

DAVID DE MESTRE

University Chambers

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PRACTICE AREAS

- Corporations Law
- Insolvency & Bankruptcy
- Equity & Trusts
- Partnership & Shareholder Disputes
- Fraud & White-Collar Crime
- Professional Negligence
- Product Liability
- Financial Services
- Defamation & Media
- Real Property
- Competition & Consumer Law
- Commercial Law & Contracts
- International Law / Cross-Border
- Conflict of Laws
- Arbitrations / ADR
- Appellate

ADMISSIONS

2025 Barrister (NSW Bar Association)

2020 Solicitor (Supreme Court NSW)

EDUCATION

2022 Certificate for Introduction to Insolvency (ARITA)

2021 Masters of Law (LLM)
Macquarie University

2020 Bachelor of Laws (LLB)
Macquarie University

PROFESSIONAL EXPERIENCE

2021 - Bartier Perry Lawyers
2025 (commercial disputes & litigation)

FY25 - NSW Young Professionals
Committee (ARITA)

2015 - John de Mestre & Co Lawyers
Paralegal to Solicitor

AWARDS

Lawyers Weekly 30 Under 30 Awards

2025 Winner - (Insolvency) &
(Media & Telecommunications)

2024 Finalist – (Insolvency),
(Media & Telecommunications),
(Dispute Resolution & Litigation)

2023 Finalist – (Insolvency)

Australasian Lawyers Rising Stars

2024 Finalist

MEMBERSHIPS

NSW Bar Association

Australian Restructuring, Insolvency &
Turnaround Association

Communications & Media Law Association

SELECTED CASES (AS A SOLICITOR)

Corporations Law / Insolvency & Bankruptcy / Financial Services

Harris v Moses, in the matter of Harris [2025] FCA 886 – successfully opposed application to set aside a bankruptcy notice or extend time for compliance pursuant to s 41(6A) of the *Bankruptcy Act 1966* (Cth) - applicant failed to apply for stay of judgment or adduce any evidence as to financial circumstances – application dismissed.

Keenan, Prospero Markets Pty Ltd (in Liquidation) [2025] FCA 390 – representing Liquidators in judicial advice application concerning distribution of \$19 million in client money under part 7.8 of the *Corporations Act 2001* (Cth) following ASIC wind up of foreign exchange trading company – financial services regulation.

Pleash (Liquidator), in the matter of SFG Relocations Pty Ltd v Fourie (No 3) [2024] FCA 583 - successful unreasonable director-related transaction/breaches of fiduciary and directors' duties claims – knowing receipt of valuable trademarks in breach of trust - constructive trust.

Pleash (Liquidator), in the matter of SFG Relocations Pty Ltd v Fourie (No 2) [2024] FCA 182 – application for leave to proceed against defendant company in liquidation.

Bridging Capital Holdings Pty Ltd v Self Directed Super Funds Pty Ltd [2021] FCA 1625 (21 December 2021) – successful opposition of minority discount in oppression proceedings where buyback agreed.

In the Matter of Lever Holdings (Aus) Pty Ltd (Supreme Court NSW, 2023) - winding up application.

Equity & Trusts / Real Property / Fraud & White-Collar Crime

Application by John Anthony Musca and Andrew Jolliffe [2025] NSWSC 491 – application for judicial advice pursuant to *Trustee Act 1925* (NSW) to retain net sale proceeds from \$30 million hotel sale against significant potential personal tax and litigation liabilities – trust beneficiaries in shareholder dispute – derivative action by unit trustee against unit holder – non-publication orders for privileged advice relied on by trustees for judicial advice application.

CE Sales Pty Ltd v Elyas [2025] NSWSC 341 – employee fraud / embezzlement – restitution and trust claim – judgment on admissions – strike out.

I C Pipes Pty Ltd v DGS Trading Pty Ltd [2023] NSWSC 1109 – successful damages claim for breach of fiduciary duties and knowing assistance against former employee.

UPG 148 Pty Ltd v Molluso (Supreme Court NSW, Real Property List) – defending caveat extension and specific performance proceedings concerning Call Option Agreement (settled).

Potter v Pan (Supreme Court NSW, Equity Division) – resulting or constructive trust claim and application under section 66G of the *Conveyancing Act 1919* (NSW) for statutory sale of NSW residential property (settled).

Commercial / Contract / Product Liability

Basic Brands & Co Pty. Ltd. v SMYBB Pty Ltd (Supreme Court NSW, Commercial List) – defending negligence / misleading or deceptive conduct proceedings concerning manufacturing and production of alcohol packing (settled).

Bridging Capital Holdings Pty Ltd v Self Directed Super Funds Pty Ltd (Trial) [2025] FCA 314 – successful breach of warranty claim regarding purchase of shares in financial services company.

Bridging Capital Holdings Pty Ltd v Self Directed Super Funds Pty Ltd & anor [2024] FCA 985 - successfully opposed belated pre-trial non-standard discovery application in week before trial.

Salvatore Kirkwood Pty Ltd v Blenkhorn (Federal Court of Australia, 2023) – defending misleading or deceptive conduct & breach of warranty claim post-sale of shares in financial services company – financial services - shareholder oppression cross-claim (settled).

Professional Negligence

Professional negligence claim against solicitor concerning transfer duty payable pursuant to ss 8(1)(b)(ix) and 8(3) of the *Duties Act 1997* (NSW) (settled).

Lioncrest Capital Holdings Pty Ltd v Laliotis (Supreme Court NSW, Professional Negligence List, 2024) – professional negligence / misleading or deceptive conduct and breach of fiduciary duties claim against solicitor concerning advice on call option agreement for multi-million dollar development project (settled).

Defamation / Media Disputes

Global Trucking Pty Ltd & ors v Truck Moves Australia Pty Ltd (Federal Court of Australia, 2024) – truth/justification and contextual truth defence to defamation proceedings (settled).

Cross-Border Disputes & Insolvency

Prospero Markets Pty Ltd (in Liquidation) v CGS International Securities Singapore Pte Ltd (2024) – successful application for foreign recognition of Australian winding up orders in High Court of Singapore under Insolvency Model Law.

Radio e Televisao de Portugal v Flip TV Services Pty Ltd (2023) – defending application for enforcement of judgment of the Judicial Court of the District of Lisbon in NSW, Australia.

SELECT PUBLICATIONS

Communications Law Bulletin

July 2024	Stage 2 Part B Model Defamation Provision Amendments: Absolute Privilege
June 2023	Stage 2 Part A Model Defamation Provision Amendments: Serious Harm

Governance Institute of Australia Journal

July 2023	Changes to Corporate Insolvency Laws
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Lawyers Weekly Podcast

March 2023	The Stakes are Increasing in Defamation Law
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