



## ROBERT YEZERSKI

*Barrister*

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### ADMISSION TO BAR

2010

Admitted to practice in NSW, New York State, Southern District of New York, and Eastern District of New York

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### PRACTICE AREAS

Commercial

Competition & Regulatory

Criminal cartel

Representative proceedings (Class actions)

Corporations & Insolvency

Equity, Trusts and Property

Insurance

Administrative and public law

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### ACADEMIC

2010 - 2018

***Adjunct Senior Lecturer, UNSW***

Co-Convenor, Conflict of Laws

2011

**Lecturer, University of Sydney**

Co-teaching Topics in Legal History

2005 - 2006

**Harvard Law School**

LL.M.

1998 - 2003

**University of Sydney**

LL.B. (First Class Honours & University Medal)

1998 - 2001

**University of Sydney**

B.A. (History) (First Class Honours & University Medal)

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### ASSOCIATESHIP

2004 - 2005

**High Court of Australia**

Associate to the Hon. Justice W.M.C. Gummow AC

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### PRIOR LEGAL EXPERIENCE

2006 – 2010

**Weil, Gotshal & Manges LLP, New York, NY**

2005

**Freehills, Sydney, NSW**

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## LISTINGS

Doyles Guide - Leading Commercial Litigation & Dispute Resolution Junior Counsel: NSW and Australia – 2015 – 2020

Doyles Guide - Leading Competition Law Barristers: Australia – 2015, 2016, 2017 (Preeminent), 2018 (Preeminent), 2019 (Preeminent)

Doyles Guide - Leading Insolvency & Restructuring Junior Counsel: NSW – 2019, 2020

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## AWARDS

P. Blashki Award 2010 (highest aggregate mark in NSW Bar Exams)

Frank Knox Memorial Fellowship 2005 (Harvard)

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## PUBLICATIONS

R A Yezerski, “Renvoi Rejected? The meaning of the *lex loci delicti* after *Zhang*” (2004) 26 *Sydney Law Review* 273

J T Gleeson & R A Yezerski, “The Separation of Powers and the Unity of the Common Law” in J T Gleeson, J A Watson and R C A Higgins, *Historical Foundations of Australian Law*, Vol I (Federation Press, 2013)

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## REPRESENTATIVE CASES

*Competition, Regulatory and Cartel*

*In the matter of Virgin Australia Holdings Ltd (Administrators appointed)* (acting for the administrators of Virgin Airways with RCA Higgins SC, D Sulan, and D Krokmalik)

*Vodafone Hutchison Australia Pty Ltd v ACCC*, Federal Court of Australia, [2020] FCA 117 (acting for Vodafone, with P J Brereton SC, J Arnott and K Stellios)

*APRA v Kelaher & Ors* [2019] FCA 1521 (acting for first respondent, with C R C Newlinds SC)

*Qube Ports Pty Ltd v Port of Newcastle Operations Pty Limited*, Federal Court of Australia, NSD 1905 of 2019 (acting for Qube, with T Bannon SC and M Hodge QC)

*ACCC v Google LLC*, Federal Court of Australia, NSD 1760 of 2019 (acting for Google LLC and Google Australia Pty Limited, with P J Brereton SC and S H Hartford-Davis)

*ANZ Criminal Cartel Prosecution* (acting for an individual defendant with R Dick SC)

*ACCC v Yazaki Corp* [2018] FCAFC 73 (acting for the ACCC with M O’Brien SC and D Tynan); also at first instance ([2017] FCA 465) and in successfully resisting special leave application.

*Application by Tabcorp Holdings Ltd* [2017] ACompT 1 (acting for Tabcorp with CA Moore SC, N De Young and A D'Arville)

*ACCC v Air New Zealand Limited* [2017] HCA 21 (with B W Walker SC and N J Owens SC); also at first instance ([2014] FCA 1157) and on appeal to the Full Court ([2016] FCAFC 42)

*ACCC v Woolworths Limited* [2016] FCA 1472 ('Mind the Gap' case) (acting for Woolworths with C A Moore SC)

*ACCC v Cascade Coal* [2018] FCA 1019 and on appeal [2019] FCAFC 154 (acting for the ACCC, with C A Moore SC and M O'Mearra)

*ACCC v Virgin Australia Airlines*, [2017] FCA 204 (with N J Young QC)

*ACCC v Informed Sources*, Federal Court of Australia, VID 450 of 2014 (acting for Woolworths Limited, with C A Moore SC) (matter settled)

*Parmalat v VIP Packaging* (2013) 210 FCR 1 (with G A Thompson SC and D P O'Brien)

*Transport Workers' Union of New South Wales v NSW Taxi Industry Association*, Industrial Relations Commission of NSW, No. IRC 811 of 2012 (for NSW TIA with I Taylor SC) (TWU application withdrawn)

*ACCC v Metcash* (2011) 282 ALR 464 (first instance) and (2011) 198 FCR 297 (Full Court) (with J E Griffith SC and C A Moore SC)

*Technology Leasing Ltd v Bergia 2 Pty Ltd T/as A and A Smash Repairs* [2011] FCA 284 (acting for the ACCC, with R J Wright SC)

Acting for the ACCC in various competition investigations, including by conducting s 155 examinations for the ACCC

Representing witnesses before the ACCC in s 155 examinations and voluntary witness interviews

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## *Representative Proceedings / Class Actions*

*Rodriguez & Sons Pty Ltd v Queensland Bulk Water Supply Authority trading as Seqwater (No 22)* [2019] NSWSC 1657 (acting for plaintiff and group members in successful claim arising out of 2011 Brisbane floods, with J Sexton SC, N J Owens SC and J E Taylor instructed by Maurice Blackburn)

*Williamson v Sydney Olympic Park Authority*, Supreme Court of NSW Proceedings 2019/232749 (acting for plaintiff in class action concerning Opal Tower)

*Kenquist Nominees Pty Ltd v Campbell*, Federal Court of Australia, NSD 1364 of 2015 (acting for three director defendants, with G Rich SC)

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*Rivercity Motorway Finance Pty Limited (Administrators Appointed) (Receivers and Managers Appointed) v AECOM Australia Pty Ltd (No 2)* [2014] FCA 713 (with R M Smith SC and M Elliott)

*De Brett Seafood Pty Ltd v Qantas Airways Ltd*, Federal Court of Australia, VID 12 of 2007 (acting for Air New Zealand, with R M Smith SC and N J Owens) (proceedings discontinued against Air New Zealand with costs)

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*General Commercial, Corporations and Insurance*

*Deluxe Developments Pty Ltd (In Liq) v Downer EDI Engineering Pty Ltd* [2017] NSWSC 895 (acting for Downer EDI, unled)

*Australian Institute of Fitness Pty Ltd v Australian Institute of Fitness (Vic/Tas) Pty Ltd (No 3)* [2015] NSWSC 1639 (with C R C Newlinds SC)

*Jeffries v Indigenious Land Corporation* [2015] NSWSC 1616 (with C R C Newlinds SC)

*Stephen Hopkins & Anor v AECOM Australia Pty Ltd & Ors*, Federal Court of Australia, NSD 757 of 2012 (acting for Leighton Contractors Pty Ltd in various proceedings with R M Smith SC and M R Elliott)

*Catra Pty Limited v Viva Energy Australia Limited Proceedings*, NSW Supreme Court Proceeding 2013/320090 (with I Jackman SC) (settled prior to hearing)

*Sienkiewicz v Salisbury Group Pty Ltd (in liq) (No 2)* [2015] FCA 147 (with G J Rich SC)

*O'Brien v Bank of Western Australia Ltd* [2013] NSWCA 71 (with B W Walker SC)

*International Litigation Partners Pte Ltd v Chameleon Mining NL* [2011] NSWCA 186 (with R A Dick SC)

*Arena Management Pty Ltd (recs and mgr apptd) v Campbell Street Theatre Pty Ltd* (2011) 80 NSWLR 652 (with S A Kerr SC)

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*Property and Equity*

*Bradcorp Wilton Park Pty Limited v Country Garden Wilton West Pty Ltd* [2019] NSWSC 1407 (with M Darke SC)

*Campbell v Campbell* [2015] NSWSC 784 (with D Pritchard SC)

*Sze Tu v Lowe* [2014] NSWCA 462 (with T G R Parker SC)

*The Owners – Strata Plan No 67246 v Oaks Hotels & Resorts (NSW) No 1 Pty Ltd* [2013] NSWSC 1866 (with J Kirk SC)

*Rix v Wells* [2013] NSWSC 672 (with A P Coleman SC)

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*High Court*

*ACCC v Air New Zealand Limited* [2017] HCA 21 (with B W Walker SC and N J Owens SC)

*Attwells v Jackson Lalic Lawyers* [2016] HCA 16 (with G O'L Reynolds SC, R C A Higgins and D W Robertson)

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*Fischer v Nemeske* [2016] HCA 11 (with N C Hutley SC and A B Edington)

*OC v The Queen* [2016] HCATrans 26 (with J T Gleeson SC)

*Miller v Miller* (2011) 242 CLR 446 (with G M Watson SC and N J Owens)

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*Administrative and Public Law*

*Hewit v NSW State Coroner* [2019] NSWSC 1401 (unled for Attorney General (NSW))

*Li v Attorney-General (NSW)* [2019] NSWCA 95 (unled for Attorney General (NSW))

*Baker v Commonwealth of Australia* (2012) 206 FCR 229 (with B W Walker SC and A W Street SC)

*The Trust Company Limited v Valuer-General*, NSW Supreme Court Proceeding 2011/412141 (with R A Dick SC) (settled during hearing)