coomber & Anor v Butler	2018 (Darke J)	Interlocutory (Summary Dismissal)
Coomber & Anor v Butler	2018 (Darke J)	Interlocutory (Indemnity Costs)
Dimovski v Tam & Ors	2018	Interlocutory (Access)
Prime Capital Securities P/L v Sev 8 Six P/L	2017 (McCallum J)	Possession
Ng v HCCC	2017 (Davies J)	Disciplinary Proceedings
Estate of Collis	2017 (Hallen J)	Family Provision
Hodgestone Finance P/L v Vincent Fisher Properties P/L & Ors	2017 (Slattery J)	Real Property - caveat
Bilton & Ors v Ligdas	2017 (Darke J)	Interlocutory - Real Property
Estate of Bryant	2016 (Hallen J)	Family provision
Insight Practices P/L v ATMC Property Kent Street P/L	2016 (Ward CJ in Eq)	Urgent interlocutory injunction - Real Property – Interference
Ma & Yang v Xue	2015 (Bergin J)	Equity (Freezing Order)
Irina Prodger v Trevor Prodger & Anor	2015 (Slattery J)	Urgent interlocutory injunction
Estate of McKenzie	2015 (Darke J)	Succession / Family Provision
CBA v MLD Financial Services P/L & Ors	2015 (Darke J)	Real Property – Possession
Dank v National Wide News	2015	Interlocutory (Access)
Ademi v Tunc	2015 (McDougal J)	Real property – extension of caveat
Anderson Estate	2015 (Lindsay J)	Estate law
Adams v Lau & Lau	2015 (Bergin J)	Trust Law (settled)
Southern Equity P/L v Timevale P/L	2015 (Brereton J)	Interlocutory (Costs/Interest)
In the matter of We Will P/L	2015 (Brereton J)	Bankruptcy –winding up termination
Evans v New Look Asphalt P/L	2014 (Garling J)	Possession
Pacanowski & Ors v Wakerman & Ors	2014 (Bergin J)	Commercial (Building Dispute)
Lubica Jovanovic v Ljubisav Jovanovic	2014 (Lindsay J)	Revocation of Guardianship
Banovic v Hannover Life & Anor	2014 (Ball J)	Interlocutory – separate issues app

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Hubel & Anor v Tofler & Ors	2014 (Hallen J)	Family Provision
Chu Lin Lee v Derek Edwin Chan	2014 (Hallen J)	Estate
Saab v Earlwood Animal Pharm P/L	2014 (Young AJA)	Contract - Sale of Business
Makki v Makki	2013 (Lindsay J)	Revocation of Guardianship
Bear & Ors v McGoldrick	2015	Trust Law
Papas v Grave	2013 (Bergin J)	Real Property - Right of Carriageway
Colin Biggers & Paisley v Obeid Corporation P/L	2013 (Black J)	Statutory Demand
Collins v Turland	2013 (Hallen J)	Family Provision
Face to Face & Ors v Syddeck P/L	2012 (Young AJA)	Statutory Demand

## District Court

CHEP Australia P/L v Babera	2020	Contract / Commercial
Alliance Group P/L v Asset Flooring P/L	2020	Contract / Construction
CHEP Australia P/L v Nash P/L	2020	Contract / Commercial
CHEP Australia P/L v McLaughlin	2019	Contract / Commercial
CHEP Australia P/L v Gill	2019	Contract / Commercial
CHEP Australia P/L v Hentschke Transport P/L	2019	Contract / Commercial
Mungerie Vale P/L v McNamee Holdings P/L	2019	Default Judgment Set Aside App
Monkeyface Holdings P/L v One Shelf P/L & Anor	2019	Contract / Commercial
Yashica Imports P/L v Singh & Kaur	2018	Contract
El Kheir proceedings v R (with MIGA intervening)	2017	Interlocutory – Insurance Law
Yangdo P/L v Equiti Group P/L	2017	Real Property – Lease
Penfold v Dr William Lynch	2017	Interlocutory – (Expert Evidence)
Jeffers v Lee & Anor	2017	Contract / Commercial
National Biofuels Group P/L v Croaker	2016	Contract / Commercial
Bendigo & Adelaide Bank Ltd v Cole	2016	Contract / Commercial
Malak Adnan Ahmed v Delvin Smith	2015	Infant Settlement Approval
Mechaourab v Morris	2015	Infant Settlement Approval
Latifovic v Grand Group Services PL & Mumford	2014	False imprisonment

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Tan Than Le v Heatcraft Australia P/L	2013	Negligence – Personal Injury
Actors College of Theatre and Television P/L v Pav Investments P/L	2013	Commercial
Scharkie v Nominal Defendant	2013	Negligence – Personal Injury
Kingi-Rihari v Millfair P/L t/s Arthouse Hotel	2012	Negligence – Personal Injury

## Federal Court of Australia

Coomber & Anor v Butler	2019	Agricultural Tenancy
Westpac Banking Corporation v The State of Queensland & Anor	2019	Vesting Application
Coomber & Anor v Butler	2019	Bankruptcy / Sequestration
SYG1972/2018	2019	Migration – Judicial Review
SYG1974/2018	2019	Migration – Judicial Review
In the matter of Bowesco P/L (in liq)	2018	Liquidator appointments
Corbett v Corbett Court P/L & Ors	2014	Interlocutory (Access)
Bayer Australia Ltd v Pfizer Australia P/L	2013	Consumer Law
Wattar v Direct Freight (Aust) P/L	2013	Enforcement proceedings
Zoellner v Zoellner	2014	Commissioner of Taxation Intervenor

## Federal Circuit Court of Australia

Flinstone Investments v Champion & Anor	2020	Bankruptcy
Hanson Construction P/L v Sanna	2020	Bankruptcy
Noble v Noble	2018	Family Law (ongoing)
Bond v Feinbier	2018	Family Law (Property)
Young v Arnott	2018	Family Law
Klychev v Minister Immigration	2016	Migration - Judicial Review
Ger v Ger	2016	Family Law
NAB v Di Francesco	2015	Bankruptcy
Brooke v Brooke	2016	Family Law
Hraiki v Hraiki	2015	Family Law

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Johnston v Perkins	2015	Family Law
RK & H	2015	Family Law
Ademi v Tunc	2015	Family Law
Ghajar v Ghajar	2014	Family Law
DCT v Humphries & Anor	2014	Bankruptcy – Debtors’ Petition
Famularo v Paterson	2013	Bankruptcy
Kim v Hwang	2013	Family Law
Choi v Hwang	2013	Family Law
King v Delta Metalics P/L	2013	Bankruptcy
Lloyd v Vontelas	2012	Family Law
Contarino v Contarino	2012	Family Law

## Tribunals & Commissions

TianyD Beauty Australia P/L v Fasasko P/L	2020 (NCATAP)	Commercial Lease (Ongoing)
BKB Constructions P/L v Sawan & Anor	2020 (NCAT)	Home Building (Ongoing)
Bayside Building Group P/L v Solina & Anor	2020 (NCAT)	Home Building (Ongoing)
SP 75506 v Charitable Islamic Association of Beirut City Incorporated	2020 (NCAT)	Revocation Proceedings
Coomber v Butler	2019 (NCATAP)	Agricultural Tenancy
HCCC v Petros	2019 (NCAT)	Professional Disciplinary
Coomber v Butler	2019 (NCAT)	Tenancy
Fasasko P/L v TianyD Beauty Australia P/L	2019 (NCAC)	Commercial Lease
Liberant v SP 62713	2020 (NCAT)	Strata Management
Graser v SP34058	2019 (NCAT)	Home Building
Great Australian Home P/L v Leisure Bros P/L	2019 (NCAT)	Home Building
Operation Estry - Corrective Services NSW	2018 (ICAC)	Corrective officers dishonestly exercising official functions
Coomber & Anor v Butler	2018 (NCAT)	Agricultural Tenancy
Coomber & Anor v Butler	2018 (NCAT Appeal Panel)	Appeal (Agricultural Tenancy)
Spagnolo, Carioti v Commissioner of Taxation	2017 (AAT)	Taxation Law

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Margaret Matthew v Commissioner of Police	2013 (ADT)	GIPA Application
AfSD v BDA and Others	2013 (ADT)	Privacy / FOI
Heon Bang Chung & Melissa Song v Myung Ho Kim & Garland Enterprise P/L	2013 (CTTT)	Contract
McSpadden v RMS	2015 (ADT)	Limousine License Review
Alvaro V D'Angelo	2012 (CTTT)	Contract
<b>Interstate</b>		
Baseland P/L v Caltex Petroleum P/L	2019 (ACT Supreme Court)	Commercial Lease (ongoing)
Corporate ITC P/L v UNO PC Corporation P/L	2018 (Adelaide Magistrates)	Contract / Partnership Dispute
Lime Nominees P/L v Adelaide Brighton Cement	2015 (WASC)	Mining Leases
<b>Local Court</b>		
Chep Australia Ltd v Quench Natural Spring Water P/L & Anor	2020 (Downing Centre)	Contract / Commercial
Basnyat & Anor v Remondis & SG Fleet P/L	2019 (Downing Centre)	Insurance
Moree Manufacturing P/L v Coomber & Anor	2019 (Moree Local Court)	Contract / Commercial
Royal Plywood P/L v Kwikup Sales P/L	2019 (Downing Centre)	Contract
Machine Finance P/L v Mine & Tunnel Constructions P/L & Anor	2019 (Downing Centre)	Contract
Kenny & O'Keefe v Tipper Hire P/L & Anor	2019 (Downing Centre)	Contract
Izi Co P/L v QBE Insurance (Australia) Limited	2019 (Downing Centre)	Insurance
R v Sims E-Recycling P/L	2019 (Parramatta)	Interlocutory - Costs
The Kindred Co P/L v Modra	2019 (Downing Centre)	Contract / Commercial
JAB Developments P/L v Manitowoc Crane Group Australia P/L & Worklift Trading P/L	2018 (Downing Centre)	Interlocutory – vacation application
Ahmad El Mir v Manjula Chandra	2018 (Bankstown)	Interlocutory - Summary Dismissal
Saco v Jundi	2017 (Bankstown)	Examination Proceedings
Megremis v Miovski	2017 (Downing Centre)	Insurance
Livia v Rossi	2017 (Bankstown)	Contract
Michael Vu v Tarek El Elewa	2017 (Bankstown)	Default Judgment Set Aside App
R v Dahler	2016 (Parramatta)	Criminal Law

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BR Williams Customs & Freight Forwarding P/L v Austcorp No. 443 P/L	2016 (Parramatta)	Contract
Asfour v Fatrouni	2016 (Bankstown)	Motor Vehicle Accident
Liverpool Council v Affinito & Anor	2016 (Liverpool)	Asbestos Dumping
McCarthy v Chaouk	2015 (Bankstown)	AVO Hearing
Scavera v Fashik	2015 (Bankstown)	Contested AVO Hearing
R v Fitzgerald	2015 (Manly)	Criminal (Sentence)
R v Cacciolal	2015 (Sutherland)	Contested AVO Hearing
Cupit v Donevski	2015 (Sutherland)	Contract
Gooley v Williams	2015 (Gosford)	Tort - Nuisance
RSPCA v Flack	2015 (Muswellbrook)	Animal Cruelty
RSPCA v Bowman	2015 (Muswellbrook)	Animal Cruelty
R v Too	2014 (Manly)	Criminal Law (Sentence)
Mortgage Loan P/L v Fixx Commercial P/L	2014 (Downing Centre)	Contract
Campos v Carbajal	2014 (Waverley)	AVO Hearing
Myuung Sup Park v Jungsun Choi	2013 (Downing Centre)	Contract
Khaled Al Zaheb v Elarab	2013 (Bankstown)	Contract
Michael Frederick Walkerden v Cleanvision P/L	2013 (Downing Centre)	Contract
Allied Overnight Express P/L v MGDG P/L	2013 (Downing Centre)	Contract
Hodgson & Day v Michael Smith Real Estate	2013 (Downing Centre)	Contract
R v Lim	2013 (Burwood)	Criminal law (Sentence)
R v Canessa	2013 (Waverley)	AVO Hearing
R v Erkan	2013 (Bankstown)	Criminal Law (Sentence)
R v Xia	2013 (Burwood)	Criminal Law (Sentence)
Coastal Property P/L v Dragon Development P/L	2012 (Gosford)	Contract
Diehm v Ellis	2012 (Downing Centre)	Contract