

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

PROFESSIONAL EXPERIENCE

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

Commercial matters

- *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 claiming misleading and deceptive conduct and breach of fiduciary duties concerning property transactions, involving interlocutory applications 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.
- *Green v Johnson & Johnson Pacific Pty Ltd*: Led by W Edwards and S Puttick, ongoing Federal Court class action proceedings involving a class action alleging breaches of the Australian Consumer Law with respect to pharmaceutical products.
- *J Steel Pty Ltd v Giken Ltd*: Led by M Condon SC, Supreme Court proceedings seeking specific performance for breach of contract, defending cross-claim for termination and damages.
- *Dehong LIU & Ors v Biyu LIN*: Led by D Pritchard 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, ongoing Supreme Court proceedings acting for life insurer against medical practitioner in contractual claim for payment of life insurance.
- *Eczanes 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 Lawrance 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 for audits of funds invested with Melissa Caddick.
- *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.

Corporations Law matters

- *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*: Led by P Knowles SC, ongoing 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*: 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 flammable 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.
- *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 statutory duties owed by the owners corporation.

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

- 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

- 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

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
January 2018 – January 2019	Volunteer Judicial Liaison Officer for the Australian Rugby Judiciary during the HSBC Rugby 7s tournament