

Barry Dean: Selected judgments

Commercial Law

Brar v De Castro [2017] NSWCA 130 (MacFarlan JA) – applications to dismiss appeal for late filing and service of notice of appeal and for security for costs on appeal from District Court judgment under contractual guarantee – appeared unled for the respondent appellant

Zhang v Ehrenfeld (2015) 295 FLR 74; [2015] FCCA 877 (Judge Lloyd-Jones) – opposition to creditor’s petition based on invalid service of bankruptcy notice - appeared unled for the respondent debtor

AT Air Group Pty Limited v Dieter Siewert (No 3) [2014] NSWSC 1129 (Brereton J) – application to set aside or vary interlocutory injunction on real property the subject of contractual dispute - appeared unled for the respondent plaintiff

Storey v Harmse [2013] NSWSC 1641 (Beech-Jones J) – appeal against Local Court decision to strike out contractual claim by former bankrupt - appeared unled for the defendant

VPlus Holdings Pty Ltd v Bank of Western Australia Ltd (2012) 91 ACSR 545; [2012] NSWSC 1327 (Stevenson J) – application to strike out shareholder claims against bank and liquidators - appeared with RC Scruby for the applicant defendants

Administrative Law

Johnson v Lukeman [2016] NSWCATAP 272; [2017] NSWCATAP 45 (R Seiden SC, T Simon) – appeal against monetary judgment against home builder for breach of statutory warranties - appeared unled for the respondent home owners.

ZBVK v Cmr of Taxation (2014) 99 ATR 227; [2014] AATA 576 (Frost DP) – application to review income tax assessment objection decision - appeared with JS Gleeson SC (now Gleeson J of the Federal Court of Australia) for the applicant taxpayer

SZRIQ v Federal Magistrates Court of Australia (2013) 139 ALD 252; [2013] FCA 1284 (Foster J) – application for judicial review of (the then) *Federal Magistrates Court* decision to dismiss application to extend time to apply for judicial review of refugee review decision - appeared with JD Smith (now Judge Smith SC of the Federal Circuit Court of Australia) for the applicant

White-collar and appellate crime

Barker v The Queen [2017] ACTCA 16 (Refshauge, Burns and Rangiah JJ) – Offender appeal against sentence – appeared unled for appellant.

AW v R [2016] NSWCCA 227 (Payne JA, Campbell and Wilson JA) – Appeal against District Court judgment not to make suppression orders against prejudicial information on websites – appeared led by E Ozen for appellant accused.

R v Pratten (No 25) [2016] NSWSC 539 (No 20); [2015] NSWSC 1102 (Rothman J) – Tax fraud prosecution - appeared led by S Grant on trial and sentence for accused/offender.

R v Pratten (No 18) [2015] NSWSC 902 (No 23) [2015] NSWSC 1132; (No 22) [2015] NSWSC 1138; (No 24) [2015] NSWSC 1376; (No 21) [2015] NSWSC 1112; (No 19) [2015] NSWSC 1111 (Rothman J) – Evidentiary arguments on tax fraud prosecution – took oral arguments for accused with S Grant.

Attorney – General (NSW) v CMB [2015] NSWCCA 166 (Leeming and Simpson JJA, Hamill J) – Crown sentence appeal on remittal from High Court - appeared with C Loukas SC for the respondent

CMB v AG (NSW) (2015) 256 CLR 346; [2015] HCA 9 (French CJ, Kiefel, Bell, Gageler, and Keane JJ) – Offender appeal against successful Crown sentence appeal – Appeared with C Loukas SC and GA Bashir SC for appellant (and special leave application: [2014] HCATrans 206 (French CJ, Gageler J))