

YUAN WEN

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PERSONAL STATEMENT

I am a New Zealand qualified commercial litigation solicitor with 4 years of experience at a top tier law firm (Russell McVeagh) and a high quality boutique (Morrison Mallett). I have worked on a broad range of litigation files, including contractual disputes, claims in equity, claims under the Companies Act 1993, debt recovery and a regulatory prosecution.

QUALIFICATIONS AND SCHOLARSHIPS

Aug 2018 Admitted as a barrister and solicitor of the High Court of New Zealand

University of Auckland LLB/BCom, major in Economics
Jan 2012 – Dec 2016

- Grade point average: 7.63/9
- Russell McVeagh Scholarship for Law
- Top in course award for Law of Torts
- University of Auckland Scholarship

Epsom Girls Grammar School Proxime Accessit
NCEA Level 1, 2 and 3 endorsed with Excellence, Outstanding Scholarship in Biology and Scholarship in Chemistry

WORK EXPERIENCE

Morrison Mallett: a specialist corporate and commercial firm. Finalist of the 2021 NZ Law Awards Boutique Law Firm of the Year.

Jul 2019 – **Solicitor**
I assist the Litigation Partner and Senior Associate on all aspects of a file, including:

- drafting court documents, for example, pleadings, interlocutory applications, affidavits, memorandum of counsel and submissions;
- drafting letters or memorandum of advice to the client;
- discovery;
- briefing factual and expert witnesses and drafting briefs of evidence;
- drafting solicitors' letters, calderbank offers and settlement agreements; and
- appearing as junior counsel.

Examples of work

Commercial and General Litigation

- Running a file with limited supervision from an external barrister involving two separate proceedings with claims in contract and equity. My responsibilities included: acting as the client's main point of contact; preparing the first set of proceedings for trial by drafting submissions and cross examination topics until the matter was adjourned due to COVID-19; drafting and issuing separate proceedings; undertaking discovery; conducting witness

interviews unsupervised (in Mandarin and English); drafting briefs of evidence; and briefing an expert witness.

- Acting for a property developer and his related entities to defend against a complex \$100 million claim for breach of fiduciary duties, knowing receipt and misrepresentation. My responsibilities included: managing a large scale discovery from a caseload of 300,000 documents; drafting an application for further and better discovery; opposing an application for further discovery; and opposing an application for adjournment and the joinder of two further defendants.
- Acted for the respondents in the High Court and Court of Appeal to oppose an application to sustain caveats over 29 titles of land. My responsibilities included: researching and drafting submissions on complex issues relating to constructive trusts and land transfer fraud; preparing hearing bundles; appearing as junior counsel in *Green & McCahill Holdings Limited v Ara Weiti Developments Limited* [2021] NZHC 219; and liaising with Counsel as to the preparation of the electronic casebook on appeal. The Court of Appeal's decision is pending.
- Acted for a national retailer in *Re Farmers Trading Co Limited* [2019] NZHC 2987 to successfully obtain orders under the Trustee Act 1956 to vest trust assets into an incorporated society. As the only solicitor on the file, I assisted the Partner to draft various court documents, including a without notice application, the statement of claim, supporting affidavits, counsel's memoranda and sealed orders.
- Acted for a medical centre to successfully defend against claims by a property developer for breach of contract, quantum meruit and estoppel in *Northlake Investments Limited v Wanaka Medical Centre Limited* [2020] NZHC 154. I drafted sections of the closing submissions and assisted the Senior Associate to prepare cost submissions. Indemnity costs were awarded.
- Appeared as junior counsel in an application for interim injunction in *Ross v Mediaworks Holdings Limited* [2020] NZHC 2574.
- Appeared in the High Court on agency instructions to argue an application for substituted service on a non-party.
- Acted for a national food manufacturer in proceedings against its former directors. I assisted the Partner and Senior Associate to: interview factual witnesses; engage and brief four expert witnesses; draft witness briefs including the brief as to quantum; respond to evidence objections; draft WP offers; and draft a settlement agreement.
- Acted for a company director and shareholder to defend against claims for knowing receipt and misrepresentation. As the only solicitor on the file, I assisted the Partner to conduct witness briefings, draft briefs of evidence and negotiate a favourable settlement outcome.
- Acting for a restaurateur to defend against a debt claim under the Construction Contracts Act 2002. I drafted the statement of defence and counterclaim for defective building work.
- Drafted an application for security for costs and the synopsis of submissions. Security for costs were entered by consent.
- Drafted sentencing indication submissions for a grazier charged with offences under the Animal Welfare Act 1993.

Debt recovery

- Advising a creditor on its enforcement options in respect of a \$15mil debt and on issues relating to voidable transactions. In the process of appointing receivers to conduct a mortgagee sale.
- Acted for a landlord to recover rent arrears. I was heavily involved in drafting the statutory demand, the application for summary judgment and the application for substituted service.
- Advised an investment vehicle as to the merits of opposing a statutory demand issued by one of its investors.

Enforcement of foreign judgments

- Acted for a public listed company in Malaysia to apply for freezing orders, the registration of a foreign judgment and appeal the High Court's decision to rescind the freezing orders. I advanced the preparation of the electronic casebook for the case on appeal, drafted the notice abandoning the appeal and the memorandum as to costs. The appeal was abandoned after the foreign judgment was set aside by the Malaysian High Court.

Russell McVeagh: a top tier law firm in New Zealand.

Feb 2018 – Aug 2018 **Law Graduate**
Aug 2018 – Jul 2019 **Solicitor**
I was a junior in the Corporate M&A team and the construction litigation team.

Examples of Work

- Acted for a private equity client on a \$300mil acquisition of a healthcare company. I assisted the M&A team in the due diligence phase of the transaction by running the RFIs and drafting sections of the due diligence report.
- Assisted the Special Counsel to prepare applications to the Overseas Investment Office seeking consent for the purchase of sensitive land and assets by international investment funds.
- Assisted the litigation team to prepare court documents seeking orders under the Companies Act 1993 approving a scheme of arrangement for a \$2.5 billion acquisition.
- Assisted the litigation team to advise a litigation funder on the merits of funding a class action against manufacturers of combustible PE Core Cladding by researching potential causes of action.

OTHER ROLES

April 2017 – Feb 2018 PADI Divemaster and underwater photographer at Phi Phi Scuba in Thailand
Nov 2015 – Feb 2016 Summer intern in the Corporate M&A team at Russell McVeagh
Nov 2014 – Feb 2015 Summer intern in the Tax Team at PricewaterhouseCoopers

INTERESTS Scuba/Free Diving, surfing, travelling, running, reading

References available on request