

eibhlin mccloskey

partner



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Eibhlin is a Partner of Tottle Partners. Her practice covers a variety of commercial and dispute resolution work.

Eibhlin graduated from UWA with a Bachelor of Laws in 1994 and was admitted to practice as a solicitor in Western Australia in 1997, after two years working as the associate to the Honourable Justice Owen (as his Honour then was) at the Supreme Court of Western Australia.

Eibhlin has been with the firm since its inception in 2003. She became a partner in 2010.

With more than 25 years' experience in the legal profession, Eibhlin's practice is diverse. It includes:

- All manner of disputes arising under the *Corporations Act*
- Corporate Insolvency
- Contract drafting and disputes
- Claims involving breaches of duties by directors, trustees and executors
- Shareholder and partnership disputes
- Share sales and shareholder agreements; Joint Venture Agreements
- Governance advice
- Sales of business
- Trade mark and copyright claims; IP and software licensing; Collaborative research agreements
- Estate disputes / Insolvent Deceased Estates
- Defamation claims
- Debt recovery proceedings
- Compensation claims under the *Planning Development Act 2005*
- Compensation claims under the *Military Superannuation & Benefits Scheme*

Eibhlin's client base includes listed companies, high net worth individuals and insolvency practitioners. She routinely acts for and against insolvency practitioners in connection with complex commercial negotiations, buy-outs and also in court proceedings. She has had the conduct of contested winding up applications, examinations and insolvent trading claims.

Eibhlin's recent experience includes:

- acting for one of the twelve shareholder groups in a multi-million dollar acquisition to establish the country's largest full-service cyber security company



regular advisory work to tech companies, including a leading provider of software as a service solution to the mining sector in Australia and overseas and to a provider of cutting edge education IP

general advisory and commercial work for one of Western Australia's leading construction companies, as well as dispute resolution work for that and other privately owned construction companies in Western Australia

governance advice to a charitable organisation providing aged care and respite services in the North-West of Western Australia.

structuring advice on intellectual property matters associated with emerging R&D projects, including risk management considerations in anticipated projects for IP commercialisation locally and internationally, MOUs, and licensing agreements

advisory work on copyright claims under a software licensing agreement with a foreign entity

review and assistance in negotiation of finance facilities for a locally based construction company

appearing in Federal and Supreme Court litigation for licensees and authorised corporate representatives under the *Corporations Act*, and also in proceedings involving voidable transactions and other applications arising in the ordinary course of external administrations

representing the WA Bell Companies Administrator Authority established by the West Australian state government in its attempt to resolve the long running disputes arising from the collapse the Bell Group of companies in the 1990s

Successful outcomes which Eibhlin has achieved for her clients include:

advising on, and prosecuting, a complex insolvent trading claim against directors of an insolvent company to recover funds for the benefit of unpaid creditors, including working closely with the liquidator and staff to trace transactions through a company's books and records

resolving complex voidable transaction action claims pursued against clients following the collapse of well-known construction and contracting companies operating in WA.

negotiating the resolution of directors' duties and fiduciary duty claims against the former directors of a mining company with substantial operations in WA's North-West

resolution of defamation claims for plaintiffs, and defendants, including after the commencement of court proceedings

Eibhlin is a member of the Law Society of Western Australia. She has been repeatedly recognised in *Doyle's Guide* in the areas of intellectual property, technology, media and telecommunications