

## Maggie Kearney

Tenth Floor Chambers

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## QUALIFICATION

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Barrister of the Supreme Court of New South Wales – 29 August 2022

Admitted to the High Court of Australia – 16 January 2019

Solicitor of the Supreme Court of New South Wales – 9 November 2018

## EDUCATION

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2020-2021      **Master of Laws (LLM) with Distinction** – University of Sydney, Ross Waite Parsons Scholarship

2018              **College of Law Diploma of Legal Practice** – New South Wales College of Law

2014-2016        **Juris Doctor with Distinction** – University of New South Wales

2010-2013        **Bachelor of Arts** (Majors: Musicology, English Literature) – Australian National University

## PROFESSIONAL EXPERIENCE

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2022 onwards    Barrister, Tenth Floor Chambers

2020-2022       Senior Associate, Commercial Litigation, Corrs Chambers Westgarth

2018-2020       Lawyer, Intellectual Property & Media, Ashurst

2017-2018       Tipstaff to the Hon. Justice David Hammerschlag, Supreme Court of New South Wales (Head of Commercial, Technology & Construction and Commercial Arbitration Lists)

2016              Law Tutor, UNSW Nura Gili Program (Torts, Criminal Law)

2015-2016       Clerk / Paralegal, Dispute Resolution, Ashurst

## SELECT CASES

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### Commercial matters

- *DC Rd DC Pty Ltd v Zhang & Cai* [2023] FCA 342; [2024] FCA 157; [2024] FCA 221; [2026] FCA 16: Led by C Colquhoun SC, B Smith, acting for successful Applicants in misleading and deceptive conduct and breach of fiduciary duties claim concerning property transactions and extensive equitable tracing. Various interlocutory applications were also involved with respect to *Sabre* orders, document production and contempt.

- *Soyo Investment Holding Pty Ltd v AL Brands Management Group Pty Ltd*: Led by M Condon SC, ongoing Supreme Court proceedings defending a claim for breach of contract, misleading and deceptive conduct and passing off.
- *SHM Co Pty Ltd v Santiago Nominees Pty Ltd*: unled, ongoing Supreme Court proceedings defending a claim for entitlement to shares in a unit trust.
- *Zandonda & Ors v Charter Financial Planning Pty Ltd*: unled, ongoing Federal Court proceedings defending claim for corporation regarding alleged fraud of employed financial planner, defending claims of vicarious liability and negligence.
- *Jiaqing Xu v Thyge Trafford Jones & Ors*: Led by A McInerny SC, ongoing Federal Court proceedings seeking to set aside personal insolvency agreement under s 222 of the *Bankruptcy Act 1966* (Cth).
- *J Steel Pty Ltd v Giken Ltd*: Led by M Condon SC, Supreme Court proceedings, settled part-heard, seeking specific performance for breach of contract, defending cross-claim for termination and damages.
- *Dehong LIU & Ors v Biyu LIN*: Led by V Bedrossian SC, ongoing Supreme Court proceedings involving claims in misleading and deceptive conduct concerning a foreign exchange investment platform.
- *Kian Yan Sim v Resolution Life Australasia Pty Ltd*: Led by D Lloyd SC, settled. Supreme Court proceedings acting for life insurer against medical practitioner in contractual claim for payment of life insurance.
- *Eczane Pharmaceuticals Pty Ltd v Pharmpro Pty Limited*: Led by P Herzfeld SC, settled. Supreme Court proceedings concerning joint venture for the distribution of COVID-19 RATs including various interlocutory applications for security for costs, discovery and production.
- *Kraft v Anor v BPR Audit Pty Ltd & Ors* [2025] FCA 422: Led by S Lawrence SC, Federal Court class action proceedings including approved settlement, acting for respondent auditor in claims for negligence, breach of contract and misleading and deceptive conduct.
- *V.G DNEPR Pty Ltd v MVI Industries Pty Ltd* [2024] NSWDC 455: unled, acting for plaintiff in successful proceeding brought by tenant for recovery of bond monies and defending claim for defective make good works.
- *Annor v Howard* [2023] NSWSC 1084: unled, successfully defending application to remove solicitor from acting under the Court's inherent jurisdiction, ongoing proceedings for breach of contract.
- Various ongoing advisory work for large telecommunications providers, insurers, investment funds, accountants and auditors

#### Corporations Law matters

- *Maisie Corporation Pty Ltd v Australian Construction Training Services Pty Ltd*: Led by P Herzfeld SC, ongoing Supreme Court proceedings concerning interpretation of shareholders agreement and share buy-back.
- *In the matter of Connect Auto Group Pty Ltd*: unled, acting for company in proceedings against director for breach of director's duties.

- *In the matter of LSL Partners Pty Ltd*: led by M Jaireth, acting for company and its directors in proceedings concerning breach of shareholders agreement and oppression.
- *Le Dedhia Pty Ltd ATF Le Dedhia Superannuation Fund & Anor v A.C.N. 114 733 569*: led by P Zappia KC, defending application in the Federal Court under s 247A of the *Corporations Act*.
- *Killalea & Anor v Sam Beast Mask Pty Ltd* [2024] NSWSC 941: unled, Supreme Court proceedings bringing an application under ss 201D and 500 of the *Corporations Act* for removal of directors from ASIC registers.
- *R v Krommydas*: unled, successful application for annulment and mitigation of sentence in ASIC prosecution under ss 475 and 530A of the *Corporations Act*.

#### Intellectual Property matters

- *Reference by APRA AMCOS CT 1 of 2021*: Led by J Hennessy SC, A Campbell, ongoing proceedings in the Copyright Tribunal, acting on behalf of a streaming service.
- *Reference by Phonographic Performance Company of Australia Ltd CT1 of 2023*: Led by J Hennessy SC, J Beaumont SC, A Campbell, ongoing.

#### Administrative law matters

- *Australian Retirement Trust Pty Ltd v Kate Buckland* [2025] FCA 1563: Led by B Walker SC, P Knowles SC, successful Federal Court appeal of a decision of the Australian Financial Complaints Authority with respect to the operation of s 54 of the *Insurance Contracts Act 1984* (Cth).
- *Law Society of New South Wales v O'Brien* [2025] NSWCA 215: Led by K Morgan SC, ongoing Court of Appeal proceedings on behalf of the Law Society against solicitor for removal from Supreme Court roll.
- *Picos v Bar Council of NSW* [2023] NSWCA 218: Led by K Morgan SC, successful Court of Appeal proceedings opposing claim by individual who was refused a practising certificate seeking review of Bar Council decision.
- *Matai v Australian Securities and Investments Commission* [2023] AATA 340: AAT, application seeking a stay of an ASIC banning order against a financial adviser.
- *Haire v Australian Capital Territory Integrity Commission*: Led by K Morgan SC. Proceedings in the ACT Supreme Court claiming apprehended bias against ACT Integrity Commissioner for conduct during ongoing inquiry in Operation Kingfisher.

#### Strata, Building and Construction matters

- *The Owners—Strata Plan No 94411 v SH Homebush Peninsula Pty Limited*: Led by I Roberts SC, ongoing Supreme Court proceedings acting for Owners Corporation claiming defects with respect to installation of combustible cladding.
- *Hermitage Engadine Pty Ltd v Mark Gladman & Anor*: Led by M Condon SC, ongoing Supreme Court proceedings acting for builder and superintendent in respect of claim for breach of building contract.

- *The Owners—Strata Plan No 99327 v Arc Renovation & Construction Pty Ltd*: unled, ongoing Supreme Court proceedings acting for plaintiff in claim for defective building work.
- *The Owners—Strata Plan No 104673 v Inventbuild Pty Ltd*: led by M Pesman SC, ongoing Supreme Court proceedings acting for plaintiff in claim for defective building work.
- *Bilanksy v Nadile*: unled, acting for successful plaintiff in claim to enforce contract for building services and defending claim for defective work.
- *Interior Marble Projects Pty Ltd v Curly*: unled, ongoing, claim for debt and defective work between contractors in home renovation project.
- *Griffiths v Owners SP 19887 [2023] NSWCATCD*: acting for plaintiff in successful claim for breach of Owners Corporation statutory duties.

#### Inquiries and Commissions

- *Operation Kingfisher*: ACT Integrity Commission Inquiry, led by K Morgan SC acting for key witness in corruption inquiry concerning the award of a tender of a capital works project in the ACT, ongoing.
- *Inquiry into Greyhound Racing NSW*: Acting for witness into inquiry into the sustainability of the greyhound racing industry in NSW.

### **OTHER ACHIEVEMENTS**

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- Peteris Ginters Prize Winner for highest pass in Ethics in Bar Exam, 2022
- Ross Waite Parsons Scholarship, University of Sydney, 2020 - 2021
- Published in Financier Worldwide Magazine as co-author, 'Intellectual Property Disputes: arbitrate or litigate?' February 2020
- Published in the Communications and Media Law Association as co-author, 'Diving into the Deep End: Dealing with Deepfakes Online' Communications Law Bulletin, 2019
- Awarded Distinction, UNSW Juris Doctor, 2016
- Bruce Hall prize for outstanding academic achievement, ANU 2012
- Dux, St. George Girls' Selective High School, 2009

### **MEMBERSHIPS AND COMMITTEES**

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- Secretary, NSW Bar Association New Barristers Committee – 2023 - 2025
- NSW Bar Association Media and Information Law & Technology Committee - 2023
- New South Wales Bar Association – 2022 onwards
- Communications and Media Law Association – 2019 onwards