



## ANDREW SMORCHEVSKY

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### BACKGROUND

2017	Barrister, 5 Wentworth
2016 to 2017	Solicitor, Whittens & McKeough
2015	Tipstaff to Justice R W White, Supreme Court of New South Wales
2014	Graduate and solicitor, Whittens & McKeough
2013	LLB (Hons), BCom (Finance), UNSW
2013	Paralegal (full time), Whittens & McKeough
2013 to 2014	Casual research assistant to Professor Leon Trakman, UNSW
2012 to 2013	Casual research assistant to Deborah Dinnen, barrister, Maurice Byers Chambers

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### WORK AT WHITTENS & MCKEOUGH

#### Commercial contractual disputes:

- Antares Global Pty Ltd v Yang (NSWSC, 2017)
- Troy SMSF Pty Ltd v Bux.com Pty Ltd (WASC, 2017, settled)
- Taxi E Pay Pty Ltd v Smartpay Australia Pty Ltd (NSWSC, 2016 to 2017, settled)
- MG Logistics Pty Ltd v Ethan Group Pty Ltd (NSWSC, 2017, settled)
- Agriwealth Pty Ltd v Yang (NSWSC, 2016, settled)
- Smartpay Australia Pty Ltd v Auscabs Payment Solution Pty Ltd (NSWSC, 2016 to 2017, settled)
- Prospect Resources Limited v Molyneux [2014] NSWSC 1096 and [2014] NSWSC 1448
- Ethan Group Pty Ltd v Calvary Health Care ACT Limited (NSWSC, 2014, settled)

#### Corporate law, shareholder oppression and insolvency:

- Dolezal v PLD Corporation (NSWSC, 2014, settled, medical negligence proceedings against company after entry into deed of company arrangement)
- Harris v Sirrah Pty Ltd (NSWSC, 2017, shareholder oppression suit)
- Freiberg v Keller (NSWSC, 2016 to 2017, settled, shareholder oppression suit)
- Cody v Live Board Holdings Limited [2014] NSWSC 78 (validity of share issue)
- Various contested and settled disputes regarding statutory demands

#### Class actions:

- Caason Investments Pty Ltd v Cao (Arasor Group Limited securities class action, FCA, 2013 to 2017)
- Caason Investments Pty Limited v Cao [2014] FCA 1410 (contested application to amend pleadings)

Liability limited by a scheme approved under the Professional Standards Legislation.

Consumer law and regulatory proceedings:

- Hipages Group Pty Ltd v Reach Aussie Pty Ltd [2017] FCA 112 (permanent injunctions)
- Hipages Group Pty Ltd [2016] FCA 986 (preliminary discovery)
- ACCC v Cornerstone Investment Aust Pty Ltd (2016 to 2017, ACCC pecuniary penalty proceedings)
- ACCC v Cornerstone Investment Aust Pty Ltd [2016] FCA 445 (strike-out of short-form pleadings)

Administrative law:

- Cornerstone Investment Aust Pty Ltd v ASQA (AAT, 2016, challenge to cancellation of licence)
- Unique International College Pty Ltd v ASQA (AAT, 2016, challenge to cancellation of licence)

Defamation:

- 1st Available Ltd v Melocco (NSWSC, 2015, settled, defamation and injurious falsehood)
- 1st Available Ltd v Melocco [2016] NSWSC 30 (contempt of court)

Employment law and restraints of trade:

- Independent Education Union of Australia v Reddam House Limited (FWC, 2016, settled, employment and industrial law)
- Chrysiliou Law v Doherty (NSWSC, 2014, settled, restraints of trade)
- Robinson v iCash Payment Systems Limited (FCCA, 2014, settled, employment law)
- Charltons CJC Pty Ltd v Fitzgerald [2013] NSWSC 350, [2013] NSWSC 958, [2013] NSWSC 1945, [2014] NSWSC 523 (restraints of trade)

Equity and trusts:

- Sofer v SwissIndependent Trustees SA (NSWSC, 2017, preliminary discovery regarding international trust dispute)
- Rambaldi v Mullins (No 2) [2016] FCA 977 (trust and bankruptcy dispute)
- Griggs v Sorockyj Investments Pty Ltd [2014] NSWSC 667 (interlocutory injunction and trust dispute)

Intellectual property:

- Hussey v Better Caring Pty Ltd (FCCA, 2017, copyright dispute)
- Various disputes regarding trade marks and copyright

Commissions and inquiries:

- Royal Commission into Institutional Responses to Child Sexual Abuse (2013, acting for YMCA NSW)

Advisory and corporate transactional work

- Advice to ASX-listed company regarding insolvency law issues
- Acting on sale and restructure of international corporate group
- Advices on corporate law issues regarding restructure of Australian business
- Advices on prospects to litigation funder regarding current and potential class actions
- Various advices on contract, corporate law, trust and insurance issues
- Acting on insolvent unregistered managed investment scheme dispute



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## EXTRA-CURRICULAR INVOLVEMENT

2015 to 2017	Australian Private Law Moot <ul style="list-style-type: none"><li>- UNSW team coach (2015)</li><li>- competition judge and problem author (2016)</li><li>- competition judge (2017)</li></ul>
2011 to 2015, 2017	UNSW internal mooting: <ul style="list-style-type: none"><li>- beginners', intermediate and senior mooting competition judge</li><li>- UNSW Law Society senior mooting coordinator (2013)</li></ul>
2013	Journal of Equity, student editor
2012 to 2013	UNSW Law Journal: <ul style="list-style-type: none"><li>- general editor (2012)</li><li>- Issue Editor, general and thematic components, Issue 36(3) (2013)</li></ul>
2010 to 2012	Internal and national mooting competitions: <ul style="list-style-type: none"><li>- UNSW beginners' mooting</li><li>- UNSW intermediate mooting (finalist)</li><li>- UNSW senior mooting (semi-finalist)</li><li>- Shine Lawyers torts law moot (semi-finalists, Brisbane)</li><li>- NSW Young Lawyers civil litigation moot (winning team, joint best speaker, Sydney)</li><li>- ALSA Championship moot (Melbourne)</li><li>- AAT Moot (national quarter-finalists, Sydney)</li><li>- Sir Harry Gibbs constitutional law moot (quarter-finalists, Canberra)</li></ul>