

# ROSS FOREMAN SC

Barrister

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Ross Foreman is a commercial barrister. He is regularly briefed in commercial litigation in the NSW Supreme Court (including in the Commercial List and the Corporations List) and in the Federal Court.

Ross has extensive experience in contract disputes, corporations matters (including directors' duties and insolvencies), class actions and litigation involving banking, financial services and financial products.

Ross has acted for many ASX-listed companies and liquidators, and is recognised in the peer-selected Best Lawyers in Australia for Class Actions, Commercial Law and Litigation.

Ross also appears in employment law matters, mainly in relation to the termination of senior executives, employment contracts and restraints of trade.

## CASES

Examples include:

- acting for the subsidiary of an ASX-listed company in long-running litigation against its former directors for breaches of duty and involvement in those breaches by former suppliers: *He v Sunnya Pty Ltd; Supermega Market Ltd v Sunnya Pty Ltd* [\[2025\] NSWCA 78](#), *Sunnya Pty Ltd v He* [\[2025\] NSWCA 79](#) and *In the matter of Sunnya Pty Ltd* [\[2024\] NSWSC 403](#);
- acting for the CEO of an ASX-listed company in proceedings brought by ASIC alleging misleading disclosures and breaches of duty: *Australian Securities and Investments Commission v TerraCom Limited* [\[2025\] FCA 726](#);
- acting for a corporation in proceedings against its director for breaches of trust and duty involving the misappropriation of company funds: *In the matter of Macarthur Farm Pty Ltd* [\[2025\] NSWSC 40](#);
- acting for a lender in proceedings about the construction of a private credit agreement: *Macarthur Farm Pty Ltd (Receivers and Managers Appointed) v Warneet Super Pty Ltd* [\[2024\] NSWSC 535](#);
- acting for a director in a shareholder class action alleging continuous disclosure breaches, including in relation to whether a common fund order can be made in favour of a solicitor: *R&B Investments Pty Ltd (Trustee) v Blue Sky (Reserved Question)* [\[2024\] FCAFC 89](#) and in the High Court [\[2025\] HCATrans 13](#) and [\[2025\] HCATrans 14](#);
- acting for a non-executive director in proceedings alleging breaches of duty arising out of the collapse of ASX-listed retailer Dick Smith: *DSHE Holdings (Receivers & Managers Appointed) (In Liquidation) v Nicholas Abboud (No 3)* [\[2021\] NSWSC 673](#); and

- acting for an international financial services broker in proceedings alleging breaches of contract and inducement, and alleged misleading conduct: *GFI Australia Pty Ltd v Matthew Cotton* [\[2021\] NSWSC 656](#).

## **ADMISSIONS**

**2019** Appointed Senior Counsel

**2005** Admitted to the Bar of New South Wales

**2000** Admitted as a Solicitor of the Supreme Court of New South Wales

## **PRINCIPAL AREAS OF PRACTICE**

- Banking, Financial Services and Financial Products
- Class Actions
- Commercial Litigation
- Contracts
- Corporations
- Directors' Duties
- Employment
- Equity
- Insolvency
- Schemes of Arrangement