



TIM ROGAN

Barrister

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PRACTICE

Tim was called to the bar in 2019 and admitted to practice in 2008.

He accepts briefs in all areas of law, but principally practises in competition and regulation, commercial law, corporations and insolvency, equity and appellate.

**PROFESSIONAL
EXPERIENCE**

Since 2019 - Barrister, NSW Bar

2013 – 2018 - Lecturer in History, St. Catharine's College, University of Cambridge

2007 – 2008 - Articled Clerk, Minter Ellison

QUALIFICATIONS

PhD, MPhil University of Cambridge, 2013

BA/LLB (First Class Honours) University of Melbourne, 2006

**SELECTED
PUBLICATIONS**

'Review Essay: Futures of Antitrust' (2021) 43(3) *Sydney Law Review* 419-431.

'Review Essay' [Del Mar and Lobban, eds., *Law in Theory and History* (Hart, 2016)], (2018) 77(1) *Cambridge Law Journal* 220-23.

The Moral Economists (Princeton University Press, 2017).

SELECTED MATTERS

Unled

Sergienko v AXL Financial Ltd [2021] NSWSC 297

Equity – breach of trust, priorities

Unled (Citlawyers)

Re Spitfire Q Pty Ltd [2021] NSWSC 866

Reinstatement and winding up application

Unled (Mills Oakley)

Sun Asia Group Pty Ltd v Invigor Group Ltd (Supreme Court of NSW; 2020/365677)

Contract, misleading and deceptive conduct (ongoing)

Unled (Armstrong Law Partners)

WMD Group Pty Ltd v Warden (Supreme Court of NSW; 2021/6157)
Urgent interim injunction (ex temp/unpublished)
Unled (Minter Ellison)

Fuji Xerox Australia Pty Ltd v Patel (District Court of NSW; 2019/205884)
Contract, misleading and deceptive conduct (ongoing)
Unled (direct access)

Lowy v Benjamin (District Court of NSW; 2019/00047298)
Contract, promissory estoppel (judgment unpublished; available on request)
Unled (John de Mestre & Co)

R R Diamonds Pty Ltd v Toll Holdings Ltd (Local Court of NSW: 2020/217217)
Tort, contract (ongoing)
Unled (Norton White)

Lidcombe Plastering Services v Golman (Supreme Court of NSW; 2019/203831)
Voidable transactions; knowing receipt (ongoing)
Unled (Bridges Lawyers)

Re WAM Capital Ltd (Supreme Court of NSW)
Application for s 1322 relief (judgment unpublished)
Unled (Mont Lawyers)

Appeals

Washburn Pty Ltd v Cardaci (WA Court of Appeal; 101/2021)
Equity - removal of trustee and executor (ongoing).
Led by N C Hutley SC (Bennett + Co)

ACCC v NSW Ports Operations Hold Co Pty Ltd (FCAFC; NSD 751 of 2021)
Competition - alleged contravention of CCA s 45 (ongoing)
Led by N C Hutley SC, R C A Higgins SC and B K Lim (Gilbert + Tobin)

Q v E Co [2020] NSWCA 220
Equity - proprietary estoppel
Led by N C Hutley SC and B Lloyd (Armstrong Law Partners)

Keybridge Capital Ltd v WAM Active Ltd [2021] NSWCA 203
Corporations - takeovers; statutory construction
Led by D Barnett (Mont Lawyers)

IWC Industries Pty Ltd v Sergei Sergienko (NSW Court of Appeal; 2021/96251)
Equity – breach of trust, priorities (reserved)
Led by F Corsaro SC (Citilawyers)

Wright v Wright (WA Court of Appeal; 62/2021)
Equity - breach of fiduciary duty (ongoing)
Led by B Kremer and J Healy (Pragma Lawyers)

Landpower Australia Pty Ltd v Penske Power Systems Pty Ltd (2019) 99 NSWLR 780
Contribution; appeal from summary dismissal of cross-claim
Led by P A Horvath SC (Wotton Kearney)

**Competition &
Regulation**

ACCC v NSW Ports Operations Hold Co Pty Ltd [2021] FCA 720
Competition - alleged contravention of s 45 CCA in connection with port privatisation.
Led by N C Hutley SC, R C A Higgins SC and B K Lim for NSW Ports (Gilbert + Tobin)

ACCC v J Hutchinson Pty Ltd (Federal Court of Australia; QUD374 of 2020)
Alleged contravention of s 45E (reserved)
Led by R C A Higgins SC and M Trim for Hutchinson (Gadens)

Truck Tech Group Pty Ltd v United Safety (Federal Court of Australia; NSD 1386 of 2020)
Competition - alleged contravention of s 46 CCA (settled).
Led by D Roche for the Respondent (Moray Agnew)

Perth Airport Pty Ltd v Qantas Airways Ltd (Supreme Court of Western Australia)
Restitution (reserved).
Led by J Sheahan QC, B Kremer and E Heenan for Qantas (Minter Ellison)

Lottoland Australia Pty Ltd v ACMA (2019) 100 NSWLR 328
Regulation – *Interactive Gambling Act 2001* (Cth).
Led by N C Hutley SC and S H Hartford Davis for Lottoland (Addisons)

Confidential Client
Advice on operation of s 92 of the Constitution in relation to state gaming legislation.
Led by N C Hutley SC (direct access)

Essential Services Commission of Victoria
Advice on gas and electricity market regulation.
Unled (direct access)

Class Actions

Doyle's Farm Produce Pty Ltd v MDBA (Supreme Court of NSW)
Class action on behalf of NSW irrigators (ongoing)
Led by N C Hutley SC, D R Sulan SC and S H Hartford Davis (Banton Group)

Confidential Client

Tort and misleading and deceptive conduct (ongoing)
Led by C Withers SC and D Barnett (Corrs Chambers Westgarth)

Forge Group Ltd (in liq) v Hutchinson and Ors (Supreme Court of NSW)
Directors duties.
Led by C Withers SC and A Hochroth (Banton Group)

ACN 117 641 004 Pty Ltd v S & P Global, Inc (Federal Court of Australia)
Tort and misleading and deceptive conduct (ongoing)
Led by C Withers SC and A Lyons (Banton Group)

**Commercial /
Corporations**

Lakomy v Accounting TEK Pty Ltd [2021] NSWSC 1152
Contract; misleading and deceptive conduct.
Led by D R Sulan SC (Armour Allen Lawyers)

Hoho Property Ltd Ltd v Bass Finance No 37 Pty Ltd (Supreme Court of NSW; 2021/1477702)
Contracts, unconscionable conduct (ongoing)
Led by CRC Newlinds SC (Maddocks)

In the matter of Western Port Holdings Pty Ltd [2021] NSWSC 232; 358 FLR 45
Insolvency - voidable transactions during DOCA period.
Led by F Assaf SC (Nelson McKinnon)

Tayeh v Commonwealth of Australia; in re First Fleet Pty Ltd [2020] FCA 1323
Validity of appointment and business of committee of inspection.
Led by R C A Higgins SC (Craddock Murray Neumann)

Wet Fix Holdings Pty Ltd v Gillion Pty Ltd [2021] FCA 67
Breach of contract.
Led by E A Hyde (BT Lawyers)

WMD Group Pty Ltd v Walker (Supreme Court of NSW; 2021/6157)
Breach of contract; enforcement of security; priorities. (settled)
Led by A D'Arville (Minter Ellison)

Port Kembla Operations Pty Ltd/NSW Ports

Advice on leasing issues.

Led by J S Emmett SC (Corrs Chambers Westgarth)

Keybridge Capital Ltd v WAM Active Ltd [2020] NSWSC 1917

Takeovers, compliance with Corporations Act ch 6

Led by D Barnett (Mont Lawyers)

Re Sandon Capital Investments Limited [2019] NSWSC 1512

Irregularities in conditional off-market takeover bid.

Led by C Tam (Watson Mangioni)

Re MB Australia Pty Ltd (2021/178927)

Insolvency – running account; unfair preferences (settled)

Unled (Norton White)

Adgemis v SIG Sarl (Supreme Court of NSW; 2021/50523)

Challenge to statutory demand

Led by D R Sulan SC (Keypoint Law)

Alexiou v ANZ Ltd [2020] FCA 1777; (2020) 303 IR 35

Retrospective operation of Corporations Act Part 9.4AAA.

Led by B Walker SC, N Kidd SC and J Williams (Levitt Robinson)

Equity / Trusts

Atomic Search Pty Ltd v Dooris (Supreme Court of NSW; 2019/287105)

Breach of confidence, breach of contract (settled)

Led by A T S Dawson SC (Hilliard & Berry Solicitors)

iQ Group Global Ltd v ADS Capital Pty Ltd (Supreme Court of NSW; 2002/317665)

Breach of confidence (settled)

Led by J S Emmett SC (Minter Ellison)

Enyin Ling v One Funds Management Ltd (Supreme Court of NSW; 2021/186738)

Breach of trust (ongoing)

Led by F Assaf SC (SMB Law)

Re Motor Trades Association of Australia Superannuation Fund Pty Ltd (Supreme Court of NSW; 2021/286583)

Trusts/superannuation – judicial advice (reserved)

Led by H K Insall SC (Allens)

Re United Super Pty Ltd (Supreme Court of NSW; 2021/301971)
Trusts/superannuation – judicial advice (reserved)
Led by H K Insall SC (Allens)

Re Maritime Super Pty Ltd (Supreme Court of NSW)
Trusts/superannuation – judicial advice (ongoing)
Led by H K Insall SC (Allens)

Re LGSS Pty Ltd (Supreme Court of NSW)
Trusts/superannuation – judicial advice (ongoing)
Led by H K Insall SC (Allens)

Elite Realty Development Pty Ltd v Sadek (Supreme Court of NSW; 2020/114103)
Breach of fiduciary duty; duress (ongoing)
Led by F Corsaro SC (Eden King Lawyers)

Interlocutory

Blue Mirror Pty Ltd v Pegasus Australia Developments Pty Ltd [2021] NSWSC 961
Equity - freezing orders; joinder.
Led by F Corsaro SC (Citilawyers)

Hoho Property Pty Ltd v Bass Finance No 37 Pty Ltd [2021] NSWSC 1289
Equity – interim injunction
Led by CRC Newlinds SC (Maddocks)

Fuji Xerox Australia Ltd v Patel [2021] NSWDC 527
Disclosure of documents.
Unled (direct access)

Young v Racing NSW [2019] NSWDC 662
Summary dismissal.
Led by A T S Dawson SC (YPOL)

Melbourne Used Vehicles Pty Ltd v Cars & Co Pty Ltd [2019] NSWDC 698
Application to set aside default judgment.
Unled (Citilawyers)