

NICHOLAS JAMES CONDYLLIS

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PRACTICE AREAS

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| • Appellate | • Corporations |
| • Banking & Finance | • Employment |
| • Bankruptcy & Insolvency | • Equity & Trusts |
| • Commercial | • Real Property |
| • Commissions of Inquiry | • Wills & Estates |

EDUCATION

University of Oxford, Bachelor of Civil Law (2017)

- Distinction Grade (First Class)
- Peter Cameron Sydney-Oxford Scholarship
- Clifford Chance Prize in Principles of Civil Procedure (shared)
- Subjects: Commercial Remedies; Restitution of Unjust Enrichment; Principles of Civil Procedure; Law and Society in Medieval England

University of Sydney, Bachelor of Arts (2013) / Bachelor of Laws (2015)

- First Class Honours in Law
- University of Sydney Academic Merit Prize (2014, 2012)
- Pitt Cobbett Prize for Constitutional Law (2013)
- CA Hardwick Prize for Constitutional Law (2013)
- Andrew M Clayton Memorial Prize for Legal Profession and Constitutional Law (2013)

PROFESSIONAL

- Barrister, 12th Floor Wentworth Selborne Chambers (May 2018 – Present)
- Tipstaff, Hon. Justice P A Bergin CJ in Eq, Supreme Court of New South Wales (2016)
- Lawyer, Banking & Finance, Allens (2015)
- Paralegal, Allens (2013 – 2015)

PUBLICATIONS

- Nicholas Condylis, 'Debating the Nature and Ambit of the Commonwealth's Non-statutory Executive Power' (2015) 39 *Melbourne University Law Review* 385
- Nicholas Condylis, 'Loss of Superannuation Pension as Compensable Loss in Personal Injury Cases: *Amaca Pty Ltd v Latz*' (2018) 15 *Australian Civil Liability Newsletter* 46
- Nicholas Condylis, Peter Gerangelos and Samuel Murray, 'Inherent Executive Power in Ireland – Lessons for Australia' (2019) 6 *Journal of International & Comparative Law* 1

SELECTED CASES

Commercial, Equity, Property and Corporations

Sun Property and Investment Pty Ltd v Elmasri [2025] NSWSC 859 (Williams J) – Acting for plaintiff seeking return of call option fee after rescinding option deed under s 66ZI of the *Conveyancing Act 1919* (NSW) (Unled)

Dunstan v Orr [2025] FCA 858 (Thawley J) – Acting for respondents seeking summary dismissal of proceedings as an abuse of process (Led by J Clarke SC)

Silva Fortune Pty Ltd v Nuvei Global Merchant Services Pty Ltd [2025] NSWSC 699 (Peden J) – Acting for investors seeking preliminary discovery in connection with losses suffered from capital raise conducted by defendant (Led by G Sirtes SC)

Francom Legal Pty Ltd v Prospa Advance Pty Ltd [2025] NSWSC 466 (Brereton J) – Acting for defendant contending it validly terminated retainer agreement (Led by A Macauley)

Teterin v Linrod Pty Ltd [2024] NSWSC 1635 (Pike J) – Acting for beneficiary seeking appointment of independent trustee (Led by A Harding SC)

Nora Goodridge Investments Pty Ltd v Teplitsky [2024] NSWSC 1397 (Stevenson J) – Acting for lender seeking summary judgment under various guarantees (Unled)

Julolja Pty Ltd v Templestowe Veterinary Surgery Pty Ltd [2024] VSC (Matthews J) – Acting for shareholder defending misrepresentation and oppression claims (Led by S White SC)

Jiixin Zhu v Community Association DP270253 [2024] NSWSC (22 July 2024 and 20 September 2024, unreported, Peden J) – Acting for Community Association in strike out application (Unled)

Sargent v Sargent [2024] NSWSC (Lindsay J) – Acting for estate defending mutual will, estoppel and family provision claims (Led by S White SC)

Andrew John Fleming – Estate of Concetta Italiano [2024] NSWSC 630 (Williams J) – Acting for interim administrator of estate seeking judicial advice (Unled)

ASIC v Atkins, in the matter of Magnolia Capital Pty Ltd (in liq) [2023] FCA (21 December 2023, unreported, Halley J) – Acting for ASIC opposing travel restraint variations (Unled)

Birbilis Bros Pty Ltd v Bunnings Group Ltd [2023] QSC 256 (Kelly J) – Acting for plaintiff amending claim to include ostensible authority and damages pleadings (Led by P Zappia KC)

Modeus Pty Ltd (ACN 106 986 056) v Secretary, Ministry of Health [2023] NSWSC 1343 (Stevenson J) – Acting for defendants opposing application for separate question determination (see also costs judgment: [2023] NSWSC 1417) (Led by A Cheshire SC)

Vlahos v Vlahos [2023] NSWSC (29 September 2023, unreported, Richmond J) – Acting for defendant opposing provision of disclosure affidavit under *Norwich* principles (Unled)

Sargent v Sargent [2023] NSWSC 1063 (Kunc J) – Acting for estate regarding privilege claims and operation of s 121(1) of the *Evidence Act 1995* (NSW) (Led by D Liebhold)

ASIC v Valvo [2023] FCA 895 (Cheeseman J) – Acting for ASIC in seeking suppression order over materials relied upon in support of asset preservation and travel restraint application (Unled)

Olson v Keefe (No 5) [2023] FCA 127 (Goodman J) – Acting for respondents seeking security for costs (Led by Y Shariff SC)

Harriette & Co Pty Ltd v Platine Property Development Pty Ltd (No 2) [2022] NSWSC 1611 (Walton J) – Acting for defendants in extension application regarding interim injunction concerning question of whether mortgagor needed to pay full sum into Court (Led by J Jaffray)

Harriette & Co Pty Ltd v Platine Property Development Pty Ltd [2022] NSWSC 1536 (Chen J) – Acting for defendants seeking interim injunction raising triable issues regarding penalties doctrine and unregistered mortgage memorandum (Led by J Jaffray)

In the matter of K. & A. Laird (N.S.W.) Pty Ltd (in liq) [2022] NSWSC (8 November 2022, unreported, Black J) – Acting for cross-defendants seeking to strike out pleading on basis of knowing recipient suffering no loss if required to disgorge trust property and therefore having no right of indemnity (see also costs judgment: [2022] NSWSC 1786) (Led by A Harding SC)

Nicols as trustee of the bankrupt estate of Manietta v Manietta, in the matter of Manietta [2022] FCA 39 (Cheeseman J) – Acting for respondents seeking the discharge of freezing orders and opposing fresh freezing orders (see also costs judgment: [2022] FCA 142) (Led by S White SC)

Burwood Council v Lorenzato [2021] NSWCA 321; 250 LGERA 136 (Basten JA, Macfarlan JA and Brereton JA) – Acting for vendor in appeal relating to requisitions under sale contract (Led by S White SC)

Assoum v Barrett [2021] NSWDC 641 (Dicker SC DCJ) – Acting for estate in claim to recover an unpaid debt (Unled)

Ludwig v Jeffrey (No 4) [2021] NSWCA 256 (Meagher JA, Brereton JA and Emmett AJA) – Appeal regarding a trustee's entitlement to indemnity from trust assets (Led by J Brown)

Shant Safarian v Australian Institute of Company Directors [2021] FWC 4909 (Commissioner Johns) – Acting for employer defending dismissal on basis of genuine redundancy (Unled)

Richardson v Richardson [2021] NSWSC 353 (Ward CJ in Eq) – Acting for plaintiffs in claim concerning executor's occupation of estate property in breach of executorial duties (Unled)

Shelteo Pty Ltd v ANZ Group Ltd [2021] NSWSC 224 (Cavanagh J) – Acting for plaintiff opposing security for costs application and seeking reduction of the quantum of security (Unled)

Eldsure Pty Ltd v Sheridan Legal Pty Ltd [2020] NSWSC 1616 (Kunc J) – Acting for judgment creditor seeking to have funds in Court garnished (Unled)

Higgins v Australian Capital Territory [2020] ACTCA 56 (Mossop J, Stewart J and Loukas-Karlson J) – Acting for Territory opposing appeal where primary judge had summarily dismissed claims for injunctive and declaratory relief (Led by V Thomas)

Mariconte v Nobarani [2020] FCA 1485 (Markovic J) – Acting for creditor defending a bankruptcy notice in circumstances where debtor alleged the bankruptcy notice should be set aside for abuse of process (Unled)

Glover v Kaji Australia Ltd [2020] NSWCA 222 (Bathurst CJ, Macfarlan JA and White JA) – Opposing appeal concerning a conspiracy case dismissed by primary judge (Led by D Lloyd)

Alexiou v Alexiou [2020] NSWSC 748 (White J) – Acting for estate opposing application to remove executor as trustee over estate assets before trust had formed (Unled)

James v ANZ Group Ltd v James [2020] NSWCA 101 (Basten JA, Emmett AJA and Simpson AJA) – Appeal concerning guarantor’s application to set aside a consent judgment based on misleading and deceptive conduct of creditor (Led by D Pritchard SC)

James v ANZ Group Ltd (No 2) [2020] FCA 663 (Jagot J) – Acting for applicant seeking to set aside bankruptcy notice on the ground of a misstatement (Unled)

Robinson v Robinson [2020] NSWCA 4; 102 NSWLR 1 (Meagher JA, Ward JA and Gleeson JA) – Appeal concerning judge’s approval of release of family provision claim (Led by J Brown)

Pulitano v Pulitano [2019] NSWSC 1688 (Henry J) – Acting for plaintiff in family provision claim (Led by J Brown)

Olsen v Mentink [2019] NSWCA 279 (Leeming JA) – Summons seeking to limit the time in which appellate had to appeal (Led by J Brown)

Gujarat NRE India Pty Ltd v Wollongong Coal Ltd [2019] HCATrans 226 (Kiefel CJ and Keane J) – Special leave application concerning a guarantor’s waiver of its right of indemnity in a multi-party deed (Led by J T Gleeson SC)

Barletta v Saitaa [2019] NSWSC 1624 (Ward CJ in Eq) – Acting for applicant in seeking disclosure of Centrelink records and issues concerning *Harman* undertaking (Unled)

Hossain v Unity Grammar College Ltd and Ors [2019] NSWSC 1313 (Campbell J) – Acting for insurer in relation to a personal injury claim concerning gas explosion at a school and issues concerning cross-claims between tortfeasors (Led by M Fordham SC)

Kannisto v Kannisto (No 2) [2019] NSWSC 950 (Davies J) – Application for approval of settlement under s 76 of the *Civil Procedure Act 2005* (NSW) (Unled)

Whall v Stamp [2019] NSWCA 163 (Basten JA, Leeming JA and Payne JA) – Appeal on the basis of a denial of procedural fairness in a final hearing determining a life estate in a property (see also costs judgment: [2019] NSWCA 284) (Led by J Brown)

ANZ Group Ltd v James (No 3) [2019] NSWSC 832 (Ball J) – Acting for guarantor seeking to set aside consent judgment to bring other claims against creditor (Led by D Pritchard SC)

CFMEU v DP World Sydney Ltd [2019] FCAFC 99 (Rares J, Jagot J and Bromwich J) – Opposing appeal of the Full Bench of FWC’s decision to refuse protected industrial action (Led by Y Shariff)

Olson v Keefe (No 4) [2019] FCA 691 (Bromwich J) – Application for indemnity costs (Led by Y Shariff)

Patricia Norman by her tutor Peter Joseph Norman v Norman [2019] NSWSC 551 (Bellew J) – Claim for possession and related application for stay of possession orders (Unled)

Olson v Keefe [2019] FCA 339 (Lee J) – Opposing leave application to appeal orders striking out and summarily dismissing aspects of claim (Led by Y Shariff)

Boart Longyear Ltd, in the matter of Boart Longyear Ltd [2019] FCA 62; 134 ASCR 591 (Farrell J) – Acting for ASIC intervening in a hearing concerning a scheme of arrangement and the proper interpretation of s 411 of the *Corporations Act 2001* (Cth) (Led by Y Shariff)

Olson v Keefe (No 3) [2018] FCA 2001 (Bromwich J) – Opposing leave to amend pleading (Led by Y Shariff)

Stamp v Whall [2018] NSWSC 1811 (Lindsay J) – Acting for individual seeking life estate based on an estoppel (Unled) (Successfully overturned on appeal: *Whall v Stamp* [2019] NSWCA 163)

CPPIB Credit Investments v Ren [2018] NSWSC 1568; 19 BPR 38,989 (McDougall J) – Acting for vendor defending claim for return of deposit under sale contract (Led by N Beaumont SC)

Commissions of Inquiry

Inquest into the Death of Scott Orrock (2025) – Acting for Transport for NSW (Unled)

Special Commission of Inquiry into LGBTIQ Hate Crimes conducted by Sackar J (2023) – Acting for the Miller family (Led by D Tynan)

Casino Review of The Star conducted by Adam Bell SC (2021-2022) – Counsel Assisting (Led by N Sharp SC)

Casino Inquiry into Crown Resorts conducted by the Hon. P A Bergin SC (2020-2021) – Counsel Assisting (Led by A Bell SC and N Sharp SC)