



OUR TEAM

Simon Lusk

Principal

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Simon has acted for local and international insurers and reinsurers for in excess of 25 years. He was a partner at Phillips Fox before leaving to establish Yeldham Price O'Brien Lusk in 2007.

Simon provides defence and coverage advice to insurers in connection with personal injury and property damage claims against sports administrators, occupiers, cleaners, utilities, building professionals and companies within the mining industry across all Australian states and territories.

Simon defends complex professional negligence claims against accountants, actuaries, agronomical advisers, architects, auditors, barristers, engineers, financial advisers, insurance brokers, legal practitioners, quantity surveyors, surveyors and valuers. Simon is a Lawcover panel solicitor.

Experience

- Acting for the underwriter defendants in *The Hancock Family Memorial Foundation v Lowe* [2015] WASCA 35 in which the Court of Appeal in Western Australia dismissed an attempt to proceed directly against excess underwriters of a deceased solicitor, on the basis that the claimant had failed to prove an essential pre-condition of the excess underwriters' liability;
- providing coverage advice to excess insurers in the matter of *Rodriquez & Sons Pty Ltd v Queensland Bulk Water Supply Authority*, the class action arising from the 2011 Queensland Floods;
- advising a defendant in *Downie v Spiral Foods Pty Ltd & Ors*, a Victorian class action commenced by consumers of the soy milk product 'Bonsoy';
- *McMullen v ICI Australia Operations Pty Ltd*, acting for insurers of cotton gins in a class action brought by farmers against the manufacturers of the pesticide 'Helix';
- *Turjman v Stonewall Hotel Pty Ltd* [2011] NSWCA 392 acting (successfully) for the occupier of the Stonewall Hotel in connection with personal claims by multiple patrons following the collapse of a ceiling suspended under a dance floor;
- *Wesfarmers Curragh Pty Ltd v Lampson (Australia) Pty Ltd & Ors*, acting for engineers in defence of proceedings brought by the owner of a dragline which was severely damaged during an uncontrolled boom lowering incident. The litigation included multi million dollar property damage claims, business interruption claims, personal injury claims and dual insurance disputes; and
- acting for the insurers of a cross defendant in the matter of *Rivercity Motorway Finance Pty Ltd v AECOM Australia Pty Ltd*, Federal Court proceedings brought by investors and the financiers of the CLEM 7 Tunnel in Brisbane.

Simon is a member of the Law Society of New South Wales, the Australian Insurance Law Association and the Australian Professional Indemnity Group.