

Joe Pokoney - Select Case List

v. May 2023

A. APPELLATE				
Year	Matter Name	Description	Judge	Led By (if applicable)
2023	<i>Metal Manufactures Pty Limited v Morton</i> [2023] HCA 1; 296 ALJR 69	Appeal to High Court of Australia from Full Court of the Federal Court of Australia – whether set-off under s 553C(1) of the <i>Corporations Act 2001</i> (Cth) available as a defence against recovery of an unfair preference under s 588FA	Kiefel CJ, Gageler, Gordon, Edelman And Steward JJ	J Gleeson; G McNally SC
2022	<i>Renown Corporation Pty Ltd v SEMF Pty Ltd</i> [2022] NSWCA 233; 169 IPR 396	Appeal to NSWCA – contractual dispute as to supply of technology platform	Meagher, Brereton and Mitchelmore JJA	M Martin KC
2022	<i>Morton as Liquidator of MJ Woodman Electrical Contractors Pty Ltd v Metal Manufactures Pty Limited</i> [2021] FCAFC 228; 289 FCR 556; 402 ALR 387; 18 ABC(NS) 257; 159 ACSR 115	Corporations – whether set-off under s 553C(1) of the <i>Corporations Act 2001</i> (Cth) available to the defendant against the plaintiff’s claim as liquidator for the recovery of an unfair preference under s 588FA	Allsop CJ, Middleton and Derrington JJ	J Gleeson SC; G McNally SC
2022	<i>Rialto Sports Pty Limited v Cancer Care Associates Pty Limited</i> [2022] NSWCA 146	Building and Construction – standing of lot owners to seek damages for damage to common property; contractual construction	Bell CJ, Macfarlan and Gleeson JJA	G Sirtes SC
B. SUPREME COURT OF NSW				
Year	Matter Name	Description	Judge	Led By (if applicable)
2023	<i>Mir v Mir</i> [2023] NSWSC 408	Partnership dispute; application to wind up corporate group	Ball J	A Leopold SC; J Hutton SC
2023	<i>Highfields Pty Ltd v Advanced Motor Dealers Group Pty Ltd</i>	Dispute as to ownership of luxury motor vehicles	Richmond J	P Afshar

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2022	<i>No 1 Victoria Dragons Pty Ltd v AEN Developments Pty Ltd</i> [2022] NSWSC 1345	Contractual dispute – recovery of fee payable under nomination deed	Black J	A McInerney SC
2022	<i>James Ashleigh Davy and Kimberley Ann Evans (as Executors of the Estate of the Late Kate Louise Davy) v Van Gorp</i> [2022] NSWSC 466	Application to restrain plaintiff from commencing further proceedings	Peden J	Unled
2021	<i>SEMF Pty Ltd v Renown Corporation Pty Ltd</i> [2021] NSWSC 1547	Contractual damages – dispute as to supply of technology platform	Ball J	D Parish
2021	<i>In the matter of Cabramatta King Tea Pty Ltd</i>	Application to set aside confidentiality regime	Black J	Unled
2021	<i>In the matter of Natural Raw C Pty Ltd</i> [2021] NSWSC 1659	Application to set aside buy-out orders	Rees J	Unled
2021	<i>In the matter of Matrix Group Pty Ltd</i> [2021] NSWSC 1042	Application to set aside statutory demand	Black J	Unled
2020	<i>DPG Project 33 Pty Ltd & Anor v Aqualand Chatswood 3 Pty Ltd</i> [2020] NSWSC 1663	Dispute as to option agreement	Stevenson J	D Williams SC
2019	<i>Bank of Queensland Ltd v Star Trek Pty Ltd</i> [2019] NSWSC 1712	Enforcement of security – construction of s 123 of the <i>Personal Property Securities Act 2009</i> (Cth)	Adamson J	Unless (as solicitor)
C. DISTRICT AND LOCAL COURT OF NSW				
Year	Matter Name	Description	Judge / Magistrate	Led By (if applicable)
2023	<i>Arraj v Al-Daqaq & Naami</i> [2023] NSWDC 9	Contractual dispute – recovery of disputed loan agreement	Weber SC DCJ	Unled
2023	<i>M&M Global Financials Pty Ltd v Financial Elements Pty Ltd</i>	Contractual dispute – interpretation of confidentiality provisions [resolved]	Andronos SC DCJ	Unled
2022	<i>M&M Global Financials Pty Ltd v Financial Elements Pty Ltd</i> [2022] NSWDC 386; [2022] NSWSC 355	Jurisdiction – equitable jurisdiction of the District Court	Montgomery DCJ	Unled
2022	<i>Priority Lending Pty Ltd v Martinsville Pty Ltd & Ors</i>	Acting for mortgagee in recovery proceedings and defence of cross-claim under the <i>Contracts Review Act 1980</i> (NSW) [resolved at trial]	Davies J	Unled

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2021	<i>Hamilton Sushi Won Pty Ltd v Won Mi Morrison & Anor</i>	Security for costs	Barko LCM	Unled
2021	<i>AP Wireless Investments Pty Ltd v Sara Investments (NSW) Pty Ltd</i>	Strike out – successful application to strike out defence and cross-claim in Real Property matter	Darke J	Unled
2019	<i>Goh & Ors v BPH Energy Ltd</i> [2019] NSWDC 559; 32 DCLR(NSW) 160	Stay of Process – construction of non-exclusive jurisdiction clause	Strathdee DCJ	Unled (as solicitor)
D. FEDERAL COURT OF AUSTRALIA				
Year	Matter Name	Description	Judge	Led By (if applicable)
2022 ongoing	<i>The Owners – SP 87231 v 3A Composites GmBH & Anor</i>	Class Action –combustible cladding; acting for cross-respondent	Wigney J	G McNally SC
2022 – ongoing	<i>Watson v Greenwoods & Herbert Smith Freehills & Anor</i>	Whistleblower – acting for applicant for compensation under whistleblower protection regime	Raper J	A Cheshire SC; I Latham
2021	<i>In the matter of Tubi Ltd (Administrators Appointed)</i>	Application to declare administrators’ appointment invalid [resolved]	Jagot J	N Bender
2021	<i>Chief Executive Medicare v Specialist Diagnostic Services Pty Ltd</i>	Application for non-publication and suppression orders under the <i>Federal Court of Australia Act 1976</i> (Cth) [resolved]	Stewart J	Unled
E. OTHER				
Date	Matter Name	Description	Presiding Officer	Led By (if applicable)
2022	<i>Mirvac Homes (NSW) Pty Ltd v Noakes</i> [2022] NSWCATCD 49	Enforcement – whether NCAT has power to order possession under <i>Agricultural Tenancies Act 1990</i> (NSW)	M Harrowell, Deputy President	Unled
2022	<i>Kosmala & Anor v SP52625</i>	Strata Title – defence of claim by lot owner as to breach of statutory duty	K Andronos SC, Senior Member	Unled
2022	<i>The Owners – SP 92003 v South West Builders Pty Ltd</i>	Building and Construction – breach of warranties under the <i>Home Building Act 1986</i> (NSW)	D Goldstein, Senior Member	Unled

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2021	<i>Pongrass v Small & Leighton</i> [2021] NSWCATDC 131	Costs in residential tenancy proceedings	A Lynch, General Member	Unled
2021	<i>Carmichael & Anor v Porritt</i>	Strata Title – dispute as to approval of works	M. Tibby, Senior Member	Unled
2020	<i>[Confidential]</i>	International Commercial Arbitration - insurance	-	D Williams SC