

Maggie Kearney

Tenth Floor Chambers
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QUALIFICATION

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

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

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

2009 **Higher School Certificate (Dux)** – St George Girls' Selective High School

PROFESSIONAL EXPERIENCE

2022- 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

2013-2015 Paralegal, Kennedys Law Firm

SELECT CASES

Commercial matters

- *Kraft v Anor v BPR Audit Pty Ltd & Ors*: Led by S Lawrance SC, ongoing Federal Court proceedings, acting for respondent auditor in claims for negligence, breach of contract and misleading and deceptive conduct for audits of funds invested with Melissa Caddick.

- *Eczanes Pharmaceuticals Pty Ltd v Pharmpro Pty Limited*: Led by P Herzfeld SC, ongoing Supreme Court proceedings concerning joint venture for the distribution of COVID-19 RATs including various interlocutory applications for discovery and production.
- *DC Rd DC Pty Ltd v Zhang & Cai* [2023] FCA 342; [2024] FCA 157; [2024] FCA 221: Led by C Colquhoun SC, B Smith, ongoing Federal Court proceedings relating to misleading and deceptive conduct and breach of fiduciary duties concerning property transactions, involving interlocutory applications with respect to *Sabre* orders, document production and contempt.
- *V.G DNEPR Pty Ltd v MVI Industries Pty Ltd* [2024] NSWDC 455: unled, successful proceeding brought by tenant for recovery of bond monies and defending claim for defective make good works.
- *Dehong LIU & Ors v Biyu LIN*: Led by D Pritchard SC, ongoing Supreme Court proceedings involving claim in misleading and deceptive conduct concerning a foreign exchange investment platform.
- *Kian Yan Sim v Resolution Life Australasia Pty Ltd*: Led by N Owens SC, ongoing Supreme Court proceedings acting for life insurer against medical practitioner in contractual claim for payment of life insurance.
- *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.
- *British Airways plc v Roller Truck Pty Ltd*: Led by S Balafoutis SC, proceedings defending claim in negligence concerning damage to aircraft at Sydney Airport.
- *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.
- *Demco N.V v OEMG Global Pty Ltd*: unled, defending claim concerning joint venture and breach of contract.

Corporations Law matters

- *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.
- *Killalea & Anor v Sam Beast Mask Pty Ltd* [2024] NSWSC 941: unled, Supreme Court proceedings under ss 201D and 500 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.
- *Jayson van Emmerik v Never Stop Building Services Pty Ltd*: Federal Court, successful application to set aside bankruptcy notice.

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

- *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.
- *Law Society of New South Wales v O'Brien*: Led by K Morgan SC, ongoing Court of Appeal proceedings on behalf of the Law Society against solicitor for removal from Supreme Court roll.
- *Haire v Australian Capital Territory Integrity Commission*: Led by K Morgan SC, ongoing proceedings in the ACT Supreme Court for apprehended bias against ACT Integrity Commissioner for conduct during ongoing inquiry in Operation Kingfisher.

Strata, Building and Construction matters

- *Van Emmerik v Neverstop*: unled, ongoing acting for home owners in claim for defective home building works.
- *Bilanksy v Nadile*: unled, ongoing acting for roofer in enforcing contract for services and avoiding claim for defective work.
- *Hanger v Champion Homes Sales Pty Ltd*: unled, ongoing, acting for home owner in claim for defective residential building 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: successful application 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.

MEMBERSHIPS AND COMMITTEES

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

OTHER ACHIEVEMENTS

- 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

PRO BONO WORK

October 2021 – June 2022	Volunteer solicitor, Refugee Legal Clinic, Afghanistan 449 Clinic
September 2021 – July 2022	Volunteer senior lawyer, Homeless Person's Legal Service
January 2019 – September 2019	Volunteer solicitor, Lou's Place, Kings Cross