



Kieran O'Brien

Partner

kieran.obrien@dlapiper.com

Melbourne

T: +61 3 9274 5912

M: +61 412 221 597

Kieran has vast experience in class actions/mass torts, product liability/product recalls, complex insurance claims (public liability, professional liability and property damage), commercial litigation.

Kieran is the International Co-Chair of the DLA Piper Class Actions and Collective Redress Group and heads DLA Piper's Australian Product Liability practice.

Kieran regularly advises on mandates that have global reach, working closely with clients and colleagues in the US, Europe and Asia. He assists clients traverse the complexity of cross-border litigation and regulatory action.

Kieran has a particular focus on the Life Sciences, Manufacturing/Industrial, Food and Beverages, Sports and Insurance sectors, and acts for many leading global companies and sporting codes in those sectors.

For instance, Kieran regularly acts for several global life sciences companies (pharmaceuticals and medical devices) in product liability and commercial litigation matters around Australia, and providing litigation and regulatory advice. Recent examples include class action litigation involving pelvic mesh, the Parkinson's Disease treatment drug (Cabaser), various medications including the smoking cessation medication Champix, and a variety of medical devices including hernia mesh, contraceptives, spinal implants and cardiac, ventilation and surgical equipment

Kieran has been included in *Best Lawyers in Australia* (a publication of the Australian Financial Review) since 2012 for the practice areas of Insurance, Litigation, Product Liability and Class Action. In 2013, Kieran was recognised as a leading lawyer in the International Who's Who of Insurance & Reinsurance Lawyers.

Kieran also actively participates in DLA Piper's Pro Bono program. He has been a partner champion for the UNICEF Child Rights Project, and has taught Civil Procedure to law students at the University of the South Pacific in Port Vila. Kieran is also a Board Member of Maddie Riewoldt's Vision, a charity dedicated to funding research and treatment into, and ultimately a cure for, bone marrow failure syndromes.

- Litigation, Arbitration and Investigations
- Regulatory and Government Affairs
- Employment
- Insurance and Reinsurance Disputes

- Life Sciences
- Industrials
- Consumer Goods, Food and Retail
- Media, Sport and Entertainment

- Acting for a global pharmaceutical company in a recently settled Federal Court class action, being a failure to warn case involving over 200 group members alleging side-effects from the consumption of two medications used to treat symptoms for Parkinson's Disease and restless leg syndrome.
- Acting for a global food distribution company in a Federal Court class action.
- Acting for a Victorian Council in a Supreme Court of Victoria class action relating to the Mickleham bushfires in February 2014. Claim recently settled with Court approval.
- Acting for the Australian Football League (AFL) in mass tort litigation arising from the Essendon Football Club supplements saga.
- Successfully acted both at trial and on appeal for the plaintiff in *Amaca Pty Ltd v CSR Ltd & Anor* [2015] VSC 582 and [2016] VSCA 320, a Supreme Court of Victoria group proceeding involving in excess of 200 claims for equitable contribution as a result of a product liability partnership dispute between two asbestos manufacturers in the 1960s-1970s.
- Acting for a global medical device company in litigation relating to the supply of medical equipment.
- Acting for a UK company in litigation arising from the purchase/acquisition of a water products company.
- Acting for a Korean company in relation to a substantial claim for losses arising from the supply of allegedly non-compliant component parts for motor vehicles that led to a global product recall.
- Acting for two global Swedish companies (hygiene products and furniture) in product related litigation and advisory work.
- Successfully acted for the defendant solicitor in a professional negligence claim (and awarded indemnity costs): *Taseska v Carus & Anor* [2019] VSC 342.

CREDENTIALS

Professional Qualifications

- Barrister and Solicitor of the High Court of Australia, 2005
- Solicitor of the Supreme Court of Victoria, 1994

Recognitions

- *Best Lawyers* - Recognised by *Best Lawyers*™ in Australia since 2012 in the areas of Insurance, Litigation, Product Liability and Class Action Law.
- *Leading Lawyer* in the International *Who's Who* of Insurance & Reinsurance Lawyers.
- *Doyle's Guide* for:
 - 'Leading (pre-eminent) Dust Diseases Lawyers & Law Firms - Victoria 2016 onwards.
 - 'Leading (pre-eminent) Public Liability Lawyers - Victoria 2017 onwards.

Memberships

- Law Institute of Victoria
- Australian Insurance Law Association (including past President of the Victorian Branch)

INSIGHTS

Kieran has presented countless seminars both in-house and externally at client and industry events.

Kieran has published numerous articles for internal and external publications, has provided special commentary on both television and radio, and has had an article published in the *Sydney Morning Herald* and *The Age (Melbourne)*.

Publications

"A fair go for all": Caps on litigation funding proceeds to be introduced

30 September 2021

The Federal Government has made good on its promise to ensure a fair and reasonable distribution of class action proceeds in proceedings involving a litigation funder by today introducing the *Treasury Laws Amendment (Measures for Consultation) Bill 2021: Litigation funders*.

Counting the cost: The first Australian ruling on contingency fee orders

22 September 2021

In the first test of the Supreme Court of Victoria's newfound powers to make a group costs order in a class action (or *contingency fees* in lay terms) , the plaintiffs' application for contingency fees was rejected by the Supreme Court (for now).

Insights from the US: will knowledge, recklessness or negligence in Australian securities class actions actually change anything?

16 August 2021

Last week the Federal Government introduced permanent reforms to the continuous disclosure regime and misleading and deceptive conduct provisions in the *Corporations Act 2001* and *ASIC Act 2001* which provide that companies and their officers will not be exposed to civil liability unless they had a requisite mental element, being *knowledge, recklessness or negligence*. This change is in line with the recommendations of the Parliamentary Joint Committee for Corporations and Financial Services and also extends the temporary measures originally introduced at the height of the COVID-19 pandemic.

This change brings Australia's continuous disclosure regime closer to that of its counterparts in the United States and the United Kingdom, and there is much we can learn from our international colleagues.

Insurance Review May 2016

5 MAY 2016

Welcome to *Insurance Review May 2016*. DLA Piper's annual publication dedicated to the insurance industry. In this issue we look at the following topics:

Events