



## Michael Thornell

### Special Counsel

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## OVERVIEW

Michael Thornell is a special counsel in the commercial litigation and dispute resolution practice with a focus on commercial litigation, complex professional indemnity claims, and insurance coverage. He regularly acts in litigated disputes for insured professionals such as lawyers, accountants, auditors, architects, brokers and engineers.

Michael also has significant experience acting for both insurers and claimants in relation to policy interpretation and disputes, and has acted as coverage counsel in some of Australia's largest securities class actions and regulator enforcement proceedings.

## PROFESSIONAL BACKGROUND

Prior to joining the firm, Michael was a senior associate at a global firm focusing on commercial litigation and insurance disputes. In that role, he obtained a broad range of experience, and has appeared in almost every court in the state and federal jurisdictions.

## EDUCATION

- J.D., The University of New South Wales, 2012
- Bachelor of Art Education, The University of New South Wales, 2007

## ADMISSIONS

- Supreme Court of New South Wales

## AREAS OF FOCUS

- Commercial Disputes

## REPRESENTATIVE EXPERIENCE

- Acting for insurers joined directly to proceedings in substitution for their missing or deregistered insureds: *Penrith City Council v Healey*; *GIO General Ltd v Healey* [2016] NSWCA 161; *Cunningham v Guardian Royal Financial Services Pty Ltd* [2017] NSWSC 1057.
- Acting for a funds' manager in proceedings alleging breaches of fiduciary duty and knowing assistance on the part of a host of parties, which conduct is said to have resulted in the collapse of a multi-million dollar property development business.
- Acting for insurers in proceedings brought by their insured (a large financial advisor), seeking indemnity for hundreds of claims made against the insured by its clients in the wake of the GFC.
- Acting as coverage counsel for local and international insurers in relation to a number of large scale securities class action proceedings.
- Acting as coverage counsel for insurers of one of the big four banks in relation to civil penalty proceedings brought against the bank by Austrac, arising from the bank's alleged breaches of anti-money laundering and counter-terrorism finance legislation.
- Acting for insurers of a publicly listed property valuation and consultancy firm in relation to a business interruption claim arising from a cyber-attack and resultant data breach.
- Acting for insurers of a large food and beverage delivery company in relation to a business interruption claim arising from a ransomware attack.
- Acting for insurers of an international pharmaceutical company in relation to losses caused by a social engineering attack.
- Acting for a hydraulic engineer in defence in a multi-party, multi-million dollar building and construction dispute brought in the Supreme Court.
- Defence of a quasi-class action involving 18 plaintiffs associated with 9 superannuation funds, bringing claims against their former auditor and accountant.
- Acting on behalf of insured professionals in the defence of a range of professional indemnity disputes in the Federal, Supreme and District Courts.