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CLASS ACTIONS

Banksia Securities Limited – Acting for insurance broker in defence of third-party claim by Banksia Securities in context of a securities class action by Mr Bolitho against Banksia. Included consideration of misleading or deceptive conduct claims relating to publication of prospectus and alleged breaches of directors’ duties.

- Junior to Geoff McArthur and Sandro Goubran (now Mr Goubran QC)
- *Banksia Securities Ltd v Insurance House Pty Ltd (Settlement Approval)* [2020] VSC 123 (settlement approval)

OZ Minerals Limited – Acting for directors (including CEO and CFO) in claims stemming from the merger of Oxiana Limited and Zinifex Limited, including appearing at return of application for approval of settlement of representative proceeding.

- Junior to Chris Caleo QC and Stewart Maiden (now Mr Maiden QC)
- *Mitic v OZ Minerals Limited (No 2)* [2017] FCA 409 (settlement approval)

COMMERCIAL LAW

CONTRACT:

Ancor Ltd v Barnes & Ors – Acting for plaintiff in breach of contract and estoppel claim and related subsequent applications and appeal, including claims of breach of fiduciary duty.

- Junior to Stewart Maiden/Stewart Maiden QC
- *Ancor Ltd v Barnes & Ors* [2016] VSC 707 (primary reasons)
- *Ancor Ltd & Ors v Barnes & Ors (Ruling No 1)* [2018] VSC 21 (ruling)
- *Ancor Ltd & Ors v Barnes & Ors (Ruling No 2)* [2018] VSC 137 (ruling)
- *Ancor Ltd & Ors v Barnes & Ors (Ruling No 3)* [2019] VSC 393 (ruling)
- *Ancor Ltd v Barnes [No 2]* [2019] VSC 849 (damages)
- *Ancor Ltd and Ors v Barnes and Ors (Costs Ruling)* [2020] VSC 585 (costs)
- *Ancor Limited (ACN 000 017 372) v Trevor Mark Barnes* [2021] VSCA 6 (appeal)
- *Ancor Limited (ACN 000 017 372) and Ors v Trevor Mark Barnes and Ors* [2021] VSCA 87 (costs)

Orora Limited v Lindsay Australia Limited – Acting for Orora in application for interlocutory injunctive relief to prevent termination of distribution agreement.

- Junior to Sam Horgan QC
- *Orora Limited v Lindsay Australia Limited* [2015] VSC 197

Regal Cream Products Pty Ltd (t/as Bulla Dairy Foods) v Murray Goulbourn Co-operative Co Limited – Acting for Murray Goulbourn in defence of claim of alleged repudiation of supply agreement and estoppel.

- Junior to Hamish Austin QC
- Supreme Court of Victoria; no published judgment

RESTRAINT OF TRADE (COMMERCIAL):

Monash IVF Pty Ltd v Burmeister – Acting for Dr Lynn Burmeister in Supreme Court proceeding challenging restraints of trade and proceedings seeking to enforce restraints of trade, including case management hearing in relation to like proceedings issued in Supreme Court of New South Wales.

- Junior (with Dimitri Ternovski) to Stuart Wood QC and Jon Davis QC (Davis J)
- *Monash IVF Pty Ltd v Burmeister* [2017] NSWSC 849

TI Asia Pacific Pty Ltd & Anor v Treofan Germany GmbH & Co KG – Acting for vendor of business in proceedings for alleged breaches of restraint of trade provision and patent licence consequent upon sale of business, including commencement of trial.

- Junior to David Batt QC
- Federal Court of Australia; no published judgment

MISLEADING OR DECEPTIVE CONDUCT AND/OR ESTOPPEL:

Banksia Securities Limited – Acting for insurance broker in defence of third-party claim by Banksia Securities in context of a securities class action by Mr Bolitho against Banksia. Included consideration of misleading or deceptive conduct claims relating to publication of prospectus and alleged breaches of directors' duties.

- Junior to Geoff McArthur and Sandro Goubran (now Mr Goubran QC)
- *Banksia Securities Ltd v Insurance House Pty Ltd (Settlement Approval)* [2020] VSC 123 (settlement approval)

Ka Lung Cheng & Ors v Mirvac Victoria Pty Ltd – Acting for Mirvac in defence of alleged misleading or deceptive conduct relating to the sale of land in the Waverley Park Development, Victoria.

- Junior to Chris Caleo QC
- Federal Court of Australia; no published judgment

OZ Minerals Limited – Acting for directors (including CEO and CFO) in claims stemming from the merger of Oxiana Limited and Zinifex Limited, including appearing at return of application for approval of settlement of representative proceeding.

- Junior to Chris Caleo QC and Stewart Maiden (now Mr Maiden QC)
- *Mitic v OZ Minerals Limited (No 2)* [2017] FCA 409 (settlement approval)

Pentridge Village Pty Ltd (in liq) v Capital Finance Australia Ltd – Acting for Capital Finance in defence of misleading or deceptive conduct claims relating to lending, including interlocutory argument about assignability of statutory causes of action and leave to issue derivative action.

- Junior to Claire Harris QC
- *Pentridge Village Pty Ltd (in liq) v Capital Finance Australia Ltd* (2018) 58 VR 1

R-Mechanical Services Pty Ltd v AGL Energy Limited – Acting for AGL Energy in defence of alleged misleading or deceptive conduct relating to franchise agreement.

- Junior to Jim Peters QC
- Federal Court of Australia; no published judgment

Regal Cream Products Pty Ltd (t/as Bulla Dairy Foods) v Murray Goulbourn Co-operative Co Limited – Acting for Murray Goulbourn in defence of claim of alleged repudiation of supply agreement and estoppel.

- Junior to Hamish Austin QC
- Supreme Court of Victoria; no published judgment

DIRECTORS' DUTIES:

Banksia Securities Limited – Acting for insurance broker in defence of third-party claim by Banksia Securities in context of a securities class action by Mr Bolitho against Banksia. Included consideration of misleading or deceptive conduct claims relating to publication of prospectus and alleged breaches of directors' duties.

- Junior to Geoff McArthur and Sandro Goubran (now Mr Goubran QC)
- *Banksia Securities Ltd v Insurance House Pty Ltd (Settlement Approval)* [2020] VSC 123 (settlement approval)

ASIC investigation: Acting for non-executive chairman in s 19 examination by Australian Securities and Investments Commission.

CONSTRUCTION:

Melbourne Water Corporation v Aurecon Australia Pty Ltd & Ors – Acting for Structural Systems in defence of third-party claims by Tenix relating to the construction of the Eastern Treatment Plant.

- Junior to Toby Schnookal QC
- Supreme Court of Victoria; no published judgment

MISCELLANEOUS:

Acting for time charterer in arbitration proceeding for breach of time charter.

Advice to receivers regarding defence of injunction to prevent sale of secured property.

EMPLOYMENT LAW AND DISCRIMINATION

RESTRAINT OF TRADE AND RELATED DUTIES (EMPLOYMENT):

Liberty Financial Pty Ltd v Dragan Jugovic & Ors – Acting for Liberty in successful application for interlocutory injunctive relief relating to 12-month restraint of trade based on employment with future competitor.

- Junior (with Marc Felman and Andrew Crocker) to Stuart Wood QC
- *Liberty Financial Pty Ltd v Jugovic* [2021] FCA 607

Cygnett Pty Ltd v George Souris & Anor – Acting for Cygnett in proceedings for, among other things, breaches of employment agreement and fiduciary duties related to employment with future competitor.

- Junior (with Dimitri Ternovski) to Stuart Wood QC
- *Cygnett Pty Ltd v Souris* [2020] FCA 1754

Ancor Ltd v Barnes & Ors – Acting for Mr Holihan in defence of claims of breach of fiduciary duty.

- Junior to Stewart Maiden QC
- *Ancor Limited (ACN 000 017 372) v Trevor Mark Barnes* [2021] VSCA 6 (appeal)
- *Ancor Limited (ACN 000 017 372) and Ors v Trevor Mark Barnes And Ors* [2021] VSCA 87 (costs)

Just Group Limited v Nicole Peck – Acting for Just Group in proceedings seeking to enforce post-employment restraints.

- Junior (with Dimitri Ternovski) to Stuart Wood QC
- *Just Group Limited v Nicole Peck* [2016] VSC 614 (first instance)
- *Just Group Limited v Nicole Peck* (2016) 344 ALR 162 (appeal)

DISCRIMINATION:

Petrou v Bupa Aged Care Australia Pty Ltd – Acting for Bupa Aged Care in successful defence of indirect discrimination claim.

- Not led
- *Petrou v Bupa Aged Care Australia Pty Ltd* [2017] VCAT 1706 (primary judgment)
- *Petrou v Bupa Aged Care Australia Pty Ltd (Costs) (Human Rights)* [2018] VCAT 104 (costs)

MISCELLANEOUS:

Provision of advice to numerous employer clients regarding enforcement of post-employment restraints and potential breaches of other employment obligations such as fiduciary and statutory obligations.

PROPERTY LAW

COMPULSORY ACQUISITION:

Formware Pty Ltd v Roads Corporation – Acting for Roads Corporation in defence of claim for disturbance loss under the *Land Acquisition and Compensation Act 1986* (Vic).

- Junior to Sandro Goubran (now Mr Goubran QC)
- Supreme Court of Victoria; no published judgment

Head, Transport for Victoria v Wheelton Investments Pty Ltd – Acting for Authority in defence of claim for disturbance loss under the *Land Acquisition and Compensation Act 1986* (Vic).

- Unled
- Supreme Court of Victoria; no published judgment

Head, Transport for Victoria v The Greek Orthodox Community of Melbourne and Victoria & Anor – Acting for Authority in defence of claims for compensation for alleged market value and disturbance loss under the *Land Acquisition and Compensation Act 1986* (Vic).

- Junior to Jason Pizer QC
- Supreme Court of Victoria; no published judgment

Caligiuri & Anor v Attorney General (on behalf of the State of Victoria) & Ors – Acting for Melbourne Water Corporation and Yarra Valley Water Corporation in defence of application for judicial review for alleged failure to afford procedural fairness relating to land acquisition.

- Junior to Sandro Goubran (now Mr Goubran QC)
- *Caligiuri v Attorney General (on behalf of the State of Victoria)* [2019] VSC 101 (interlocutory injunction)
- *Caligiuri v Attorney General (on behalf of the State of Victoria) (No 2)* [2019] VSC 365 (primary judgment)
- *Caligiuri v Attorney-General (on behalf of the State of Victoria) (No 3)* [2019] VSC 516 (costs)
- *Melbourne Water Corporation and Yarra Valley Water Corporation v Caligiuri* [2020] VSCA 16; 60 VR 462 (appeal)

ESTATE AGENTS:

Giannakidis v Trukeel Pty Ltd & Anor – Acting for vendor in defence of claim by real estate agent for commission up to commencement of trial, including consideration of provisions of *Estate Agents Act 1989* (Vic).

- Junior to Sam Horgan QC
- Supreme Court of Victoria; no published judgment

RESTITUTION:

Ironbridge Holdings Pty Ltd (administrators appointed) (receivers and managers appointed) v O’Grady – Acting for vendor in defence of restitution claim following termination of contract of sale.

- Junior to Michael Borsky QC
- *Ironbridge Holdings Pty Ltd (admin apptd) (rec and mgr apptd) v O'Grady* [2020] VSC 344 (primary judgment)
- *Ironbridge Holdings Pty Ltd (admin apptd) (rec and mgr apptd) v O'Grady (No 2)* [2020] VSC 638 (costs)

MISCELLANEOUS:

Applications for possession and the removal of caveats.

Advice relating to alleged breach of covenant of quiet enjoyment.

Acting for bank in defence of claim by second mortgagee to redeem mortgage.

PUBLIC LAW / JUDICIAL REVIEW

Caligiuri & Anor v Attorney General (on behalf of the State of Victoria) & Ors – Acting for Melbourne Water Corporation and Yarra Valley Water Corporation in defence of judicial review for alleged failure to afford procedural fairness relating to land acquisition.

- Junior to Sandro Goubran (now Mr Goubran QC)
- *Caligiuri v Attorney General (on behalf of the State of Victoria)* [2019] VSC 101 (interlocutory injunction)
- *Caligiuri v Attorney General (on behalf of the State of Victoria) (No 2)* [2019] VSC 365 (primary judgment)
- *Caligiuri v Attorney-General (on behalf of the State of Victoria) (No 3)* [2019] VSC 516 (costs)
- *Melbourne Water Corporation and Yarra Valley Water Corporation v Caligiuri* [2020] VSCA 16; 60 VR 462 (appeal)

Essendon Football Club v Chief Executive Officer of the Australian Sports Anti-Doping Authority – Acting for Essendon Football Club in proceedings challenging the validity of ASADA's investigation into Essendon.

- Junior to Neil Young QC and Cath Button (as her Honour then was)
- *Essendon Football Club v Chief Executive Officer of the Australian Sports Anti-Doping Authority* (2014) 227 FCR 1

ROYAL COMMISSION

Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry – Advice and guidance relating to notices to produce and witness statements.