

JEREMY STOLJAR SC – CURRICULUM VITAE

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Jeremy Stoljar SC has appeared in a wide variety of cases across Australia in over twenty years' practice at the bar, including ten years as a silk.

He is regularly named in the list of *The Best Lawyers in Australia* published annually in the *Australian Financial Review* in the categories "Bet The Company Litigation" and "Litigation".

He is a Fellow of the Australian Academy of Law. As appears on the Academy's website it is a body "comprising individuals of exceptional distinction in the discipline of law" drawn from all parts of the legal community, including academia, the practising profession and the judiciary. Appointment to the Academy is by invitation only.

He is named in the Chambers Asia Pacific 2019 rankings, and also in Doyle's Guide for both commercial litigation and insolvency.

He was counsel assisting the Royal Commission into Trade Union Governance and Corruption in 2014 and 2015. In this role he was senior counsel assisting the Commission with a team comprising a further silk and five junior counsel. This was a full-time position during 2014 and 2015, during which time over 500 witnesses gave evidence and an interim and final report released.

His areas of practice include appellate, class actions, commercial and corporate, insolvency and inquiry work. A selection of recent matters is set out below, arranged by practice area.

SELECTION OF RECENT CASES

Appellate

High Court of Australia

- *UBS AG v Tyne* [2018] HCA 45. Appeared for investment bank UBS in an appeal in relation to an abuse of process.
- *Ramsay Health Care Australia Pty Ltd v Compton* [2017] HCA 28; (2017) 345 ALR 534; 91 ALJR 803. Appeared for the Ramsay Health group in relation to a bankruptcy issue.

Full Court of the Federal Court of Australia

- *Robinson v Deep Investments Pty Ltd* [2018] FCA 603. Appeared for accountancy firm CBC in an appeal relating to an abuse of process.

- *Addenbrooke Pty Limited v Duncan (No 2)* [2017] FCAFC 76. Appeared for the appellant in relation to a share investment in a coal mining venture.
- *Compton v Ramsay Health Care Australia Pty Ltd* [2017] FCAFC 221. Appeared for the Ramsay Health Group in relation to place of residence for the purposes of bankruptcy laws (different proceeding from the one identified above).
- *Melbourne City Investments Pty Ltd v Treasury Wine Estates Limited* [2017] FCAFC 98; (2017) 252 FCR 1. Appeared for the respondent class in an appeal in relation to a share investment class action.
- *Tyne v UBS AG* (2017) 250 FCR 341; [2017] FCAFC 5; (2017) 341 ALR 415. Appeared for investment bank UBS in relation to an abuse of process.

State Courts of Appeal

- *Lewis Securities v Carter* [2018] NSWCA 118; (2018) 355 ALR 703; 128 ACSR 120. Appeared for the liquidators of a group of companies against former directors and officers in relation to breach of fiduciary duties.
- *Taouk v Assure (NSW) Pty Ltd* [2017] NSWCA 227. Appeared for the respondent property developer in a contract dispute.
- *Upside Property Group Pty Ltd v Tekin* [2017] NSWCA 336; (2017) 19 BPR 38,137. Appeared for the appellant property developer in a contract dispute.
- *Mighty River International Ltd v Hughes* [2017] WASCA 152. Appeared for the administrators of a mining venture in relation to a deed of company arrangement.
- *AMP Life Ltd v AMP Capital Funds Management Ltd* [2016] NSWCA 176; (2016) 312 FLR 391; 115 ACSR 421. Appeared for AMP Life Ltd in relation to voting rights in a managed investment scheme.
- *Sze Tu v Lowe* [2014] NSWCA 462; (2014) 89 NSWLR 317. Appeared for an administrator in relation to a breach of fiduciary duty case.
- *Hasler v Singtel Optus Pty Ltd* [2014] NSWCA 266; (2014) 87 NSWLR 609. Appeared for Singtel Optus in a breach of fiduciary duty case.
- *Razdan v Westpac Banking Corporation* [2014] NSWCA 126. Appeared for Westpac in relation to a dispute over a commercial lending facility.
- *Galafassi v Kelly* [2014] NSWCA 190; (2014) 17 BPR 33,103. Appeared for the vendor in a specific performance of contract appeal.
- *Dimitrovski v Australian Executor Trustees Ltd* [2014] NSWCA 68. Appeared for Australian Executor Trustees in an appeal involving a commercial loan facility.

- *Bendigo and Adelaide Bank Ltd v Karamihos* [2014] NSWCA 17. Appeared for Bendigo and Adelaide Bank in an appeal involving enforcement of a loan facility.
- *Provident Capital Ltd v Papa* (2013) NSWCA 36; (2013) 84 NSWLR 231. Appeared for Provident Capital in an appeal involving enforcement of a loan security and a related claim against legal practitioners.
- *Hammond v JP Morgan Trust Australia Ltd* [2012] NSWCA 295; (2012) 16 BPR 30,901. Appeared for JP Morgan in an appeal in relation to a secured loan facility.

Commercial and corporate

- *BrisConnections Finance Pty Ltd v Arup Pty Ltd*. Appeared for Thiess Ltd and John Holland Ltd the designers and builders of the Airport Link tunnel in Brisbane in a traffic forecasting case in the Federal Court of Australia; see (2017) 252 FCR 450; [2017] FCA 1268 (proceedings settled after some weeks of hearing).
- *GrainCorp Foods Australia Pty Ltd v Goodman Fielder*. Currently appearing for GrainCorp in a dispute over a supply contract in the Commercial List of the NSW Supreme Court.
- *Addenbrooke Pty Limited v Duncan (No 2)* [2017] FCAFC 76. Currently appearing for a share investor in relation to a coal mining venture, listed for hearing in 2019.

Commissions and Inquiries

- Senior counsel assisting in the Royal Commission into Trade Union Governance and Corruption – full time position 2014 and 2015.
- Appeared for Insurance Australia Group (IAG) in the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry.
- Appeared for Retail Employees Superannuation Pty Ltd (REST) in the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry.
- Currently briefed for a significant aged care provider in the Royal Commission into Aged Care Quality and Safety.

Class actions

- *Fitch Ratings, Inc ats Mid-Coast Council*. Currently appearing for global credit rating agency, Fitch Ratings, Inc, the defendant in a class action listed for hearing in 2019.
- *McAlister v New South Wales (No 2)* [2017] FCA 93. Appeared for the applicant group members in a class action in the Federal Court of Australia.
- *Jones v Treasury Wine Estates Limited*. Appeared for the applicant group members in a share investor class action in the Federal Court. Proceedings settled through mediation at the commencement of trial.

Insolvency

- *Hutchings v Australian Securities and Investment Commission* [2017] FCA 858. Appeared for appellant in a bankruptcy dispute.
- *Mighty River International Ltd v Hughes* [2017] WASCA 152. Appeared for the administrators of a mining venture at first instance and on appeal in the WA Supreme Court in relation to a deed of company arrangement.

PUBLICATIONS AND OTHER

- *Australian Book of Great Trials*, 2011 (<https://www.amazon.com.au/Australian-Book-Great-Trials-shaped-ebook/dp/B005HBDCT8>)
- Various articles, including:
 - Mortgages, Indefeasibility and Personal Covenants to Pay (2008) 82 ALJ 28
 - Invisible Cargo: The Introduction of English Law into Australia, included in *Historical Foundations of Australian Law*, 2013, The Federation Press.
 - The Categories of Waiver (2013) 87 ALJ 482
 - The Doctrine of Forbearance (2018) 92 ALJ 195
- Editorial board, *Property Law Review*
- Editor, *Bar News* (2012 – 2017)
- Board of the Katrina Dawson Foundation (2014 to present)

QUALIFICATIONS

1988 BA (Hons)/LLB (Hons) The University of Sydney

1989 Admitted as a legal practitioner

1996 Admitted to the NSW bar

2008 Appointed senior counsel

INQUIRIES

Clerk – Ms Sally Flynn | telephone 61 2 9232 4724 | email sflynn@eightselborne.com.au