

RICHARD PARRISH
Curriculum Vitae

Personal Information

Name: Richard Parrish
Nationality: Australian
Resides: Grand Cayman, Cayman Islands
Marital Status: Married
Age: 36 years old (13 November 1986)

Professional Qualifications

- Admitted to Practice as a Solicitor of the Supreme Court of Victoria and the High Court of Australia in September 2012 (5+ yrs PQE)
- Admitted to Practice as an Attorney-at-Law in the Grand Court of the Cayman Islands (March 2019)

Languages

- English, French (Proficient), German (Basic)

Education

- (Jan 2011- June 2011) Leo Cussen Centre for Law
 - **Graduate Diploma of Legal Practice**
- (2005-2010) The University of Melbourne
 - **Bachelor of Laws / Arts (French - Political Science)**
- (1989-2004) Geelong Grammar School, Victoria
 - **Victorian Certificate of Education 2004** (English, German, French, International Relations, Australian History, History Revolutions)

Professional Experience

Attorney (Litigation) @ Broadhurst LLC (January 2020)

Commenced employment with Broadhurst LLC in March 2020.

Associate (Litigation) @ Ogier (February 2019– December 2019)

Having moved to the Cayman Islands with Ogier at the beginning of February 2019, I have gained experience in a wide variety of matters, however, specialised mainly in contentious insolvency matters and dissenter shareholder claims pursuant to section 238 of the Companies Law (2018 Revision), more particularly:

- a) Acting on behalf of (on island) joint official liquidators with respect to seeking the Court's sanction to sell certain recovered assets in circumstances where those assets were the subject of foreign proprietary claims. This involved the initial drafting of both the application and affidavit in support of the sanction application, as well as legal analysis of the alleged proprietary claims, in conjunction with senior counsel.
- b) Acting on behalf of various dissenter groups in different section 238 proceedings, which has included but not been limited to; determining appropriate strategy, advising dissenters as to the effect of recent decisions of the Grand Court and/or Court of Appeal in similar proceedings, consideration and discussion of appropriate expert witnesses, drafting and amendment of directions;

- c) Preparation of written advice to clients on matters as they relate to Cayman law, including but not limited to; Beddoe relief and the effect of forum non conveniens clauses in trust deeds under Cayman law;
- d) Drafting of statements of claim in commercially litigious matters and attendance at Court on watching briefs;
- e) General assistance in the preparation of skeleton arguments, hearing bundles (both for the Grand Court and Court of Appeal), affidavit evidence, client updates and case articles, as well responsibility and management of the process with respect to obtaining work permits and limited admission for UK based senior counsel.

Senior Associate (Disputes Team) @ Gadens Lawyers (April 2012 – Present)

Having commenced my career as a graduate solicitor (trainee solicitor) at Gadens in April 2012, I have been fortunate to have gained experience in a wide variety of contentious matters, specialising in high-value commercial litigation and contentious insolvency matters, more specifically:

- a) Acting on behalf of the Deputy Commissioner of Taxation in initiating the wind up of insolvent companies and the sequestration of individuals for outstanding taxation liabilities.
- b) Undertaking recovery action on behalf of Liquidators, including but not limited to; unfair preference claims, breach of directors' duties claims, insolvent trading claims, breach of contract claims (with respect to negligent advice) and voidable transactions under the *Corporations Act 2001* (Cth).
- c) Institution, conduct and defence of Federal Court and Supreme Court corporate wind up proceedings (including preceding creditor's statutory demand matters).
- d) Provision of advice to insolvency practitioners with respect to the compatibility of their powers and duties under the *Corporations Act 2001* (Cth) with various Australian taxation legislation, including powers of review.
- e) Acting on behalf of both corporate and individual clients in various commercial disputes including leasing, franchise and joint venture disputes, debt recovery actions, breach of contract claims, breach of confidence and professional negligence claims. This includes drafting of court pleadings, affidavits, and witness statements.
- f) Providing advice of effective dispute resolution clauses and standard terms and conditions of supply.
- g) Advice regarding *Corporations Act 2001* (and related legislation) matters including but not limited to:
 - i. directors' common law and statutory duties;
 - ii. voidable and preference transactions;
 - iii. insolvent administration and liquidation of companies;
 - iv. enforcement proceedings issued by the Australian Securities and Investments Commission; and
 - v. Corporate governance and shareholder disputes.
- h) Acting on behalf of an ASX listed gambling agency in a defective goods claim under the Australian Consumer Law.
- i) Institution, conduct and defence of misleading and deceptive conduct claims under the Australian Consumer Law on behalf of both individual and corporate clients.
- j) Royal Commission into Institutional Responses to Child Sexual Abuse – acting for and advising a boarding school in its representation before the Royal Commission.

- k) Acting for individuals in various Ombudsman's Inquiries including in investigations into alleged detrimental action taken in reprisal arising out of protected disclosures made under the *Protected Disclosures Act 2012 (Vic)*.
- l) Acting on behalf of insurers in personal injury application, workers' compensation (and associated statutory recovery actions) and medical negligence claims.

Recent Case Highlights

Liquidator Proceedings

Claims

- Acting on behalf of a Liquidator in bringing breach of contract and common law negligence claims with respect to the failure of a top tier accounting firm to provide specific taxation advice which consequently resulted in the wind up of the Company by the Australian Taxation Office. Proceeding was settled in favour of the Liquidator for \$150,000 less than claim amount.
- Acting on behalf of a Liquidator with respect to unfair preference payments made to a former director and his wife, as well as to the Australian Taxation Office. Proceedings were settled in favour of the Liquidator recovering 90% of the payments made.
- Acting on behalf of a Liquidator with respect to an insolvent corporate trustee whereby a property held in its name was alleged by the former director to be held by the company in its role as trustee for another unrelated trust. Issue pertained to establishing whether property was purchased in capacity as trustee, whether other trust entity was properly established and whether Liquidator had right for its fees to be reimbursed from trust assets in light of recent decisions in both the Supreme Court of Victoria and Federal Court of Australia. Determination in Liquidator's favour resulting in order from the Court that the property be sold and Liquidator's fees be reimbursed from sale proceeds.
- Provision of advice to liquidator with respect to his powers to adjudicate on proofs of debt of the Deputy Commissioner of Taxation outside the provisions of the *Taxation Administration Act 1953 (Cth)*, as well as admissibility of debts where insolvent entity acts as a manager as a manager of a partnership.

Key Experience

- Experienced gained included case analysis and analysis of original engagement documentation; knowledge of court procedure, instructing and working with leading counsel and juniors in Melbourne.
- Drafting claim forms, statements of claim, various applications in the proceedings and evidence; appearing for the Liquidator at the hearings of applications to serve out of the jurisdiction; arranging service, including working with service agents in other jurisdictions; discovery (disclosure); inter-parties correspondence; drafting settlement and standstill documentation; inter-parties correspondence; attending trial.
- Drafting all necessary court filings; working closely with the liquidator and his team to coordinate strategy; liaising with local counsel; advising the liquidator in relation to the liquidator's powers/duties correspondence with the liquidator and third parties regarding confidential liquidation proceedings; and instructing and working with expert witnesses on questions of taxation and/or insolvency law.

Other matters

Claims

- Acting on behalf of a director and company the subject of an alleged oppression and breach of directors' duties claim by a former director and shareholder of the Company. Issues pertained to whether the Company should be wound up or allowed to continue and/or whether our client had engaged in conduct in contravention of his duties under the *Corporations Act 2001* (Cth). Judgment in our client's favour with a referral of the Plaintiff's conduct to the Australian Securities and Investment Commission.
- Acting on behalf of a start-up logistics company in bringing a claim against their former offshore telecommunication service providers for breach of contract and misleading and deceptive conduct under the Australian Consumer Law. Settled at mediation.
- Acting on behalf of four Singaporean nationals the subject of a breach of contract claim by a large Australian mining company as a result of failure to make payment with respect to certain share subscription agreements. Judgement in favour of the Plaintiff, however, stayed for a period of six months.
- Acting on behalf of the Deputy Commissioner of Taxation in numerous proceedings seeking to wind up corporate taxpayers as a result of failing to satisfy a statutory demand issued for unpaid taxation liabilities.

Key Experience

- Running and managing proceedings with limited supervision, overseeing a team of five junior solicitors, advising and briefing junior and senior counsel, liaising with and managing client expectations, drafting and settling all correspondence on matter prior to partner approval, appearing in all interlocutory applications, instructing counsel in trial, preparing witness statements, as well as instructing and working with expert witnesses.
- Determining proper service, assessing solvency, dealing with various stakeholders (creditors, administrators, receivers, proposed liquidator and former directors) during wind up of corporate entity, general advocacy.