

Monday, 10 August 2015

Daily Insurance A Daily Bulletin listing Decisions of Superior Courts of Australia

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Executive Summary (1 minute read)

Seven Network (Operations) Ltd v Endemol Australia Pty Ltd (FCA) - injunction - copyright - Seven denied injunction restraining Nine from broadcasting or communicating episodes of reality television program

Woodlawn Capital Pty Ltd v Motor Vehicles Insurance Ltd (NSWCA) - stay - investment management agreement - conditional stay of execution of judgment granted

Drake v Wight & Strickland Lawyers (NSWSC) - summary dismissal - trusts and trustees - advocates' immunity - amended statement of claim and proceedings dismissed

Williamson v Carneys Lawyers (NSWSC) - professional negligence - solicitors' duties - no breach of retainer or duty - no breaches of *Trade Practices Act 1974* (Cth) or *Fair Trading Act 1987* (NSW) - judgment for defendants

Legal Profession Conduct Commissioner v Mancini (SASCFC) - legal practitioners - unsatisfactory professional conduct - amendment of terms of supervision order - undertakings

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Summaries With Link (Five Minute Read)

Seven Network (Operations) Ltd v Endemol Australia Pty Ltd [2015] FCA 800

Federal Court of Australia

Nicholas J

Injunction - copyright - Seven broadcast reality television show My Kitchen Rules - Seven alleged that by producing and broadcasting episodes of television show, Hotplate, Nine was infringing Seven's copyright in various original literary and dramatic works - Seven sought interlocutory injunction restraining Nine from broadcasting or otherwise communicating any further episodes of Hotplate until determination of proceeding - held: Court satisfied Seven had reasonably arguable case but Court did not accept it had a strong prima facie case, which was important consideration when considering balance of convenience - balance of risk of injustice by granting or withholding interlocutory relief weighed in Nine's favour - application for interlocutory relief dismissed.

[Seven](#)

Woodlawn Capital Pty Ltd v Motor Vehicles Insurance Ltd [2015] NSWCA 227

Court of Appeal of New South Wales

Beazley P

Stay - applicant funds manager appealed against judgment entered for in sum of \$4,893,115.11 - sum principally represented pre-judgment interest payable pursuant to *Civil Procedure Act 2005* (NSW) in respect of sums found to be owed to defendant client - applicant sought stay of execution - principal issue on appeal was proper construction of clause of Investment Management Agreement - question was whether clause released applicant from liability for payment of pre-judgment interest - fair balance of rights of parties - held: stay should be ordered on basis of possibility that applicant may be forced into liquidation should it not pay judgment sum, or at least amount claimed in statutory demand - stay subject to conditions granted.

[Woodlawn](#)

Drake v Wight & Strickland Lawyers [2015] NSWSC 1090

Supreme Court of New South Wales

Harrison AsJ

Summary dismissal - advocates' immunity - trusts and trustees - bankruptcy - claim arising from retainer entered into between parties for provision of legal services in respect of claim made against plaintiffs - defendant sought orders that amended statement of claim be dismissed pursuant to r13.4 *Uniform Civil Procedure Rules 2005*.

[Drake](#)

Williamson v Carneys Lawyers [2015] NSWSC 1080

Supreme Court of New South Wales

Adamson J

Professional negligence - solicitors' duties - trade practices - plaintiff sought damages against

solicitor and law firm for negligence and breach of retainer - plaintiff also sought damages for breaches of *Trade Practices Act 1974* (Cth) in respect of firm and *Fair Trading Act 1987* (NSW) in respect of solicitor - claim based on allegation that solicitor failed to advise plaintiff to make own inquiries relating to activities on land he purchased - held: plaintiff did not establish breach of retainer or duty of care - allegations arising from Trade Practices Act and Fair Trading Act not made out - judgment for defendants.

[Williamson](#)

Legal Profession Conduct Commissioner v Mancini [2015] SASCFC 106

Full Court of the Supreme Court of South Australia

Gray, Sulan & Bampton JJ

Legal practitioners - unsatisfactory professional conduct - Commissioner sought to amend terms of supervision order which practitioner breached by oversight - breach occurred by practitioner's failure to inform clients he was working under supervision order - amendment agreed to by practitioner - held: purpose of requirement that practitioner advise clients of supervision order was to allow clients to make informed decision whether to instruct practitioner - it should be possible to send notification by standard form or email within seven days of receiving instructions to act - Court granted Commissioner's application to amend terms of supervision order, save that written notification to be provided within seven days rather than fourteen, and accepted undertakings proffered by practitioner concerning ongoing management of practice.

[Legal Profession](#)

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