

Media release
Friday 13 March 2009

Arnold Bloch Leibler acts for TPI Enterprises

Arnold Bloch Leibler acted on behalf of Jarrod Ritchie and TPI Enterprises Ltd (TPI), an Australian owned Tasmanian poppy processing company, in defending Supreme Court litigation commenced by international pharmaceutical giant GlaxoSmithKline (GSK), alleging breaches of confidence and fiduciary duty.

In the action, GSK claimed that Mr Ritchie, a former GSK employee, had misused information gained during his seven years of employment at GSK in establishing TPI and developing processes for the manufacture of licit morphine and other opiates from poppies.

Arnold Bloch Leibler acted in interlocutory applications and at trial, and in May 2008 – after four years of legal action and a five-week trial in the Victorian Supreme Court – Justice Harper dismissed all of GSK’s claims against Mr Ritchie and TPI, stating: “I have been unable to find that any of the claims made by the plaintiff have been proved.” The result paved the way for TPI to compete in the highly competitive global licit opiates market. TPI is one of only three manufacturers of licit opiates in Australia.

In June 2008, after judgment had been handed down, TPI returned to the Supreme Court with an application seeking indemnity costs against GSK. In February 2009, Justice Harper handed down his judgment in favour of TPI, ordering GSK to pay TPI’s legal costs on an indemnity basis from the date the proceeding was commenced. Such an order is rare and the judgment is seminal on indemnity costs.

In his costs ruling, Justice Harper said: “GSK hoped that this litigation would result in TPI’s defeat and, with it, the withdrawal of a potentially formidable competitor... Alleged breaches of confidence must not be allowed to become inappropriate barriers to competition or the movement of labour. Yet that was the effect of this litigation.”

The matter was conducted by Arnold Bloch Leibler partner, Zaven Mardirossian, and senior associate, Caroline Goulden.

For more information, or to arrange an interview, contact **Katie Elston**, Marketing Communications Coordinator, (03) 9229 9715.

About Arnold Bloch Leibler

Arnold Bloch Leibler is a leading commercial law firm with offices in Melbourne and Sydney. The firm represents a wide range of individuals and corporate clients, including high-net-worth individuals and entrepreneurs, large family businesses and blue-chip corporations. Arnold Bloch Leibler also has a dedicated pro bono practice providing advice on social, environmental and cultural issues to more than 100 charitable and not-for-profit organisations.

Arnold Bloch Leibler is particularly known for its expertise in commercial law, litigation and dispute resolution, taxation and property. The firm also has an expanding presence in trade practices law. In these areas, the firm has been involved in many landmark matters and transactions.

