

# Michael John Gvozdenovic

Tenth Floor Chambers  
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## Education

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2021 – 2022     **Master of Laws – Columbia University**

- Fulbright Scholar
- Eleanor Sophia Wood Postgraduate Travelling Scholarship (awarded by the University of Sydney)
- JB Watt Travelling Scholarship (awarded by the University of Sydney)
- James Kent Scholar (highest academic honours)
- Whitney North Seymour Medal
- Associate to Judge Richard Sullivan, United States Court of Appeals (Second Circuit)
- Associate to Judge Kiyo Matsumoto, United States District Court (Eastern District of New York)

2014 – 2018     **Bachelor of Laws (Hons) / Bachelor of Economics – University of Sydney**

- First in combined Bachelor of Laws / Bachelor of Economics cohort
- Justice Stanley Vere Toose Memorial Prize

## Admissions

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2023             **Called to the New South Wales Bar**  
2020             **Admitted to the High Court of Australia**  
2019             **Admitted to the Supreme Court of New South Wales**

## Professional Experience

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2023 – present     **Barrister – Tenth Floor Chambers**  
2022 – 2023         **Solicitor – Herbert Smith Freehills**  
2021 – 2022         **Associate – Clifford Chance**  
2020 – 2021         **Associate to the Hon Justice Michael Wigney – Federal Court of Australia**  
2016 – 2020         **Lawyer – Clayton Utz**

## Areas of Practice

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Michael has a broad practice and accepts briefs in all areas of law. He has particular experience and interest in commercial, competition and consumer, intellectual property, corporations, and insolvency matters. Within these areas, he has worked extensively in class actions, appellate, and regulatory proceedings.

Michael regularly appears both led and unled for corporations, government agencies, and individuals in NSW courts, the Federal Court, and tribunals. He also has experience in investigations, inquiries, and s.155 examinations.

## Selected Cases

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### Class Actions

- *Nathaniel Bain & Anor v International Capital Markets Pty Ltd & Anor*, Federal Court of Australia (ongoing | led by D Thomas SC | instructed by Quinn Emanuel Urquhart & Sullivan); [2024] VSC 455; [2024] FCA 283; [2024] FCA 847
- *Williams & Kersten Pty Ltd v National Australia Bank Limited*, Federal Court of Australia (ongoing | led by W Edwards KC | instructed by William Roberts Lawyers); [2024] FCA 1031
- *Susan Karpik v Carnival plc & Anor (The Ruby Princess)*, Full Court of the Federal Court of Australia (reserved | led by J Sexton SC and C Ernst | instructed by Shine Lawyers)
- *R and N Hunter Pty Ltd atf The Hunter Family Superannuation Fund v Count Financial Limited*, Federal Court of Australia (reserved | led by C Withers SC, T Bagley, and B O'Connor | instructed by Piper Alderman)
- *Mervyn Lawrence Brady v NULIS Nominees (Aus) Ltd*, Federal Court of Australia (reserved | led by S Habib SC and C McMeniman | instructed by William Roberts Lawyers)

### Competition & Regulatory

- *Australia Eastern Railroad Pty Ltd v Genesee & Wyoming, Inc*, Supreme Court of New South Wales (listed for hearing 30 October - 26 November 2024 | led by C Moore SC, D Sulan SC, and J Kennedy | instructed by Quinn Emanuel Urquhart & Sullivan)
- *ACCC cartel matter (confidential)*, Advice on reasonable grounds (ongoing | led by M Hodge KC, S Chordia, and C Exell | instructed by Australian Government Solicitor)
- *ACCC Part IV matter (confidential)* (ongoing | led by M Collins KC, S Lawrance SC, C Cunliffe, J Watson, and A Muhlebach | instructed by Norton Rose Fulbright)
- *Applications by Australia and New Zealand Banking Group Limited and Suncorp Group Limited* [2024] ACompT 1 (led by C Moore SC, P Strickland, and T Rogan | instructed by Herbert Smith Freehills | not required to appear at final hearing)

### Consumer & Contract

- *Australian Parents for Climate Action Ltd v Energy Australia Pty Ltd*, Federal Court of Australia (listed for hearing 12-23 May 2025 | led by K Morgan SC and S Hartford-Davis | instructed by Ashurst)
- *Thriving Enterprises Pty Ltd v Trivett Classic Pty Ltd & BMW Australia Ltd*, District Court of New South Wales (ongoing | led by S Balafoutis SC | instructed by Arida Lawyers)
- *Camnet Finance Pty Ltd v St. Elizabeth Home*, District Court of New South Wales (ongoing | led by R Clark | instructed by Mitry Lawyers)
- *Hills v Gooden* [2024] NSWCA 95 (unled | instructed by Kent McRae Lawyers)

### Intellectual Property

- *BCI Media Group Pty Ltd v CoreLogic Australia Pty Ltd*, Federal Court of Australia (ongoing | led by J Hennessey SC and C McMeniman | instructed by Gilbert + Tobin)

- *Pentana Solutions Pty Ltd v Titan Dealer Management Solutions Pty Ltd*, Federal Court of Australia (ongoing | led by F St John | instructed by Collin Biggers & Paisley Lawyers)
- *APRALtd v United Cinemas Australia*, District Court of New South Wales (settled | led by M Hall SC | instructed by Banki Haddock Fiora)

### **Corporations & Insolvency**

- *In the matter of Balamara Resources Ltd*, Supreme Court of New South Wales (ongoing | acting for plaintiff | led by S Balafoutis SC | instructed by KMD Law)
- *Asbestos Injuries Compensation Fund Ltd atf Asbestos Injuries Compensation Fund*, Supreme Court of New South Wales (reserved | acting for intervener | led by J Lockhart SC | instructed by McCullough Robertson Lawyers)
- *ASIC v Latitude Finance Australia & Harvey Normal Holdings Ltd*, Federal Court of Australia (confidentiality orders obtained for interested party | unled | instructed by Herbert Smith Freehills)
- *Sparks, in the matter of IG Energy Holdings (Australia) Pty Ltd (Administrators Appointed)* [2024] FCA 613; [2024] FCA 648; [2024] FCA 673 (settled – administrators removed, indemnity costs awarded | acted for Sev.en Gamma A.S | led by C Withers SC and A Lyons | instructed by Quinn Emanuel Urquhart & Sullivan)
- *Sev.en Gamma A.S v IG Power (Callide) Ltd (Administrators Appointed) ACN 082 413 885* [2024] FCA 30 (led by C Withers SC | instructed by Quinn Emanuel Urquhart & Sullivan)

### **Public Law**

- *The Law Society of New South Wales v Attorney General of New South Wales* [2024] NSWCA 90 (led by K Morgan SC and S Fitzpatrick | instructed by Clayton Utz)
- *Chan v Commonwealth of Australia as represented by the NDIS Quality and Safeguards Commission* [2023] FCA 1538 (led by J Emmett SC and B Rauf | instructed by Ashurst)
- *Professional conduct matters (confidential)*, NSW Bar Council (advice | led by K Morgan SC | instructed by Hicksons Lawyers)

## Selected Cases as a Solicitor

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- *Applications by Telstra Corporation Limited and TPG Telecom Limited* [2023] ACompT 1; [2023] ACompT 2 | for intervener | merger authorisation under Pt VII of the *Competition and Consumer Act 2010* (Cth)
- *ACCC v Booktopia Pty Ltd* [2023] FCA 194 | for respondent | penalty proceeding, misleading and deceptive conduct
- *In the matter of Pandal Group Limited* [2022] NSWSC 1575 | for acquirer | scheme of arrangement
- *In the matter of Beyond International Ltd* [2022] NSWSC 1649; [2022] NSWSC 1787 | for plaintiff | scheme of arrangement
- *Epic Games Inc v Apple Inc* [2021] FCA 338; [2021] FCAFC 122 | for applicant/appellant | private international law, Part IV of the *Competition and Consumer Act 2010* (Cth)
- *Epic Games Inc v Google LLC* [2022] FCA 66 | for applicant | private international law, Part IV of the *Competition and Consumer Act 2010* (Cth)
- *Port of Newcastle v Glencore Coal Assets* [2021] HCA 39 | for respondent | Part IIIA access regime under the *Competition and Consumer Act 2010* (Cth)
- *Application by Port of Newcastle* [2021] ACompT 1; [2022] ACompT 1 | for authorisation applicants | collective bargaining authorisation, confidentiality
- *Application by NSW Minerals Council* [2021] ACompT 2; [2021] ACompT 3; [2021] ACompT 4; [2021] ACompT 5 | for review applicant | Part IIIA access regime under the *Competition and Consumer Act 2010* (Cth), production of documents, costs
- *Melco Resorts & Entertainment Ltd v The Independent Liquor and Gaming Authority* [2020] NSWSC 53; [2020] NSWCA 40 | for plaintiff/respondent on appeal | legal professional privilege under the *Royal Commissions Act 1923* (NSW)
- *Macquarie International Health Clinic Pty Ltd v Sydney Local Health District* [2019] NSWSC 1199 | for defendant | contractual construction, good faith, damages
- *ACCC v Pacific National Pty Ltd* [2019] FCA 669; [2020] FCAFC 77 | for respondent/cross-appellant | contested merger under section 50 of the *Competition and Consumer Act 2010* (Cth)
- *ACCC v Volkswagen Aktiengesellschaft* [2019] FCA 2166 | for respondents | penalty proceeding, class action
- *ACCC v Apple Pty Ltd (No 4)* [2018] FCA 953 | for respondent | penalty proceeding, *Australian Consumer Law*

## Academic Positions and Selected Publications

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Michael was appointed an Adjunct Senior Lecturer at Sydney Law School, University of Sydney, in 2018. He was previously a Reporter for the Federal Law Reports and the Australian Competition & Consumer Law Reporter.

### Books

- *Current Issues in Competition Law: Vol 1 – Context and Interpretation* (Federation Press, 2021) (with Stephen Puttick) | cited in *ACCC v Australasian Food Group Pty Ltd* [2022] FCA 308; Commonwealth Treasury, ‘Merger Reform: Consultation Paper’ (November 2023)
- *Current Issues in Competition Law: Vol 2 – Practice and Perspectives* (Federation Press, 2021) (with Stephen Puttick)

### Book chapters

- ‘Corporate Identity: Veils, Groups, and Attribution’ in *Bootmakers, Boards and Rogues: Issues in Australian Corporate and Securities Law* (Ross Parsons Centre, 2023) (with Christine Wong & Ors)
- ‘Digital Platform Acquisitions: Anti-competitive Mergers or Misuses of Market Power’ in *Current Issues in Competition Law: Vol 1 – Context and Interpretation* (Federation Press, 2021) (with Dave Poddar and Joshua Sinn) | awarded 2021 Gaire Blunt Scholarship
- ‘Economic and Historical Prisms of Competition Law’ in *Current Issues in Competition Law: Vol 1 – Context and Interpretation* (Federation Press, 2021) (with Stephen Puttick)
- ‘Perspectives on Part IV’ in *Current Issues in Competition Law: Vol 2 – Practice and Perspectives* (Federation Press, 2021) (with Stephen Puttick)

### Journal articles

- ‘Development of the Common Law by Analogy to Statute’ (2023) 97(12) *Australian Law Journal* 912 (with Adam Waldman)
- ‘Private Litigation Following Criminal Cartel Prosecutions – In Need of Assistance?’ (2023) 51(4) *Australian Business Law Review* 223
- ‘Amazon, Antitrust, and a First Amendment Paradox’ (2023) 31(3) *Australian Journal of Competition and Consumer Law* 203
- ‘White Island and Accidents in New Zealand: Issues in Private International Law’ (2023) 97(3) *Australian Law Journal* 175
- ‘Can Context Mutilate Text’ (2022) 96(6) *Australian Law Journal* 392 (with Justice John Basten)
- ‘Statute, Common Law, and Analogical Reasoning: Pouring Oil on Troubled Waters’ (2022) 43(3) *Statute Law Review* 315
- ‘Government Policy: Compulsory Consideration or Discretionary Decision’ (2022) 29(1) *Australian Journal of Administrative Law* 6
- ‘Standard of Care in Medical Malpractice: Deference, *Daubert*, or Different Direction’ (2022) 29(4) *Journal of Law and Medicine* 1220
- ‘Natural Meaning Equals Natural Monopoly: New Declaration Criteria for Access to Services Under the Competition and Consumer Act’ (2020) 48(3) *Australian Business Law Review* 286
- ‘Undertakings in Merger Proceedings Following *ACCC v Pacific National Pty Ltd*: Has The Train Left The Station?’ (2020) 28(4) *Australian Journal of Competition and Consumer Law* 286 (with Stephen Puttick)
- ‘Full Steam Ahead or Gone Off The Rails: Merger Analysis After *ACCC v Pacific National Pty Ltd*’ (2020) 28(3) *Australian Journal of Competition and Consumer Law* 219 (with Stephen Puttick)
- ‘Concerted Practices and Statutory Interpretation: An Affirmation of the Jurisprudence on “Contracts, Arrangements and Understandings”’ (2019) 26(3) *Competition and Consumer Law Journal* 213