

SASHA DYRENFURTH
BARRISTER
CURRICULUM VITAE

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Admitted to the Legal Profession: 26 April 2005
Signed Victorian Bar Roll: 25 October 2012
Qualifications: BCom, LLB (Hons) (Melb)

Profile:

Key Areas of Practice

- Arbitration
- Banking & Finance
- Bankruptcy & Insolvency
- Commercial Law
- Common Law
- Corporate Insolvency
- Competition & Consumer Law
- Corporations
- Credit Law
- Equity & Trusts
- Insurance
- Leases
- Mediation
- Professional Negligence
- Property Law
- Public Examinations
- Securities

Sasha practises principally in commercial law, with a particular emphasis on contractual disputes, banking and finance, securities, insolvency, property, consumer and competition law, and professional negligence.

Sasha appears in all State and Federal courts and tribunals. He is frequently briefed to draw pleadings and provide advice. He represents clients in alternative dispute resolution processes including mediations, compulsory conferences and arbitrations.

A selection of cases in which Sasha have appeared/advised is as follows:

- *Aardwolf Industries LLC & Anor v Tayeh & Anor* (2019, NSWSC, judgment reserved) – CORPORATIONS – application for leave to commence and continue proceeding against liquidators – negligence – misleading or deceptive conduct.

- *Nash v Timbercorp Finance Pty Ltd (in liq), in the matter of the bankrupt estate of Nash* [\[2019\] FCA 957](#); 137 ACSR 189 – BANKRUPTCY – INJUNCTIONS – application to restrain solicitors from acting against former client in public examination – standing of examinee to make restraint application – possible misuse of confidential information – duty of loyalty – proper administration of justice.
- *Ray White (Caroline Springs) v Cvjeticanin* (4 April 2019, VCAT) – CONTRACT – commission claim by estate agent – terms of the agency contract – estoppel.
- *David A Harris v AMP Financial Planning* [\[2019\] VSC 24](#) – CONTRACT – INJUNCTIONS – application to restrain the defendant from relying on revocation and termination notices under authorised representative deeds of agreement – construction of termination at will/for convenience clause – alleged implied term of good faith and fair dealing – alleged unconscionable conduct.
- *Sivanantha v Shulsinger* (2019 and ongoing, VCC) – NEGLIGENCE – professional negligence against solicitor – loss of a chance to succeed in court proceeding.
- *Koga Nominees Pty Ltd v Loscam Australia Pty Ltd* (2017-2019, VSC) – LEASES – sub-lease – covenant to repair – structural repairs exception – reasonable wear and tear exception – estoppel.
- *Koga Nominees Pty Ltd v Loscam Australia Pty Ltd & ors* [\[2018\] VSC 455](#); [\[2018\] VCAT 1274](#) – LEASES – PRELIMINARY QUESTIONS – whether lease a lease of “retail premises” under the *Retail Leases Act 2003* – construction of permitted use provisions in lease.
- *Re Mamounia Pty Ltd (in liq) (No 3)* [\[2018\] VSC 65](#) – CORPORATIONS – LIENS – application by liquidators for directions regarding distribution of assets of trustee company in liquidation – solicitors’ general or retaining liens over funds for their claims in relation to fees owed by company in liquidation to solicitors.
- *N.J. Agius Pty Ltd v Mitchell Torre Real Estate Pty Ltd & Ors* (2018, VCAT) – LEASES – claim by landlord for rent and other expenses under a retail premises lease – claim by tenant of unconscionable conduct under s 77 of the *Retail Leases Act 2003* in relation to reletting of premises.
- *Newman (in his capacity as liquidator for Rudducks Pty Ltd (in liquidation) & Ors v Pui Chin Company Pty Ltd* (2017-2018, VSC) – CORPORATIONS – unfair preference claim by liquidators – good faith – running account – set-off.

- *JZ Lee Interiors Pty Ltd v Smith* (2015-2018, VSC) – CORPORATIONS – restitution – directors’ duties – fiduciary duties – remuneration.
- *NHP Electrical Engineering Product Pty Ltd v Nepean Falls Pty Ltd* (2017, VSC) – FINANCE – whether alleged debts secured by securities – estoppel.
- *Geofabrics Australasia Pty Ltd v Short* (25 September 2017, VCC) – CONTRACTS – application by the plaintiff for summary judgment against the defendant in accordance with the provisions of a deed – exclusion of right to set-off or cross-claim in the deed.
- *Dixon v Bluescope Distribution Pty Ltd* (10 July 2017, FCCA) – BANKRUPTCY – application to annul bankruptcy under s 153B of the *Bankruptcy Act* 1966.
- *Equal 54 Pty Ltd v Dennis Galimberti & Ors* [\[2016\] VSC 588](#) – NEGLIGENCE – professional negligence against solicitor – statute of limitations – proportionate liability – contributory negligence.
- *Smith v JZ Lee Interiors Pty Ltd (No 2)* [\[2016\] VSCA 161](#) – COSTS.
- *Rujan Properties Pty Ltd v Brtan; Architectural Plans & Permits Pty Ltd v Brtan* (10 March 2016, VSC) – CORPORATIONS – applications to set aside creditor’s statutory demands under s 459G of the *Corporations Act* 2001.
- *JZ Lee Interiors Pty Ltd v Smith* [\[2015\] VSC 693](#) – PLEADINGS – SECURITY FOR COSTS – restitution – directors’ duties – fiduciary duties.
- *Brian Unthank Real Estate v Reed* (26 August 2015, Arbitration) – CONTRACT – commission claim by estate agent – parties to the agency contract – terms of the agency contract – effective cause of the sale of the property.
- *Smith v J Z Interiors Pty Ltd* [\[2015\] VSCA 203](#) – CORPORATIONS – jurisdiction – pleadings.
- *Turner v Addinsall* (5 March 2015, VCC) – LEASES AND LICENCES – TRESPASS TO LAND – INJUNCTIONS – application to restrain the defendant from interfering with the plaintiff’s residence on land and his access to the residence and to restrain the defendant from interfering with access to other land – application for a mandatory injunction that the defendant remove his personal possessions from the other land.
- *McKay & Ors v Barker* [\[2014\] VCC 2266](#) – JUDGMENTS – regular and irregular judgments – interpretation of deed of settlement.
- *McKay & Ors v Barker* [\[2014\] VCC 2222](#) – COSTS.

Before joining the Victorian Bar, Sasha was a commercial litigation solicitor (Associate) at HWL Ebsworth and Piper Alderman. During his time at Piper Alderman, Sasha undertook a secondment with ANZ Bank as a Corporate Lawyer in its Dispute Resolution Group. To begin with, Sasha was a commercial property solicitor at Russell Kennedy.

Education:The University of Melbourne

Awarded Bachelor of Laws (Honours) Degree in 2003. Second Class Honours in Law.

Awarded Bachelor of Commerce Degree in 2003, majoring in Finance.

Insolvency Practitioners Association of Australia

Completed Insolvency Education Program in 2010, with Distinctions.

Professional Memberships and Roles:

- Commercial Bar Association of Victoria – 2012 to current
- Law Institute of Victoria – 2004 to current
- Contributor to *The Law Handbook* published by the Fitzroy Legal Service (“Debts” chapter) – 2004 to 2014