SQUIRE PATTON BOGGS

Tenille Kearney

Senior Associate

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About Tenille

Tenille Kearney is a senior associate in the Litigation Practice Group, and has experience in corporate and commercial litigation and construction disputes.

Tenille provides advice and assists with contentious and noncontentious matters involving breach of contract, property rights, equitable claims, negligence, competition and consumer law, corporations law, insolvency, administrative law and intellectual property.

Tenille also drafts construction contracts, advises on aspects of construction contracts, and assists with the conduct of construction disputes that are the subject of international arbitration, domestic arbitration, court proceedings or adjudication.

Experience

Disputes Experience

- Assisting with the conduct of an international arbitration concerning a parent company guarantee provided under a construction contract.
- Assisting with the conduct of two domestic arbitrations involving claims of misleading or deceptive conduct, breaches of a construction contract and gross negligence.
- Assisting with the conduct of Supreme Court of Western Australia proceedings concerning the recovery of an AU$36 million debt arising under two AS4902–2000 design and construct contracts.
- Assisting with the conduct of Supreme Court of Western Australia proceedings concerning an application for a stay under the Commercial Arbitration Act 2012 (WA).
- Assisting with two appeals before the Supreme Court of Western Australia Court of Appeal. One appeal arose from a Supreme Court of Western Australia decision refusing a stay of court proceedings in favour of arbitration. The other appeal related to two Supreme Court of Western Australia decisions granting summary judgment.
- Assisting with the conduct of Supreme Court of Western Australia Court of Appeal proceedings concerning applications for interim orders.

- Assisting with advice to a contractor on a major gas project in Western Australia in preparation for arbitration.
- Providing advice to an international company in respect of a dispute concerning goods supplied for a major gas project in Western Australia.
- Providing advice in relation to a mining royalty dispute and potential arbitration arising from the same.
- Appearing before the State Administrative Tribunal in a matter concerning remedial works undertaken at a strata complex, and an application for a building remedy order sought under the Building Services (Complaint Resolution and Administration) Act 2011 (WA).
- Assisting a building company in a dispute relating to professional negligence and breach of contract claims against consultant engineers.
- Coordinating and assisting with the conduct of discovery in a complex and large-scale construction contract variation dispute in the Supreme Court of Western Australia.
- Assisting with the conduct of breach of contract proceedings, an appeal from a summary judgment decision and various interlocutory applications in the Federal Court of Australia for a corporate entity in the renewable energy industry.
- Assisting with investigations into a former company officer's conduct and to trace company assets worth more than AU$30 million.
- Assisting with a regulatory investigation into the conduct of a financial advisor.
- Assisting with the conduct of caveat extension proceedings in the Supreme Court of Western Australia for a corporate entity in the hospitality industry.
- Assisting a corporate entity in defending adverse possession proceedings in the Supreme Court of Western Australia.
- Assisting with the conduct of an appeal to the General Division of the Supreme Court of Western Australia in relation to an application for an alteration/redefinition of a licensed premises and liquor store pursuant to the Liquor Control Act 1988 (WA).
- Providing strategic and commercial advice in relation to obligations, rights, entitlements and disputes under commercial and construction contracts, and obligations, rights and entitlements under legislation.
- Provided advice as to the application of the Competition and Consumer Act 2010 (Cth) to suppliers of goods and services.
- Provided advice in relation to the power of sale of receivers and equitable chargees, and the impact of such sales on the interests of prior and subsequent security interest holders.
- Providing advice to various companies in relation to enforcement of their terms of business and strategies for debt recovery.
- Preparing statutory demands and assisting with a Federal Court of Australia winding up application.
- Assisting with the conduct of and defence of various unfair preference payment claims.
- Assisting with discovery in class action insolvency proceedings.

Commercial and Contracting Experience

- Reviewing and amending a resource company's services contract and purchase order terms and conditions in light of the Building and Construction Industry (Security of Payment) Act 2021 (WA).
- Preparing an amended AS 4910 – 2002 contract for the supply of equipment with installation for a resource company.

- Preparing an early contractor involvement (ECI) contract.
- Preparing an amended AS 4000 – 1997 (general conditions of contract) for a shopping centre refurbishment.
- Reviewing and amending a reticulated infrastructure licence.
- Preparing sponsorship and funding agreements.
- Reviewing and amending a lift maintenance services agreement.
- Providing advice on copyright law and compliance obligations.
- Preparing online retail terms and conditions.
- Preparing privacy policies for use by online businesses.
- Preparing freedom of information applications.

Credentials

Education

- The University of Melbourne, LL.M., 2020
- The College of Law, Western Australia, Graduate Diploma of Legal Practice, 2014
- The University of Western Australia, LL.B., 2013
- The University of Western Australia, B.Sc., 2013

Courts

- High Court of Australia, 2015
- Supreme Court of Western Australia, 2014

Expertise

Services

- Litigation
- International Dispute Resolution

Industries

- Construction & Engineering
- Energy & Natural Resources
- Infrastructure

About our firm

One of the world's strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients, from long-established leading corporations to emerging businesses, startup visionaries and sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.