

ELEVEN
WENTWORTH



Elisa Holmes

11/180 Phillip Street
Sydney NSW 2000
DX 377 Sydney
t: (02) 9112 3301
e: holmes@elevenwentworth.com

Elisa Holmes

Elisa is an experienced trial and appellate advocate, and has practised as a barrister for over 12 years, including 8 years in London before returning to the Bar in Sydney. In 2012.

Elisa has a general commercial and equity practice, with particular expertise in corporations, banking, insolvency, company, insurance trade practices, contract, and competition,

Elisa is also a leading sports lawyer, and sits on sporting tribunals, panels and judiciaries, as well as appearing as an advocate for players, sporting associations and clubs.

The majority of Elisa's practice in the UK was in the High Court and the Court of Appeal., where she appeared in a large number of significant commercial cases and regulatory cases.

Contact details:

11/180 Phillip Street
Sydney NSW 2000
DX 377 Sydney
t: (02) 9112 3301
e: holmes@elevenwentworth.com

Admission to the Bar:

1998 (South Australia) | 2003 (England & Wales) | 2012 (New South Wales)

Principal areas of practice:

- Commercial/Equity
- Corporations/managed investment schemes
- Banking
- Insolvency/administration
- Class actions
- Insurance
- Trade Practices/competition
- Public and administrative law
- Sports law

Career Summary:

2012 – current Barrister Sydney
2005-2012 Barrister – London
2003-2004 Pupillage, London
2002-2003 University of Oxford, MPhil (First Class)
2001-2002 University of Oxford, BCL (First Class)
1999-2001 Barrister – Adelaide
1998 Reader, Adelaide (Tom Gray QC and Lindy Powell QC)
1994-1997 University of Adelaide, LLB(Hons)(First Class)(University Medal)

Selected cases:

Corporations, including managed investment schemes, insolvency:

HP Mercantile Pty Limited v Hartnett & Ors [2015] NSWSC 1475; [2016] NSWCA 342

AMP Life Ltd v AMP Capital Funds Management Ltd [2016] NSWCA 176

In the matter of Eastmark Holdings Pty Limited (receivers and managers appointed) and 1 Denison Street Holdings Pty Ltd (receivers and managers appointed; In the matter of Eastmark Holdings Pty Limited (receivers and managers appointed) (subject to a deed of company arrangement) & ors [2015] NSWSC 2070

Ausbil Investment Management Limited in its capacity as responsible entity of the Australian Emerging Leaders Fund v PriceWaterhouseCoopers and Ors (Federal Court, No. NSD 1147 of 2015)

Lantern Hotel Group Limited v Millinium Asset Services Pty Limited (Supreme Court Equity Division) 2014/72776)

DSG Holdings Australia Pty Ltd v Helenic Pty Ltd (No 2) [2014] NSWCA 142 [2014] NSWCA 96; Helenic Pty Ltd as trustee of the Mastrantonis Family Trust v Retail Adventures Pty Ltd (Administrators Appointed) [2013] NSWSC 1973

Strawbridge, in the matter of Retail Adventures Pty Ltd (Administrators Appointed) v Retail Adventures Pty Ltd (Administrators Appointed) [2013] FCA 891

Banking and finance:

Commonwealth Bank of Australia v Brick & Block Company Pty Ltd (in Liq) [2016] NSWSC 1277

Commonwealth Bank of Australia v Rafidi and Brick & Block Company Pty Limited (In Liq) ([2016] NSWSC 1239) (judgment for the Bank on claim against it for \$183 million following withdrawal of that claim in fourth week of trial)

Geitonia Pty Ltd v Westpac Banking Corporation [2015] NSWSC 419

Swiss Re v Westpac (Supreme Court (Equity Division) 2016/00146650)

Citadel Property Group (Rockdale No 1) Pty Ltd & Ors v Capital Financial Australia Ltd & Ors [2016] NSWSC 890; (Costs) [2016] NSWSC 1182

ACN 0768481/2 Pty Ltd (administrators appointed-subject to DocA) & Anor v Commonwealth Bank of Australia (CA 201 511 84423)

Nitopi v Westpac Banking Corporation (Supreme Court (Equity Division) 2014/00295948

ELEVEN WENTWORTH

Trade practices/restraint
of trade/breach of
confidence

Healthcare Australia Pty Ltd v Randstad Pty Ltd [2016] NSWSC 1407

Truck Moves Australia Pty Ltd v S Brady Industries Pty Ltd (Supreme
Court of NSW (Equity Division) 2016/00079825)

Pandapak Pty Limited t/as Northwest Packaging v Robert Way & Ors
(Supreme Court of NSW (Equity Division) 2014/239397)

McCarthy v Ramsay Health Care (Federal Court no ACD 85 of 2012)

Dawson v Ramsay Health Care (Federal Court no 1149 of 2014)

Smith & Nephew Surgical Pty Ltd v Day [2014] NSWSC 1409

Novartis Pharmaceuticals Australia Pty Ltd v Bayer Australia Ltd [2013]
FCA 929; (No 2) [2013] FCA 1201 (No 3) [2013] FCA 1323; (6 December 2013)
(No 4) [2015] FCA 35

Lantern Hotel Group Limited v Millinium Asset Services Pty Limited
(Supreme Court (Equity Division) 2014/72776)

Many leading competition/anti-trust cases in the UK, including
BSkyB/News Corporation merger case, Lloyds / HBOS merger case, the
appeal against the Competition Commissions findings in its market
investigation into payment protection insurance and the appeal against
the Office of Fair Trading's decision in relation to anti-competitive
agreements in the tobacco industry

General commercial /
equity / contract:

HP Mercantile Pty Limited v Hartnett & Ors [2015] NSWSC 1475; [2016]
NSWCA 342

Donau Pty Limited v ASC AWD Shipbuilder Pty Limited (Supreme Court of
NSW (Equity Division) 2016/163292)

Meehan v Dawe (Supreme Court (Equity Division) 2016/183294)

Owners Strata Plan 74602 v Eastmark Holdings Pty Ltd [2015] NSWSC
1981; [2016] NSWSC 496; [2016] NSWSC 558

Springfield Property Consulting Pty Limited v Secured Global Opportunity
Limited & Ors (Supreme Court of NSW (Equity Division) 2015/38134)

Greenhill Developments Pty Limited v Cutajar & Ors (Supreme Court of
NSW (Equity Division) 2015/295713)

Gas price arbitration - Construction of Gas Sales Agreement (confidential)

Steak Plains Olive Farm Pty Ltd v Australian Executor Trustees Limited
[2015] NSWSC 42; [2015] NSWSC 289

Ren v Jiang (No 3) [2014] NSWCA 204

Partington v Newcastle City Council [2014] NSWSC 352

ELEVEN WENTWORTH

Class actions:	<p>Younger v Westpac Banking Corporation [2016] NSWSC 1186; substantive proceedings ongoing</p> <p>Stanford and Dunsmore v DePuy International Ltd and Johnson & Johnson Medical Pty Ltd (Federal Court of Australia, Proceeding NSD 213 of 2011) (advised group members in respect of proceedings and settlement)</p>
Negligence:	<p>Prince Alfred College Incorporated v ADC [2016] HCA 37</p> <p>Westpac v CBRE Pty Limited (Supreme Court (Equity Division) 2016/00143939)</p> <p>Perera v Genworth Financial Mortgage Insurance Pty Limited [2016] NSWCA 53; [2015] NSWSC 1357</p> <p>ACN 0768481/2 Pty Ltd (administrators appointed - subject to DocA) & Anor ats Commonwealth Bank of Australia (CA 201 511 84423)</p>
Insurance:	<p>Perera v Genworth Financial Mortgage Insurance Pty Limited [2016] NSWCA 53; [2015] NSWSC 1357</p> <p>Insurance Australia Ltd v Motor Accidents Authority of NSW [2013] NSWSC 1439</p> <p>Hahn v Commissioner of Police [2014] NSWIRComm 13</p> <p>Advised Law Claims in South Australia in respect of significant professional indemnity policy matters</p>
Sport:	<p>Chair, North Eastern Australian Football League (NEAFL) Tribunal AFL NSW Advocate</p> <p>Australian Olympic Committee, London 2012 Olympics, Team Advocate</p> <p>Court of Arbitration for Sport (CAS), frequent advocate, including anti-doping, disciplinary and selection disputes</p> <p>Port Adelaide Football Club (AFL) Eastern Advisory Board</p>
Administrative/public:	<p>Many high-level government cases in the UK, including advising senior Government ministers directly, and also the Ministry of Defence, for which Elisa had security clearance. Elisa was also on the UK Attorney-General's list of counsel.</p> <p>Advising public bodies such as the ABC in Australia and the BBC in the UK.</p>

ELEVEN WENTWORTH

Appointments, memberships and committees:

Recommended as a leading barrister in Chambers UK and Legal 500 legal directories:

"Elisa Holmes ... has been instructed in several significant cases ... She instils confidence as she provides acute legal thinking and has an elegant style in court. High-profile clients such as the BBC and the MoD are anxious to employ her services."

"Enthusiastic and clever."

"Committed, analytical and combative."

"A terrier-like desire to ensure that justice is done."

"An approachable and charming manner with the steel of a gritty and determined advocate".

Committee Member, Competition and Consumer Committee, Law Council of Australia

Team Advocate, Australian Olympic Committee – London 2012

Appeals adviser, Australian Olympic Committee – London 2012, Sochi 2014

Arbitrator, UK Sports Resolution Panel

Adelaide Law School Advisory Committee

Port Adelaide Football Club Eastern Advisory Board

Board Member, Directors Guild Trust of Great Britain

Member, Australian Institute of Company Directors

Professional Background:

Barrister, Eleven Wentworth, Sydney, current

Barrister, Monckton Chambers, Gray's Inn, London, 2005-

Visiting Research Fellow, Columbia University, New York City, 2004

Called to the Bar of England and Wales, 2003

BCL, MPhil, University of Oxford (Magdalen College), 2001-2003

Barrister, Howard Zelling Chambers, Adelaide, 1999-2001

Admitted to the Supreme Court of South Australia / High Court of Australia, 1998

Reader, Bar Chambers (Tom Gray QC and Lindy Powell QC), Adelaide, 1998

LLB (Hons) (University Medalist), University of Adelaide, 1995-1997

ELEVEN WENTWORTH

- Publications:**
- Chapter in Essays in Advocacy (Barr Smith Press, 2012)
 - Dissertation supervisor, Faculty of Law, University College, London 2011
 - Chapter in EU Competition Law: Procedures and Remedies (OUP, 2006)
 - Contributing author, Vaughan and Robertson: Law of the European Union (OUP)
 - "Law's Moral Criterion" (with Prof. John Gardner) chapter Exploring Law's Empire (OUP 2006)
 - "Anti-discrimination rights without equality" (2005) 68 MLR 175 Book Review, Fredman & Spencer eds, Age as an Equality Issue [2004] PL 913
 - Visiting Research Fellow, Lecturer, Faculty of Law, Columbia University, New York City, 2004
 - Tutor (contract law and tort), Balliol College, University of Oxford, 2002-2003
 - Young Researcher-International Association for Philosophy of Law & Social Philosophy, 2003
 - Paper, "Two Concepts of Law" (with Prof John Gardner) - Oxford Philosophy Colloquium, 2003
 - Research assistant to Professor Chris McCrudden, Lincoln College, Oxford, 2002
 - Tutor, Faculty of Law, University of Adelaide, 2000-2001
 - "Getting Notices Right", paper presented at Consumer Credit Laws Seminar on 26 August 1999, published by Legal and Accounting Management Services Pty Ltd
 - "Major Utility Failure – Class Actions", paper co-authored with Tom Gray QC, the Australian Mining and Petroleum Law Association Seminar, 22 June 1999
- Academic background:**
- Visiting Research Fellow, Faculty of Law, Columbia University, New York, 2004
 - MPhil, University of Oxford (Magdalen College), 2002-2003 (First Class) Overseas Research Scholar, Freshfields Scholar, Law Faculty, University of Oxford, Oppenheim Scholar (Magdalen College), Commonwealth Scholar
 - BCL, University of Oxford (Magdalen College), 2001-2002 (First Class)
 - Bachelor of Laws (Hons), University of Adelaide, 1995-1997 (First Class) (University Medal) The Thompson Playford Prize and Medal, The Angus Parsons Prize, David Murray Scholar, Law Society of South Australia Centenary Prize, John Bray Law Chapter of the Alumni Association Prize, several subject prizes
 - Bachelor of Arts (Journalism), University of South Australia, 1992-1994