

## Kess Dovey



Kess Dovey is an experienced commercial litigator with a broad practice.

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### QUALIFICATIONS

Bachelor of Creative Arts  
Bachelor of Laws (Hons)  
Master of Laws (Melb)

### CORRESPONDENCE

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### CHAMBERS

Owen Dixon Chambers West  
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### COMMERCIAL LAW

Appellate | Banking & Finance | Building & Construction | Class Actions | Commercial Arbitration |  
Competition | Consumer Law | Contractual Disputes | Corporations & Securities | Energy & Resources |  
Equity & Trusts | Insurance | Private International Law | Real Property | Residential & Retail Tenancies

### INTELLECTUAL PROPERTY

Confidential Information | Privacy & Data Protection | Telecommunications

### TORT LAW

Appellate | Class Actions | Commissions & Inquiries | Major Torts | Negligence | Professional Negligence

Kess has over 18 years' experience in general commercial litigation. Her particular expertise includes royal commissions, class actions, competition and trade practices, energy/resources and construction litigation in Federal and State courts, as well as international and domestic commercial arbitration. Kess has acted in numerous joint venture disputes, as well as in relation to statutory demands. She also has experience in large scale and high-profile litigation, as well as highly sensitive partnership disputes.

The Legal 500 Asia Pacific recognises Kess as a leading Junior Counsel in Australia for Commercial Disputes.

She holds a Master of Laws from the University of Melbourne, a Bachelor of Laws with Honours from Deakin University, and a Bachelor of Creative Arts from the University of Melbourne/Victorian College of the Arts.

Prior to joining the Bar, Kess was a Senior Associate in the commercial litigation team at King & Wood Mallesons (previously Mallesons Stephen Jaques). Kess read with Dr Andrew Hanak KC and her senior mentor was Peter Jopling KC.

*Liability limited by a scheme approved under the Professional Standards Legislation*

## Recent Cases

*Nelson v Beach Energy*, acting for the plaintiffs in a Supreme Court securities class action, with Alistair Pound KC.

*Sino Iron v Mineralogy*, acting for the CITIC parties in a Supreme Court of WA proceeding in relation to mine continuation requirements of the the Sino Iron magnetite mining project, with John Karkar KC, Stephen Parmenter KC and Stephen Free SC.

*Fortune Ashburton v Pentagon Group*, acting for two defendants in a Supreme Court claim alleging misleading and deceptive conduct relating to a failed development, unled.

Royal Commission into National Natural Disaster Arrangements, Counsel Assisting, with Dominique Hogan-Doran SC and Andrew Tokely SC.

Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry (for AMP Group), led by Philip Crutchfield KC and Robert Hollo SC.

*Cargill Australia v Viterro Malt*, acting for Viterro and Glencore in a Supreme Court action brought by Cargill in relation to representations made in the course of a business acquisition transaction, led by Allan Myers KC, Stephen Parmenter KC and Suresh Senathirajah KC.

*Australian Gas Networks v Goldman Sachs*, acting for AGN in a Supreme Court claim for restitution of moneys allegedly paid by mistake, led by Philip Crutchfield KC.

*Wyndham City Council v Terra Culture*, acting for the plaintiff in a Supreme Court action bringing claims in negligence in relation to archaeological advice as to the potential presence of aboriginal cultural artefacts, led by Richard Wilson.

*Thompson v Thompson*, acting for the plaintiff in a County Court matter seeking freezing orders and recovery of money pursuant to claims in tort and restitution, unled.

*Oswal v Carson*, acting for the tenth and eleventh defendants in a Supreme Court matter in relation to privilege disputes, led by Timothy Walker KC and Dion Fahey.

*Kurban v Mamounia*, acting for an incorporated trust and a trustee in relation to an application for an interlocutory

injunction, led by Dr Andrew Hanak KC.

*Mitic v OZ Minerals Limited*, acting for Clayton Utz in a Federal Court class action in respect of allegations of misleading and deceptive conduct, led by Peter Jopling KC and Jeremy Slattery KC.

*Preston v Advance Fibre Technology*, acting for an insurer in relation to a claim for property damage resulting from the negligent installation of roof insulation, and seeking the re-registration of potential defendants, unled.

Acting for a contractor in an ICC arbitration in respect of a construction dispute over a major infrastructure project in Queensland.

Various matters in the Magistrates' Court, County Court and VCAT in relation to issues such as commercial leasing, debt, preliminary discovery applications and construction disputes.

Advice in relation to a restraint of trade dispute between a law firm and a departing partner of that firm, led by Philip Crutchfield KC.

Kess' experience prior to coming to the bar included acting on the 2009 Victorian Bushfires Royal Commission, the Yazaki cartel litigation in the Federal Court, an arbitration in relation to termination of a contract for alleged safety breaches on a Floating Production Storage and Offloading vessel, and the litigation between JV partners BHP and Esso in relation to the Longford gas plant explosion.

## Memberships

Victorian Bar - Commercial Bar Association