



# TALITHA FISHBURN

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

## OVERVIEW

### My Approach

I am solution-oriented with an abiding commitment to ethical practice and respectful collaboration.

### Career Summary

I have 19 years' experience in litigation including 12 years at the Sydney Bar. Previously, I was a Senior Associate at Allens Linklaters and Legal Counsel at Westpac Banking Corporation.

I maintain a broad civil practice.

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 all from the University of Sydney.

**Telephone** 02 8590 5182 | **Mobile** 0408 647 003 | **Email** barrister@talithafishburn.com.au  
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## SPECIALIST AREAS

### Commercial | Civil | Equity

Commercial Litigation  
Corporations & Insolvency  
Real Property  
Regulatory  
Equity, Trusts  
Family Provision, Succession, Probate  
Family Law

### Additional Areas

Corporate Social Responsibility  
Corporate Governance  
Professional Discipline  
Environmental / Climate Litigation

## 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

## VOLUNTARY WORK

Barrister                              Duty Barrister Scheme  
Legal Adviser                      Manly Community Justice Centre  
Horticultural Assistant              Taronga Zoo

## RECENT RECOGNITION

Finalist                              Barrister of the Year, 2023 NSW Women Lawyers Awards

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## PROFESSIONAL ACTIVITIES & MEMBERSHIPS

Current (Since 2014)	Editorial Committee <i>Bar News</i> , NSW Bar
Current (Since 2020)	Committee Member Wellbeing Committee, NSW Bar
Current (Since 2012)	Member Women Barristers Forum
Current (Since 2015)	Violinist NSW Lawyers Orchestra
Current (Since 2013)	Chorister NSW Bar Choir
Current (Since 2023)	Cast Member <i>NSW Bar Revue</i>
2019 - 2020	Board Member Diverse Women in Law
2018 - 2019	Committee Member Innovation & Technology Committee, NSW Bar
2015 - 2016	Executive Committee Member Women Lawyers Association of New South Wales
2014 - 2016	Committee Member Sport & Wellbeing Committee, NSW Bar

## CONFERENCE PAPERS & LEGAL SEMINARS

Regular presentation 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\*

\* including matters that settled

#### Supreme Court of New South Wales

Estate of Aston	2024 (Slattery J)	Probate
Estate of Auld	2024 (Slattery J)	Probate (Capacity)
Forbes v Auramatrix P/L	2024	Contract / Restitution
Maxworthy v Maxworthy	2023 (Richmond J)	Trusts / Equity
Cirrus Real Time Processing Systems P/L v Hawker Pacific P/L	2023 (Ball J)	Contract
Flipout Thonton P/L v DC Strategy P/L & Ors	2023 (Ball J)	Consumer Law (settled)
Gao & Anor v Traco P/L	2023 (Ball J)	Real Property, Lease (Ongoing)
RBX P/L v Sutton	2024 (Peden J)	Specific Performance (Ongoing)
Estate of Pepper	2023 (Hallen J)	Testamentary Intentions (Ongoing)
Sieders Truck Repairs P/L v Smith	2023 (Hammerschlag J)	Fraudulent withdrawals (Ongoing)
NAB v Hickey & Anor	2023 (Davies J)	Possession
NSW T&G v Hindmarch	2023 (Campbell J)	Proceeds of Crime
Estate of Pelzmann	2023 (Hallen J)	Family Provision
Estate of Simpson	2023 (Hallen J)	Family Provision
Estate of Heap	2023 (Hallen J)	Family Provision
Estate of Clatworthy	2022 (Hallen J)	Family Provision
Re EKMM	2022 (Black J)	Corporations
White v McLeay	2022 (Hallen J)	Family Provision
Lawrence Estate	2022 (Hallen J)	Family Provision
McNicol Estate	2022 (Hallen J)	Family Provision
Leasewise Australia P/L v Shlimon	2021 (Rein J)	Caveat
Murray v Southwell & Anor	2021 (Robb J)	Real Property, Equity
Snell v Stapleton & Anor	2021 (Darke J)	Equity, Property
Tang & Anor v Power	2021 (Darke J)	Contract

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Leasewise Australia v Shlimon	2021	Contract
Fasako P/L v TianyD Beauty Australia P/L	2021 (Harrison AsJ)	Commercial Lease
Australian Glass Group Holdings P/L v Harris Trailers P/L & Ors	2020 (Darke J)	Commercial Lease
In the matter of GSQ Holdings	2020 (Rees J)	Corporations (Statutory Demand)
Sokolov v Levytska	2020 (Darke J)	Real Property (s 66G)
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
Australian Glass Group (Holdings) P/L v Harris Trailers P/L & Ors	2020	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
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)

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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
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

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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
<b>Court of Appeal</b>		
Cirrus Real Time Processing Systems P/L v Hawker Pacific P/L	2023 (Bell CJ, Leeming, Kirk JA)	Contract
Fasako P/L v TianyD Beauty Australia P/L	2022	Commercial Lease
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)
<b>Federal Court of Australia</b>		
Australian Securities and Investments Commission v Dod Bookkeeping Pty Ltd (in liq)	2024 (Goodman J)	Financial Services (Civil Penalty)
Philips (CPAP Device)	2024 (Murphy J)	Representative Action (Ongoing)
Cirrus Real Time Processing Systems P/L v Hawker Pacific P/L	2023 (Kennett J)	Contract
Australian Securities and Investments Commission v Dod Bookkeeping Pty Ltd (in liq)	2023 (Goodman J)	Financial Services (Liability)
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

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Zoellner v Zoellner	2014	Commissioner of Taxation Intervenor
<b>District Court</b>		
QFS v Locke	2024	Contact / Restitution (Waugh J)
Beaumont v Watson	2022	Intentional Tort
IP Supply P/L v Hi-Craft Group P/L	2021	Contracts / Commercial
Visual Touch Advertising P/L v Erdogan	2021	Contract / NDIS
Alliance Project Group P/L v Asset Flooring P/L	2020	Contract
The Owners - Strata Plan No 10193 v ACM Building Group P/L & Core Project Consulting P/L	2020	Contract / Building (Settled)
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
Tan Than Le v Heatcraft Australia P/L	2013	Negligence – Personal Injury

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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 Circuit Court of Australia

Storer v Sabbagh	2023	Family Law (Property)
Noble v Noble	2022	Family Law (Parenting)
Mou v Mou	2021	Family Law
Mitton v McLennan	2021	Family Law (Property)
Flinstone Investments v Champion & Anor	2020	Bankruptcy
Hanson Construction P/L v Sanna	2020	Bankruptcy
Noble v Noble	2019	Family Law (Property)
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
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 Metallics P/L	2013	Bankruptcy

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Lloyd v Vontelas	2012	Family Law
Contarino v Contarino	2012	Family Law
<b>Tribunals &amp; Commissions</b>		
AK v Veterinarian Board	2023 (NCAT)	Professional Conduct
Hunter v Tamex P/L	2023 (NCAT)	Workplace
TianyD Beauty Australia P/L v Fasasko P/L	2022 (NCAT)	Damages Determination
Nastasi	2022 (NCAT)	Guardianship
Lillisvale v Perek	2022 (NCATAP)	Lease
TianyD Beauty Australia P/L v Fasasko P/L	2020 (NCATAP)	Commercial Lease
BKB Constructions P/L v Sawan & Anor	2020 (NCAT)	Home Building
Bayside Building Group P/L v Solina & Anor	2020 (NCAT)	Home Building
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
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

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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	2020 (ACT Supreme Court)	Commercial Lease
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>		
Aussie Grains P/L v Doyle & Anor	2023 (Parkes)	Contract
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
BR Williams Customs & Freight Forwarding P/L v	2016 (Parramatta)	Contract

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Austcorp No. 443 P/L		
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)
Diehm v Ellis	2012 (Downing Centre)	Contract

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