

# Curriculum Vitae

## PERSONAL INFORMATION

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**Full Name** Mr Matthew Youssef  
**Solicitor** May 2013  
**Barrister:** May 2022

## TERTIARY EDUCATION

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- Bachelor of Commerce (Commercial Law), University of Sydney, 2011
- Bachelor of Laws (Honours Class I), University of Sydney, 2013.

## PROFESSIONAL EXPERIENCE

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- May 2022 to date – 12<sup>th</sup> Floor Wentworth Selborne Chambers - Barrister
- December 2017 to April 2022 – Ashurst – Sydney – Senior Associate
- March 2013 to December 2017 – HWL Ebsworth – Sydney – Graduate to Senior Associate

## PRINCIPAL AREAS OF PRACTICE

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- Banking and Financial Services
- Bankruptcy, restructuring and insolvency
- Commercial Law
- Competition and Consumer
- Contracts
- Corporations
- Class Actions
- Equity
- Property and securities
- Royal Commissions
- Regulatory investigations and enforcement
- Torts

## RECENT SUPERIOR COURT MATTERS AS COUNSEL

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- ***Societe Generale v Forum Finance & Ors (led by S Gray)***: Case relating to fraud, breach of contract, the torts of injurious falsehood and conspiracy, knowing receipt and knowing assistance, and misleading and deceptive conduct.
- ***Ruella Pty Ltd & Anor v Steel Corp Engineering Aus Pty Ltd & Ors (unled)***: Case relating to trespass to land, including urgent *ex parte* injunctions.
- ***Leighton Holdings Pty Ltd v J N H Group Pty Ltd (unled)***: Case relating to the unreasonable maintenance of caveats over a completed property development, including obtaining urgent *ex parte* orders for the removal of caveats.
- ***Coastal Services Centres v United Petroleum Pty Ltd [2023] NSWSC 1010, United Petroleum Pty Ltd v Coastal Service Centres Pty Ltd [2024] NSWCA 97 and United Petroleum Pty Ltd v Coastal Service Centres Pty Ltd [2024] HCASL 238 (led by A Harding SC)***: Cases relating to, among other

things, the obligation to issue notices under commercial lease within a reasonable time and in accordance with the implied obligation of good faith.

- ***Rabah Enterprises Pty Ltd v LCM Operations Pty Ltd [2023] NSWCA 203 (led by C Ward SC)***: Case seeking urgent stay pending appeal.
- ***Raffy Nominees Pty Ltd v nib Holdings Ltd (No 2) [2023] NSWSC 1294 (led by A Harding SC)***: Case relating to the resistance of third party costs orders on the basis that the Court was *functus* due to the making of earlier costs orders.
- ***Yousef v Royal Australasian College of Surgeons [2023] NSWSC 504 (led by A Harding SC)***: Case relating to the review of a decision to revoke an offer to participate in the SET Program.
- ***Bailey v Bailey [2024] NSWSC 101 (unled)***: Case relating to the relief for declarations and monetary judgment for payments made under guarantee, and related s 66G *Conveyancing Act 1919* (NSW) application.
- ***Cyclopharm Limited & Anor v Morcos & Ors (led by P Jammy)***: Case relating to alleged breaches of the equitable duty of confidence and the tort of conspiracy, and counter-claims by our clients for misleading and deceptive conduct and the tort of injurious falsehood.
- **Confidential international commercial arbitrations (led by J Hutton SC)**: Case relating to disputes under claim and indemnity provisions of a share sale and purchase agreement.
- ***Leone v Leone & Ors; Leone Holdings Pty Ltd v Leone & Ors (led by A Harding SC)***: Case relating to shareholder oppression with related derivative proceedings.

## SIGNIFICANT MATTERS AS SOLICITOR

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- **Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry**: Lead Senior Associate acting for ANZ in the Royal Commission in connection with its financial advice, superannuation and insurance businesses. I was involved in the development of, and had a primary role in actioning, ANZ's strategy, submissions and evidence with the partners and counsel, and supervising other team members.
- **ASIC v ANZ**: Lead Senior Associate on certain topics and issues arising out of a regulatory investigation by ASIC in connection with ANZ's charging of periodical payment non-payment fees, culminating in proceedings in the Federal Court of Australia (*Australian Securities and Investments Commission v Australia and New Zealand Banking Group Limited (No 3) [2020] FCA 1421*).
- ***AxiCorp Financial Services Pty Ltd and ASIC [2020] AATA 92***: Lead Senior Associate acting for AxiCorp in connection with 'bet the company' litigation involving a delegate hearing to suspend/cancel its AFSL, and subsequent appeal to the AAT. Matter settled.
- ***Bleeker St Nominees Pty Ltd & Anor v Merrill Lynch Equities (Australia) Limited***: Lead Senior Associate acting for Merrill Lynch in respect of claims brought against it in the Supreme Court of New South Wales for negligence, breach of fiduciary duties, breach of contract and the ASIC Market Integrity Rules.
- ***Chand v Commonwealth Bank of Australia [2014] NSWSC 708; Chand v Commonwealth Bank of Australia [2015] NSWCA 181; Chand v Commonwealth Bank of Australia [2015] HCATrans***

**329:** Acting for CBA in respect of claims of negligence and breach of contract in the Supreme Court of NSW, Court of Appeal and the High Court.

- **ASIC & ANZ/RI Advice:** Acting for ANZ in respect of an ASIC investigation into its former aligned dealer group, RI Advice, and one of its advisers, arising out of the Royal Commission.
- **ASIC & ASX100 Company:** Acting for an ASX100 company in respect of an investigation by ASIC's Corporate Governance Taskforce.
- **Uy v Ng [2021] NSWSC 429; Uy v Ng (No 2) [2021] NSWSC 605:** Acting for a private investment firm and its managing director in respect of proceedings involving contractual claims.
- **Multinational Investment Bank:** Acting for a multinational investment bank in respect of a dispute concerning one of its investment products with potential class action ramifications.
- **ASX50 Company Class Action Exposure:** Acting for an ASX50 company in respect of its securities class action exposure following a material event, and its subsequent investigation of the cause of the event.
- **Independent School:** Acting for an independent school in respect of sensitive corporate governance issues.
- **Product liability/regulatory enforcement action:** Acting for an importer of products in respect of allegations concerning the contamination of products with asbestos, including in respect of claims by customers, and potential regulatory enforcement action from the Australian Border Force.
- **Nichols Constructions Pty Limited v Elphick [2015] NSWSC 940; Nichols Constructions Pty Limited v Elphick [2015] NSWSC 1732; Nichols Constructions Pty Limited v Elphick (No 2) [2015] NSWSC 1822:** Acting for a borrower in respect of debt proceedings and counter-claims concerning a property development in Queensland, involving issues regarding contract and equitable relief.
- **Legatum Limited v Salim [2016] NSWSC 298:** Acting for a Dubai hedge fund in respect of the recognition and enforcement of a judgment obtained against an Australian resident in the Dubai International Finance Court, including appearing at the recognition hearing.
- **Gan v Export-Import Bank of Malaysia Berhad [2017] NSWSC 176:** Acting for a Malaysian bank to dismiss a claim brought in the Supreme Court of New South Wales on the basis of *forum non conveniens*.
- **Interleasing (Australia) Limited v Tieman Industries (in liq) [2015] FCA 1120:** Acting for the plaintiff (a subsidiary of the McMillan Shakespeare group) in proceedings against the administrators/liquidators of Tieman Industries in respect of PPSA and other disputes. Matter settled.
- **Re Dan Phillips Holdings Pty Ltd [2017] NSWSC 954:** Acting for the plaintiff in contested winding up proceedings.
- **Bank of Queensland v Awad [2015] NSWSC 381; Bank of Queensland v Awad [2015] NSWSC 1579:** Acting for Bank of Queensland in lengthy debt/possession proceedings involving claims of, among other things, unconscionability and unfair contract terms. Matter settled.
- **Australia and New Zealand Banking Group Limited v Akle [2014] NSWSC 1314:** Acting for ANZ in lengthy debt/possession proceedings involving issues of transfer of secured property in family court proceedings, bankruptcy issues and claims of, among other things, unconscionability,

including personally appearing for ANZ in respect of a contested interlocutory dispute concerning privilege. Defendants became bankrupt during course of proceedings.

- **Collapse of the CMA Group:** Acting for a significant group of international creditors in respect of the administration of the CMA group of companies in Australia, including the terms and administration of the Deed of Company Arrangement, and the subsequent members voluntary liquidation.
- **Winding up of the LM Investment Management Managed Investment Schemes:** Acting for a secured creditor in the winding down and liquidation of LM Investment Management MISs, including the appointment of a receivers and subsequent proceedings brought in the Supreme Court of Queensland.