

Kess Dovey



Kess Dovey is an experienced commercial litigator with a broad practice

QUALIFICATIONS

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

CORRESPONDENCE

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CHAMBERS

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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 15 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.

Kess has experience in large scale and high profile litigation, as well as highly sensitive partnership 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 QC and her senior mentor is Peter Jopling QC.

Liability limited by a scheme approved under the Professional Standards Legislation

Recent Cases

COMMERCIAL LAW

Royal Commission into Aged Care Quality and Safety, led by Philip Crutchfield QC.

Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry (for AMP Group), led by Philip Crutchfield QC 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 QC, Stephen Parmenter QC and Suresh Senathirajah QC.

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 QC.

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 QC 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 QC.

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 QC and Jeremy Slattery.

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 QC.

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.

Previous cases as a solicitor include:

ACCC v Yazaki Corporation & Australian Arrow Pty Ltd: Kess acted for the defendants in a Federal Court proceeding brought by the ACCC in relation to an international car parts cartel.

Telstra Corporation Limited v Singtel Optus Pty Ltd: Kess acted for Telstra in a Supreme Court of Victoria proceeding claiming Optus was broadcasting a misleading and deceptive television advertising campaign.

Kess acted in a domestic arbitration relating to alleged defects in the construction of a gas distribution network.

Kess acted for a joint venture in a complex international arbitration concerning the alleged repudiation of a charter party contract relating to an offshore oil production and storage vessel.

ACCC v Fisher & Paykel Customer Services Pty Ltd & Domestic & General Services Pty Ltd: Kess acted for the second defendant in a Federal Court proceeding brought by the ACCC in relation to alleged breaches of extended warranty regulatory legislation.

Aquila Coal Pty Ltd v Bowen Central Coal Pty Ltd: Kess acted for Aquila in proceedings in the Queensland Supreme Court and subsequently the Court of Appeal in relation to a coal mining joint venture dispute with Vale.

Kess has provided ongoing advice to a food manufacturer in relation to various disputes arising out of a perishable food distribution franchising network.

Kess advised an officer of a large corporate client in relation to an appearance before a Senate inquiry.

ICM Investments Pty Ltd v San Miguel Corporation & Berri Limited: Kess acted for the second defendant in relation to a claim in the Supreme Court of Victoria for alleged failure to pay a dividend on sale of business.

Kess has acted for the partnerships of several law firms in relation to disputes with out-going partners, including in a proceeding brought in the Supreme Court of Victoria.

BHP Billiton Bass Strait Pty Ltd & Anor v Esso Australia Pty Ltd & Anor: Kess acted for BHP Billiton in a Victorian Supreme Court claim brought against Esso in relation to the fire and explosion at the Longford Gas Plant.

ACCC v Telstra Corporation Limited: Kess acted for Telstra in a Federal Court claim brought by the ACCC against Telstra in relation to Telstra's 'Next G' advertising campaign.

Memberships

Victorian Bar - Commercial Bar Association