

Benjamin Ryde



Ben Ryde has a general commercial law practice with a focus on disputes, including class actions, involving corporations, contract, construction, insurance, restitution and trade practices law.

QUALIFICATIONS

Bachelor of Laws (Hons)(Mon)

Bachelor of Business Systems (Mon)

CORRESPONDENCE

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CHAMBERS

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COMMERCIAL LAW

Appellate | Aviation | Banking & Finance | Bankruptcy | Building & Construction | Class Actions | Commercial Arbitration | Competition | Consumer Credit | Consumer Law | Contractual Disputes | Corporate Insolvency | Corporations & Securities | Energy & Resources | Equity & Trusts | Insurance | Real Property | Residential & Retail Tenancies | Sports Law | Superannuation

TORT LAW

Appellate | Class Actions | Commissions & Inquiries | Common Law | Major Torts | Negligence | Personal Injury | Product Liability | Professional Negligence

Ben Ryde has a general commercial law practice with a focus on disputes, including class actions, involving corporations, contract, construction, insurance, restitution and trade practices law. Ben practises in Melbourne and Sydney.

Ben has appeared (unled) in trials in the Federal Court, the Victorian Supreme Court, the NSW Supreme Court, the County Court and VCAT. He has also been briefed to provide written advice on a range of matters relating to corporate and commercial law. Ben is currently ranked as a leading commercial disputes junior counsel in The Legal 500 Asia Pacific - Australia Bar.

Prior to joining the Bar, Ben practised as a commercial litigator with Linklaters in London (2011-2013) and with Allens in Melbourne (2007-2011). Ben was an associate to the Honourable Justice Sundberg of the Federal Court (2009-2010) where he worked on a number of high profile commercial cases.

Ben holds a Bachelor of Laws (Honours) and a Bachelor of Business Systems from Monash University. Ben is also completing a master of laws at the University of Melbourne.

Please see below a list of Ben's recent major cases.

Liability limited by a scheme approved under Professional Standards legislation

Recent Cases

COMMERCIAL LAW

Acting for shareholder plaintiff in Federal Court (Sydney) proceedings alleging statutory and fiduciary duties by company. Concerns construction and mining. Ongoing.

Acting for app developers and app users in Federal Court (Melbourne) proceedings against Apple and Google alleging anticompetitive and unconscionable conduct (led by Tony Bannon SC and Nick De Young KC). Ongoing.

Acting for plaintiff in VSC proceedings and NZ High Court proceedings concerning alleged breach of contract, misleading and deceptive conduct, estoppel and restitution; jurisdictional issues pursuant to *Trans-Tasman Act*. *Internet Business Systems Australia Pty Ltd v Heartland Bank*. Ongoing.

Acting for contradictor in VSC proceedings concerning administration of FTX.com cryptocurrency platform. *In the matter of FTX Australia Pty Ltd and FTX Express Pty Ltd (both admin appointed)* [2023] VSC 788.

Acting for defendant in NSWSC concerning breach of fiduciary duties. Ongoing.

Acting for third party in NSW District Court proceedings concerning discovery/subpoena. Ongoing.

Acting for defendants in VSC proceedings concerning alleged breach of contract and breach of confidence in relation to a proposed M&A transaction; *Tribe Brewing Pty Ltd v Young Henrys Brewing Company Pty Ltd & Anor*.

Acting for CIMIC Group in Federal Court representative proceedings issued against it by Miciulis Superannuation Fund (Phi Finney McDonald) for alleged breaches concerning disclosure of cash flow information and investments in the Middle East (led by Jeremy Stoljar SC, ongoing)

Acting for company in VSC and VSCA proceedings defending a claim arising from alleged guarantee of a capital raising (led by

Acting for company in VSC and VSCA proceedings defending a claim arising from alleged guarantee of a capital raising (led by Philip Crutchfield KC). *Pacreef Investments Pty Ltd v Pacific Biotechnologies* (2022) 65 VR 405; *GTW Investments Pacreef Investments Pty Ltd v GTW Investments (Aust) Pty Ltd (No 2)* [2022] VSC 111. Various interlocutory disputes concerning pleadings, discovery, subpoenae and lay and expert evidence objections and costs. [2022] VSC 111 (costs/interest); [2023] VSCA 291 (Court of Appeal decision); [2024] HCASL 102 (Application for special leave refused).

Acting for insured company in NSWSC and NSWSCA proceedings seeking indemnity against various insurers (led by Michael Jones SC). Various insurance issues arising from D&O policy and two consecutive insurance towers: contractual construction, duty of disclosure pursuant to Insurance Contracts Act 1984; estoppel, restitution and limitation of actions. *CIMIC Group Ltd v AIG Australia Ltd* [2021] NSWSC 1338 (subpoenae); *CIMIC Group Ltd v AIG Australia Ltd* [2022] NSWSC 999 (first instance decision); *CIMIC Group Ltd v AIG Australia Ltd (No 2)* [2022] NSWSC 93 (Ball J re costs of certain interlocutory disputes); *CIMIC Group Ltd v AIG Australia Ltd (No 2)* [2023] NSWSC 640 (costs).

Acting for companies associated with Simon Pitard and the Steller Construction Group in various VSC proceedings concerning security deeds, trust property and trustees' rights of indemnity: *Pitard Consortium Pty Ltd v Les Denny Pty Ltd & Ors* (2019) 58 VR 524, [2019] VSC 640; related proceedings: *Pitard v One Managed Investment Funds Ltd* [2020] VSC 666 (led by David Collins KC).

Acting for former partner of accounting group in various VSC proceedings concerning allegations of breach of duties by another partner: *Chickabo Pty Ltd & Ors v Zphere & Ors* [2019] 57 VR 406, related proceeding: [2019] VSC 580 and [2020] VSC 556 (unled).

Acting for company seeking indemnity in Supreme Court proceeding against various insurers (led by Matt Collins KC and Justin Graham KC).

Acting for CIMIC Group in Federal Court representative proceedings issued against it for alleged breaches concerning foreign bribery (Maurice Blackburn acting for applicant) (led by Charles Scerri KC and Stephen Parmenter). *Inabu Pty Ltd atf Alidas Superannuation Fund v CIMIC Group Ltd* [2019] FCA 1480.

Acting for a company in a proceeding in the WA Supreme Court alleging breaches of contract and the consumer law.

Acting for an industry superannuation fund in the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry.

Acting for minority shareholder alleging oppression and seeking interlocutory and final relief in the Supreme Court to prevent board resolution declaring a preferential dividend (led by Bernie Quinn KC).

Acting for purchaser in sale of business alleging misleading and deceptive conduct (led by Matt Collins KC and Stephen Parmenter KC).

Various proceedings in VSC, NSWSC, Federal Court and the County Court concerning shareholder oppression and valuation.

Various interlocutory applications concerning legal professional privilege, injunctions, pleadings and discovery.

Memberships

Victorian Bar - Commercial Bar Association