

Examples of cases

Examples of significant proceedings in which Simon has appeared include:

Corporations Act

- *Re Skytraders Pty Ltd (No 2)* [2024] NSWSC 1039 – application relating to suppression orders for commercially sensitive documents in context of oppression proceedings under the Corporations Act (leading Ryan Harvey and with Jeremy Giles SC in the substantive proceeding)
- *Re Emma & Tom Foods Holdings Pty Ltd* (unreported, Supreme Court of Victoria, 15 April 2024, Matthews J) – application for derivative leave under the Corporations Act
- *Re Credit Clear* [2022] VSC 206; [2021] VSC 287 – appeal of order for security for costs in an oppression proceeding (leading Annabel Tresise)
- *Premier Aviation Pty Ltd v Skytraders Pty Ltd & Ors* [2022] VSC 416 – application for relief for oppression under s 232 of the *Corporations Act 2001* – (with Garry Bigmore QC)
- *Australian Securities and Investments Commission v GoGetta Equipment Funding Pty Ltd* [2021] FCA 420 – penalty hearing for breach of the *National Consumer Credit Protection Act 2009* (with Helen Symon QC)
- *Australian Securities and Investments Commission v Askk Investment Group Pty Ltd* [2020] FCA 1150 – winding up of unregistered management investment scheme
- *Australian Securities and Investments Commission v Project Management (Aust) Pty Ltd* [2019] FCA 47 – disqualification hearing for company director
- *Australian Securities and Investments Commission v Superannuation Warehouse Australia Pty Ltd* (2015) 106 ACSR 332 – pecuniary penalty proceedings brought by ASIC for misleading and deceptive conduct
- *Australian Securities and Investments Commission v Ostrava Equities Pty Ltd* (2015) 109 ACSR 199 – application to vacate interim freezing orders obtained by ASIC
- *Australian Securities and Investments Commission v Ostrava Equities Pty Ltd* (2015) 109 ACSR 199 – application to vacate interim freezing orders obtained by ASIC
- *Clarke v Great Southern Finance Ltd (In liq)* (the *Great Southern Class Action*) and related proceedings (with Garry Bigmore QC, Michael Galvin and Thomas Warner) – 29 October 2012 to 24 October 2013
- *Clarke v Great Southern Finance Ltd (In liq)* (2010) 80 ACSR 219; *ABL Custodian Services Pty Ltd v Smith* [2010] VSC 548 (with Garry Bigmore QC, Michael Galvin and Thomas Warner) – pleading disputes in the Great Southern Class Actions and satellite proceedings

- *R v Chan* (2010) 79 ACSR 189 – plea in a stock market manipulation prosecution (with Robert Richter QC)
- *Re Australian Style Investments Pty Ltd No 2* [2009] VSC 307 – costs application in the BrisConnections litigation
- *Macquarie Capital Advisers Limited v BrisConnections Management Co Limited* (2009) 71 ASCR 234 – application for injunction to prevent substantial unit holder from requisitioning and voting at extraordinary general meeting (with Garry Bigmore QC)
- *BrisConnections Management Co Limited v Australian Style Investments Pty Ltd* (2009) 71 ASCR 186 – application by responsible entity of a managed investment scheme to prevent substantial unit holder from requisitioning an extraordinary general meeting, and application to wind up the substantial unit holder on grounds of insolvency and on just and equitable grounds (with Garry Bigmore QC)
- *Re XTWK and the Australian Securities and Investments Commission* (2008) 105 ALD 596 – successful appeal against an administrative ban on a stockbroker
- *Australian Securities and Investments Commission v Ross Investments (Aust) Pty Ltd* [2007] FCA 1433 - involving grant of injunctions and final relief to prevent unsolicited offers to purchase debentures off market
- *Re XTWK and the Australian Securities and Investments Commission* (2007) 98 ALD 131 – application for stay of decision and confidentiality order pending hearing of appeal against an administrative ban on a stock broker
- *Re VBN and the Australian Prudential Regulation Authority* (2006) 92 ALD 259 - appeal against the disqualification of several directors of the corporate trustee of the AXA Staff Superannuation Fund (with Richard Tracey QC)
- *Australian Securities and Investments Commission v International Unity Insurance Pty Ltd* (2004) 22 ACLC 1416 - dealing with the winding up on just and equitable grounds of a company purportedly carrying on business as an insurer (with Fiona McLeod SC)

Insolvency / Bankruptcy

- *Re Ozwide Energy Group Pty Ltd (Admin Apptd)*[2024] VSC 433 – acting for administrator seeking extension of time to hold second meeting of creditors
- *Flood (Pseudonym) v Serra (Pseudonym)* [2024] VSC 362 - application for transfer of winding up proceedings to the Federal Circuit and Family Court
- *Re Canungra Foodworks Pty Ltd* [2024] VSC 234 – acting for lender / creditor resisting application to set aside winding up order
- *Re SLKALT Pty Ltd (in liq)* [2024] FCA 403 – acting for liquidators seeking extension of time to bring uncommercial transaction claims

- *Re Tauro Capital Pty Ltd (In liq)* [2024] VSC 69 – acting for liquidators seeking court approval of remuneration\
- *In the matter of Bluechain Pty Ltd* (unreported decision, Supreme Court of Victoria, 14 February 2024, Woronczak JR) – application by liquidator for approval of remuneration
- *Trustee of the property of Diamond v Diamond Family Investments Pty Ltd, in the matter of Diamond (Bankrupt)* [2024] FCA 18 – application by trustee in bankruptcy for summary judgment on claim for payment of debt
- *In the matter of H & Q Café Pty Ltd* (unreported decision, Supreme Court of Victoria, 19 July 2023, Efthim As J) – application for oppression remedies and just and equitable winding up
- *Duggal v Bellrock Cleaning Services Pty Ltd (Recs and Mgrs Apptd)* [2023] VSC 166 – acting for receivers and managers in application by former director for leave to bring proceedings
- *Re Farley Bay Ltd (In liq)* [2022] VSC 604 – application for transfer of proceedings for directions by liquidator to the Federal Circuit and Family Court
- *Warwick v WITS Holdings Pty Ltd (in Liq)* [2021] VSC 179 – application for determination of remuneration of administrators (leading Kathryn Wangmann)
- *Michell (Liquidator) v Delltta Holdings Pty Ltd (In Liq) atf Brookhill Trust* [2019] FCA 2133 – appointment of receiver to insolvent trust
- *Re ACN 096 281 542 Ltd (in Liq)* [2018] VSC 425 – opposing challenge to liquidator’s decision with respect to proof of debt
- *Pekell Delaire Holdings Pty Ltd v Bendigo and Adelaide Bank Ltd* (2017) 118 ACSR 592; [2017] VSCA 51 – appeal of order setting aside creditors’ statutory demand
- *Onbev Pty Ltd v Encore Beverages Pty Ltd* (2016) 50 VR 106 – jurisdictional question on timing of filing of application to set aside creditors’ statutory demand
- *Freelance Global Ltd (in Liq) v Bensted* [2016] VSC 181 – application for advice sought by liquidator of insolvent trustee
- *Re Nautical Finance Group Pty Ltd (in Liq)* [2015] VSC 633 – freezing orders sought by liquidator
- *Dimmeys Stores Pty Ltd* [2014] VSC 18 – application by administrators to extend convening period
- *Re Opes Prime Stockbroking Limited* [2012] FCA 158 – application to review decision of Opes Prime Scheme Administrators (with Garry Bigmore QC)

- *Mediterranean Olives Financial Pty Ltd v Loaders Traders Pty Ltd* (subject to a deed of company arrangement) (2011) 82 ACSR 300 – application to set aside deed of company arrangement
- *Re Environinvest Ltd* (No 5) [2011] VSC 474; *Re Environinvest Ltd* (No 4) (2010) 81 ACSR 145; *Re Environinvest Ltd* (No 3) [2010] VSC 301; *Re Environinvest Ltd (Receiver & Managers Appointed) (In liq) v Great Southern Property Managers* (No 2) [2010] VSC 323 – applications for directions relating to sale of assets by the liquidator of Environinvest managed investment schemes
- *In the matter of Opes Prime Stockbroking Limited* [2009] FCA 813 – application for approval of creditors scheme of arrangement under section 411 of the *Corporations Act* (with Garry Bigmore QC)
- *Timbercorp Securities Limited (In liquidation) v Plantation Land Limited* [2009] FCA 741 – priority dispute regarding whether payments due under leases are to be treated as expenses in the winding up
- *Ann Street Mezzanine Pty Ltd (In liquidation) v Beck* (2009) 71 ACSR 112 – application in the Westpoint Group proceedings dealing with findings of insolvency
- *Korda Re Clynton Court Pty Ltd* (2005) 53 ASCR 432 – dealing with the issue of fixing the remuneration of administrators

Banking & Finance and Financial Services Law

- *Archer Wealth v Casey* [2024] VSC 300 – acting for financier in application for removal of caveat
- *Bolwell v NWC Finance Pty Ltd* [2024] VSC 30 – acting for financier in claim by liquidator regarding equitable subrogation of security interest
- *Touch for Health Pty Ltd atf Knight Superannuation Fund v Property Mentors Australia Pty Ltd* [2024] FCA 275 – application for freezing order to prevent disposal of proceeds of sale of property
- *Timbercorp Finance Pty Ltd (In liq) v Lefam Holdings Pty Ltd* [2023] VSC 623 – appeal of order for summary judgment
- *Touch for Health Pty Ltd atf Knight Superannuation Fund v Property Mentors Australia Pty Ltd* [2022] FCA 77 – opposing application to challenge concise statement in case of misleading and deceptive conduct under s 12DA of the *ASIC Act*
- *Superannuation Warehouse Australia Pty Ltd v Australian Securities and Investments Commission* (2019) AATA 88 – appeal against decision to refuse grant of Australian financial services licence
- *Muranna Park Pty Ltd v Southern Mortgages Ltd* [2017] VSC 222; [2016] VSC 84 - appeal of successful application for summary judgment.

- *Warehouse Sales Pty Ltd (in Liq) & Lewis and Templeton v LG Electronics Australia Pty Ltd* (2014) 291 FLR 407 – application by liquidators for advice with respect to retention of title provisions and scope of *Personal Property Securities Act 2009*
- *Quadrant Constructions Pty Ltd (In liq) v Morgan Stanley Smith Barney Australia Pty Ltd* [2011] VSC 164 – pleading dispute in claim against stockbroking firm (with Allan Myers QC)
- *Re VBN and the Australian Prudential Regulation Authority* (2006) 92 ALD 259 - appeal against the disqualification of several directors of the corporate trustee of the AXA Staff Superannuation Fund (with Richard Tracey QC)
- *Re An Applicant and the Australian Prudential Regulation Authority* (2005) 89 ALD 643 - relating to confidentiality and suppression of names of parties to AAT proceedings (with Debbie Mortimer SC)

Property Law

- *Attala v YWAM Surrey Hills Ltd* [2024] VSC 268 –application for summary judgment in relation to claim under s 12(d) of the *Sale of Land Act 1962* (Vic)
- *Hall v Banfield* [2024] VSC 166 – application for rectification of lease and for summary judgment
- *Sarandal Pty v Nameplan Pty* [2007] VSC 568 – application for removal of caveats in the context of a large-scale partnership dispute

Other

- *Kaplink 003 Holdings Ltd v BC Lynbrook Pty Ltd* [2024] VSC 194 – application for summary judgment
- *Jowett Motor Group Pty Ltd v Pentana Solutions Pty Ltd* [2023] VCC 1916 – proceeding for breach of contract and misleading and deceptive conduct (leading Veronica Holt)
- *Shan v Zhang (as the Administrator of the Estate of Jun Chen)* [2021] VSC 452 – resisting application for summary judgment (with Ian Upjohn QC and A Berger)
- *Longboat Holdings Group No 3 v Zacole Pty Ltd* [2021] VSC 280 – application for judicial advice sought by trustee (leading Veronica Holt)
- *Heckler & Koch GMBH v Faxtech Pty Ltd* [2016] VSC 697 – application for objection to inspection on grounds of claims of legal professional privilege (with Samantha Marks QC)
- *Regreen Asset Holdings Pty Ltd v R* [2015] VSCA 286 – appeal of decision in *Tahiri v Castricum Bros Australia* (with Jim Peters QC)
- *Tahiri v Castricum Bros Australia Pty Ltd* [2015] VSC 4 – proceeding dealing with construction of contract (with Peter Riordan QC)

- *J & A Vaughan Super Pty Ltd v Becton Property Group Pty Ltd* (2014) 104 ACSR 175: [2014] FCA 1380 – application for leave to file amended statement of claim for misleading and deceptive conduct (with Kristine Hanscombe QC)
- *LivingSpring Pty Ltd v Kliger Partners* (2008) 66 ASCR 455 - appeal to the Court of Appeal on the issue of security for costs against a corporate trustee (with Simon Wilson QC)
- *Tammle Pty Ltd v UPS Supply Chain Solutions Inc* [2008] VSC 171 – determination of preliminary question relating to right to sue under sale of business agreement (with Garry Bigmore QC)
- *Patsios v Glavanic* [2006] VSC 92 - dealing with the issue of costs on the discontinuance of Supreme Court proceedings