

Sam Sykes

Solicitor 2011

Barrister 2015

(02) 9151 2984

sam.sykes@greenway.com.au



Sam Sykes was called to the bar in 2015. He accepts briefs in all areas of commercial law and equity, including in corporations/insolvency, real property, construction and professional negligence.

Sam's clients range from individuals to small and large companies, liquidators, professionals, builders, lenders and insurers, meaning he knows that clients' needs come in different shapes and sizes. Sam understands that litigation can be daunting for inexperienced litigants. He focuses on providing pragmatic advice and solutions tailored to the client's specific requirements.

Outside of the law, Sam tries to juggle time between his obsessions for cricket, golf and footy with his wife, son, daughter and neurotic spoodle

SPECIALISATIONS

Commercial
Equity
Real Property
Corporations and Insolvency
Bankruptcy
Building and Construction
Insurance
Professional Negligence

Areas of Practice

Commercial and Equity (partnership disputes; rectification of contracts, equitable fraud, misuse of confidential information, contract disputes)

Real Property (relief against forfeiture, specific performance, contract for sale of land disputes)

Corporations and Insolvency (statutory derivative claims, director disputes, shareholder disputes, unfair preference claims and insolvent trading)

Professional Negligence (professional advisor claims including solicitor negligence)

Notable Cases

***Coulter v Bush; Coulter v Domain Residential Northern Beaches Pty Ltd* [2024] NSWSC 267.** Negligence.

***State of New South Wales v Torronen* [2023] NSWCA 319.** Leave to appeal – intentional torts – led by R Cheney SC

***Hartnett t/as Hartnett Lawyers v Bell as Executor of Estate of Late Deakin-Bell (No 2)* [2023] NSWCA 311.** Fixed sum costs – statutory construction of rule 36.16

***Bell v Hartnett Lawyers (No 4)* [2023] NSWSC 1592.** Fixed sum costs and construction and interpretation of Court orders.

***Hartnett t/as Hartnett Lawyers v Bell as Executor of Estate of Late Deakin-Bell* [2023] 112 NSWLR 463; [2023] NSWCA 244.** Consideration and application of the Court's inherent supervisory jurisdiction over solicitors in the context of exorbitantly charged legal fees.

***In the Matter of Premier Energy Resources Pty Ltd* [2023] NSWSC 1185.** Corporations – Validation of an administrator's appointment.

***Cool-off Pty Ltd v Thomas Foods International Pty Ltd* [2023] NSWSC 1183.** Interlocutory and mandatory injunction about construction and enforcement of contracts.

***Greyhound Welfare and Integrity Commission v Verhagen* [2023] NSWSC 1140.** Administrative law – construction of Greyhound Racing Rules and related legislative instruments.

***Breedon v Oosthuizen* [2023] NSWSC 859.** Restraint of trade and of solicitation.

***Copeland in his capacity as liquidator of Skyworkers Pty Ltd (in Liq) v Murace* [2023] FCA 14.** Insolvent trading summary dismissal application.

***Bell v Hartnett Lawyers (No 3)* [2022] NSWSC 1204.** The Court's inherent supervisory jurisdiction over solicitors. Restitution. Construction of costs disclosures.

***Volkswagen Financial Services Australia Pty Ltd v Atlas CTL Pty Ltd (Recs and Mgrs Apptd) (In Liq)* [2022] 414 ALR 453; [2022] NSWSC 573.** Consideration of the scope of an equitable, Universal Distributing Co Ltd (in liq) lien for an administrator and the necessity to create a pool of funds – led by J Evans KC.

Notable Case

***Metro Finance Pty Ltd v Mohen* [2021] FCCA 413.** Bankruptcy – application to appoint trustee to control estate prior to the making of sequestration order.

***Moustapha v Nelson (No 3)* [2020] NSWSC 1263.** Freezing order application.

***Bell v Beau Timothy John Harnett* [2021] NSWSC 202.** Effect of Service and Execution of Process Act and discretion under Uniform Civil Procedure Rules to allow proceedings commenced irregularly.

***Allianz Australia Ltd v Certain Underwriters at Lloyd's of London Subscribing to Policy Number B105809GCOM0430* [2019] NSWCA 271.** Double insurance and contribution between insurers – led by S Donaldson SC.

***RE Yinsanity Pty Ltd* [2019] NSWSC 1290.** Statutory derivative action by director of company.

***Forest Coach Lines Pty Ltd v Commissioner for Vocational Training* [2019] NSWCATAD 181.** Administrative law – consideration of the interplay between the Apprenticeship and Traineeship Act 2001, Fair Work Act 2009 and an employer's rights to terminate employment.

***Ritossa v Rutland* [2019] FCCA 1219.** Bankruptcy, penalty provisions in contract and third party payer costs considerations.

***Allianz Australia Ltd v Certain Underwriters at Lloyd's of London Subscribing to Policy Number B105809GCOM0430* [2019] NSWSC 453.** Double insurance and contribution between insurers – led by S Donaldson SC.

***Foster v QBE European Underwriting Services (Australia) Pty Ltd as Managing Agent for Lloyd's Syndicate 386* [2018] NSWSC 440.** Double insurance and equitable contribution – led by S Donaldson SC

***Edwards & Anor v CohenHandler Pty Ltd* [2017] NSWCATAP 52.** NCAT jurisdictional question and costs.

***In the Matter of Link Constructions (NSW) Pty Ltd (in Liquidation)* [2016] NSWSC 684.** Contested application to proceed against a company in liquidation nunc pro tunc to preserve limitation period.

***Lyndon John Kube v Dominelli Grou Pty Ltd T/A Rockdale Nissan* [2016] FWC 8933.** Unfair dismissal – costs.

***Lyndon John Kube v Dominelli Group Pty Ltd T/A Rockdale Nissan* [2016] FWC 7697.** Unfair dismissal.

***Alzawy v Coptic Orthodox Church Diocese of Sydney, St Mary and St Merkorious Church (No.2)* [2016] NSWSC 1123.** Public liability – serious brain injury and consideration of issues surrounding serious medical causation – led by R Cheney SC.

***Alzawy v Coptic Orthodox Church Diocese of Sydney, St Mary and St Merkorious Church* [2016] NSWSC 1122J.** Public liability – serious brain injury – led by R Cheney SC.

***Auzcare Pty Ltd v Idameneo (No 123) Pty Ltd* [2015] NSWCA 412.** Penalties in contract – led by J Hyde Page.