

Arnold Bloch Leibler

Lawyers and Advisers

Litigation & dispute resolution



- administrative and public law
- competition
- construction and building
- general commercial disputes
- mediation and arbitration
- reconstruction and insolvency
- takeovers
- taxation
- white-collar crime defence



Arnold Bloch Leibler's litigation & dispute resolution practice has earned an outstanding reputation for its strategic, practical and commercially focused advice.

Our litigators are acutely aware of the need to weigh the effect of a dispute on a business – not just in terms of the likelihood of success or the anticipated settlement sum – but also with regard to the potential for damage to a company's reputation, share price and productivity.

Years of experience advising on highly complex cases has given our lawyers a deep understanding of the likely outcome, risks and rewards of a particular course of action. Litigation may be one way of achieving a business goal: in other circumstances, private negotiation, mediation, arbitration, conciliation, mini-trials or expert determinations may be more suitable options. Arnold Bloch Leibler's litigators are skilled in the specific techniques required to conduct such a range of alternative dispute resolution options. Whatever the method, our objective is to achieve the best possible result with the least disruption to a client's business.

Our services

Members of the litigation & dispute resolution team regularly appear in all courts and tribunals and have represented many clients before Federal and State Royal Commissions and Boards of Inquiry. They act in a broad range of commercial disputes, including:

Administrative and public law

Our lawyers have extensive knowledge of the legal principles and policy considerations that underpin government decision making. The firm is experienced in conducting a wide range of constitutional and public law matters for clients in both courts and administrative tribunals. In addition, the firm undertakes work for several government and semi-government authorities, local government and non-government organisations.

Competition

Today, almost every business activity comes under the provisions of the *Competition and Consumer Act*. Our lawyers are experienced in representing clients involved in a wide range of competition issues, from securing Australian Competition and Consumer Commission (ACCC) approval of a proposed merger or acquisition, to defending or raising allegations of anti-competitive behaviour such as price fixing, misuse of market power, misleading and deceptive conduct or collective boycotts.

Construction and building

Many of Arnold Bloch Leibler's key clients are involved in the property industry. We act for major landowners, entrepreneurs and commercial property developers in a range of development, building and construction disputes, involving claims management, construction agreements, commercial leases, professional negligence and trade practices claims.

General commercial disputes

Arnold Bloch Leibler advises on a wide range of corporate, trade, trust and partnership disputes, involving contracts, trade practices, negligence, directors' duties, intellectual property, insolvency, property, defamation and employment matters. Our advice is designed to safeguard clients' legitimate interests while minimising disruption to management and business activities.

Reconstruction and insolvency

Arnold Bloch Leibler's reconstruction and insolvency team advises liquidators, receivers and other insolvency administrators on the legal aspects of their appointments, assists creditors to recover the greatest possible returns and advises borrowers in negotiations to restructure credit arrangements. Our lawyers are skilled at all aspects of asset recovery and reconstruction litigation, including obtaining or challenging asset-freezing injunctions or orders for search and seizure, undertaking discovery or advising in relation to the appointment of receivers or liquidators.



Inside spread (l-r)
 Leon Zwier
 Kevin Frawley
 Zaven Mardirossian
 Peter Seidel
 Alex King
 John Mitchell
 Jonathan Milner
 Sam Dollard

Front cover (l-r)
 Leonie Thompson
 Robert Heathcote

Takeovers

Contested takeovers often involve messy, complicated disputes that demand creative solutions. Our commercially minded litigators have successfully led or defended a number of large scale corporate takeovers in the telecommunications, entertainment, mining, energy, finance and services sectors. Their strategic advice has been a significant factor in enabling clients to outmanoeuvre their opponents.

Taxation disputes

In concert with our highly regarded taxation team, Arnold Bloch Leibler's litigators represent clients in a variety of tax-related disputes, including tax audits, administrative appeals and litigation at trial and appellate levels. We also act on behalf of clients facing allegations of tax fraud.

White-collar crime defence

The firm has a global reputation for its strategic advice to corporations and individuals facing allegations of white-collar criminal activities, particularly involving issues of corporate governance, taxation and securities fraud. We have represented clients in royal commissions and public inquiries, class actions and negligence claims, and have also conducted internal investigations on their behalf.

Landmark matters

Examples of the firm's experience and expertise in litigation include acting on behalf of:

- Patrick Corporation: in a variety of matters, including:
 - its dispute with Toll Holdings in respect of their joint venture company, Pacific National Rail, and in the subsequent takeover of Patrick by Toll; and
 - in an arbitration with the Virgin Group over the initial public offering and listing of the airline carrier, Virgin Blue, on the Australian Stock Exchange;
- Visy Group: in proceedings brought by the ACCC in respect of an alleged cartel in the cardboard box industry;
- Oil Basins: in a commercial arbitration over royalties payable to Oil Basins by BHP-Billiton, Esso Australia Resources and others in respect of a gas and oil field in the Bass Strait, Australia;

- National Australia Bank: advising the board in relation to a class action being conducted in the United States by a group of shareholders;
- Mirvac, MAB Corporation, Becton Group and Tribeca: in a series of disputes involving property investors and off-the-plan apartment sales;
- James Hardie Industries: assisting in the negotiation of settlement of asbestosis claims made against the company;
- GIO: successfully defending the former non-executive directors of GIO in a class action brought by minority shareholders following the hostile takeover of GIO by AMP;
- Primelife Corporation: in proceedings brought by former senior executives whose contracts had been terminated following an internal investigation into the financial affairs of the company that had revealed a series of related-party transactions;
- NM Rothschild & Sons: in a multi-million dollar claim for damages for breach of warranty made by Westpac arising out of the sale of Rothschild's asset management business to Westpac;
- Trevor Kennedy: in Australian Securities & Investment Commission and Australian Taxation Office investigations in relation to Offset Alpine Printing;
- Liberty Group of Companies: in a major prosecution by the ACCC alleging price-fixing in the retail sale of petrol; and
- Victorian WorkCover Authority (VWA): representing VWA in the Longford Royal Commission into the causes of the explosion and fire at Esso's Longford Plant, and in VWA's subsequent prosecution of Esso for breaches of Occupational Health & Safety legislation. Esso was found guilty and fined \$2 million, the largest fine to date in Australia for health and safety breaches.



Partners (l-r)
John Mengolian
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Contacts

If you would like assistance with any litigation or dispute resolution issues, please contact head of practice, Leon Zwier on 61 3 9229 9646 or lzwier@abl.com.au. In Sydney, contact John Mitchell on 61 2 9226 7233 or jmitchell@abl.com.au.

Practice areas

Arnold Bloch Leibler offers a range of commercial and corporate advice, including:

- abl private;
- banking & finance;
- commercial & corporate;
- competition;
- litigation & dispute resolution;
- native title & public interest law;
- property & development;
- public companies;
- reconstruction & insolvency;
- taxation;
- technology & intellectual property; and
- workplace advisory.

At Arnold Bloch Leibler, clients are regularly updated on current topics of legal and business interest. For copies of recent publications, or for further information about the firm, please visit the Arnold Bloch Leibler web site at www.abl.com.au.

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