

Marc Corlett, KC



Call

1992 (New Zealand)

Inner Bar 2016 (New Zealand)

2020 (Hong Kong)

Contact

Secretary: **Ms. Karen Leung**

karenleung@bernacchichambers.com

Practice Profile

Marc is a specialist civil trial lawyer who has appeared as counsel in more than 190 trials over a broad range of litigation including: commercial litigation; company and insolvency; securities law, market manipulation, insider trading, and other regulatory proceedings; and estate disputes. Marc has also appeared as counsel in many criminal trials involving fraud and other white collar offending.

Marc has appeared as counsel in more than 80 cases on appeal, and is regularly engaged on appeal work.

Marc was admitted in New Zealand in 1992, and took silk in New Zealand in 2016. He was admitted to the Hong Kong Bar in 2020.

Education

- 1987-1989 BCom (Accounting) - Auckland University

- 1988-1991 LLB (Hons) - Auckland University
- 1994-1995 LLM (First) - Cambridge University
- 1994-1996 MJur (Distinction) Auckland University
- 1990-2000 BA (English/Economics) - Auckland University
- 2001-2002 BA (Hons) (English) - Auckland University
- 2012-2013 PGDip A (Philosophy) - Auckland University

Practice History

- Admission to the Hong Kong Bar (June 2020)
- Silk (June 2016)
- Barrister Sole (December 2010 - present)
 - Circa 26 trials and 53 Court of Appeal cases at the Bar since December 2010
- Russell McVeagh - Associate (January 2008 - December 2010)
 - Commercial litigation/employment and health safety
 - Main clients/cases: ANZNB (conduit tax litigation with Lindsay McKay); Todd (joint venture dispute and Commerce Act claims with Jim Farmer QC); Greymouth Gas Kaimira Ltd and others v GXL Royalties Ltd; Vector (input methodologies consultation process with Alan Galbraith QC); Icepak (health and safety prosecution); Norske Skog (asbestosis claim); Super Air (two Coroner's Inquiries into aviation deaths); Momentum Consulting (New Zealand Defence Force Court of Inquiry into the employment of Stephen Wilce)
- Gordon Pilditch (October 2007 - December 2007)
 - Criminal jury trials in the District Court and High Court
- Meredith Connell - Associate (February 2003 - September 2007)
 - In excess of 120 criminal jury trials in the District Court and High Court
 - In excess of 30 criminal appeals in the Court of Appeal (on secondment to Crown Law, August to December 2006)
- Russell McVeagh - Associate (November 2000 - February 2003)
 - Commercial litigation/employment
 - Main clients/cases: Fonterra and others (Commerce Act price fixing); Norske Skog (commercial dispute over bonus scheme)
- Russell McVeagh - Senior solicitor (May 1996 - October 1998)
 - Commercial litigation/employment
 - Main cases: Tegel (commercial dispute over supply contract); DuPont (product liability); Westpac (professional negligence); New Zealand Refining Company (Commerce Act predatory pricing)
- Simpson Grierson - Associate (February 1996 - May 1996)
 - Commercial litigation
 - Main clients/cases: TVNZ (defamation)
- Simpson Grierson - Solicitor (February 1992 - September 1994)
 - Commercial litigation
 - Main clients/cases: TVNZ (defamation); GD Searle (product liability); Tasman Pulp and Paper

(dispute over long term forestry contracts)

- Admission (May 1992)

Selected Recent Cases

Commercial/Civil litigation

- *Summer Pioneer Holdings Limited v HNA Group (International) Company Limited* HCA 488/2021 (USD 357 claim under guarantee)
- *Perpetual Trust Limited (as administrator of Estate of Alexander Gavin Brown) v Kobe Investments Limited* HCA 1353/2021 (disputed estate claim)
- *Gracewood International Limited v Zhan Xiangming* (claim under guarantee)
- *Smartly Ltd v Kumar* CIV 2020-404-001775 (High Court trial - breach of directors' duties)
- *Detection Services Limited and others v Pickering* (High Court trial and appeals to the Court of Appeal - breach of contract arising out of the manufacture and failed delivery of lead detection equipment)
- *NZ Iron Sands Holdings Ltd v Toward Industries and another* CIV 2017-404-1975 - (High Court trial - NZD\$500 million claim for breach of contract in relation to the cancelled sale of an iron sands mine)
- *Yarrow v Westpac New Zealand Ltd* (appeal to Court of Appeal against bankruptcy judgment)
- *Trends Publishing International Limited v Callaghan Innovation* CIV-2015-404-1274 - (High Court trial - NZD\$50 million claim breach of contract by government funding agency)
- *Natural Waters of Viti Ltd v Yaqara Pastoral Company Ltd* HBC 204 of 2010 - (High Court trial - breach of contract claim in Fiji brought by Fiji Waters against a government controlled entity)
- *Greymouth Holdings Ltd and others v Jet Trustees Ltd and others* CIV-2011-404-5309 - (High Court trial - shareholder oppression claims arising out of one of New Zealand's biggest oil and gas exploration companies)
- *Fisher and Paykel Financial Services Ltd v Karum Group LLC* CIV 2006-404-6646 - (High Court trial - breach of copyright)
- *Ma v Ta* (High Court trial - breach of contract)
- *Robinson v Whangarei Head Ltd and another* (High Court trial - damages arising out of malicious prosecution)
- *Todd Pohokura Ltd v Shell Exploration NZ Ltd* CIV-2006-485-1600 - (High Court trial - claim for breach of contract and anti-competitive behalf in relation to an oil and gas exploration joint venture)

White collar fraud/commercial crime /regulatory offending

- *R v Ross and others* (electoral fraud)
- *R v Zhang and Long* (commercial fraud)
- *Financial Markets Authority v CBL Corporation Ltd v CBL Corporation Limited (in liquidation) and others* CIV-2019-404-2739; *TEA Custodians Ltd and another v Wells and others* CIV-2019-485-642
Livingstone v CBL Corporation Limited (In liquidation) and others CIV-2019-404-2727; *CBLI Corporation Ltd and others v Harris and others* CIV-2019-404-2792 - (various civil proceedings brought by Financial Markets Authority; representative shareholder groups; and liquidators alleging market

- disclosure failures and breaches of directors' duties and arising out of the collapse of CBL insurance – the biggest corporate collapse of a publicly listed company in New Zealand history
- *Shanghai Neuhof Trade Company Ltd and others v Zespri International Ltd* - (High Court damages claim arising out of alleged commercial fraud in China)
 - *R v De Marco* - (High Court trial - commercial fraud arising out of money alleged to have been taken from companies controlled by Sir Peter Jackson)
 - *R v Bublitz and others* - (appeal to Court of Appeal - commercial fraud arising out of the post-GFC collapse of Viaduct and Mutual finance companies)
 - *R v Ross and another* CRI2016-004-9662 - (High Court trial - commercial fraud arising out of alleged deceptions in NZ\$40 million mortgage funding)
 - *R v Coffey and others* CRI-2014-085-014183 - (High Court trial - commercial fraud arising out of breaches of the Gaming Act legislation)
 - *Commissioner of Police v William Yan & Ors* CIV2014-404-2040 - (money laundering allegations and proceeds of crime proceedings arising out of alleged criminal offending in China)
 - *Financial Markets Authority v Warminger* CIV-2015-404-001727 - (High Court trial - Financial Markets Authority pecuniary penalty claim arising out of alleged market manipulation by the manager of a NZ1 billion investment fund)
 - *R v Sullivan and others* CRI 2011-076-1948 - (High Court trial - alleged NZ1.6 billion commercial fraud arising out of the post-GFC collapse of the largest finance company in New Zealand, South Canterbury Finance Ltd)
 - *R v Graham and others* CRI 2011-076-1948 - (High Court trial and appeals to Court of Appeal and to the Supreme Court - Securities Act prosecution for false and misleading conduct arising out of the post-GFC collapse of Nathans Finance Ltd)
 - *R v Moses and others* CRI 2009-004-1388 - (High Court trial - Securities Act prosecution for false and misleading conduct arising out of the post-GFC collapse of Lombard Finance Ltd)

Criminal cases

- *R v Benbow* (murder)
- *HKSAR v Alipate Moala* (Court of First Instance trial - trafficking in dangerous drugs)
- *HKSAR v Ng Fan Ying* (appeal to Court of Final Appeal, oral leave hearing and substantive appeal hearing - breach of conditions of work visa)
- *State v Waqabaca and others* HAC 361 of 2016 - (trial in High Court in Fiji - sedition prosecution against the Fiji Times, its publisher, editor and others)
- *R v MF* (District Court trial - rape)
- *R v XY* (District Court trial - rape)
- *R v SW* (District Court trial - indecent assault)
- *R v LW* (High Court trial- Class A drugs)
- *R v MC* (District Court trial - sexual violation)
- *R v AA* (District Court trial - rape)
- *R v NS* (District Court trial - rape)
- *R v HK* (District Court trial - perverting the course of justice)



- *R v Gui and others* (High Court trial- manufacturing Class A drugs)