

Anthony Edward Hopkins

Barrister at 9th Floor Wentworth Chambers

Address: 9/180 Phillip Street, Sydney NSW 2000

Phone: 02 8815 9225

Email: ahopkins@ninentworth.com.au

Admissions, Awards And Education

Admitted as a lawyer of the Supreme Court of New South Wales
30th May 2014

Called to the New South Wales Bar
28th August 2017

Admitted to the roll of the High Court of Australia
14th March 2018

**Bachelor of Laws (LLB) awarded with First Class Honours – University of
Technology Sydney (2013)**

- UTS Vice Chancellor's Scholarship Recipient
- Lexis Nexis Award for 1st place in Succession Law

Finalist (Barrister Category) – Lawyers Weekly 30 under 30 Awards 2020
Finalist (Barrister Category) – Lawyers Weekly 30 under 30 Awards 2021
Finalist (Barrister Category) – Lawyers Weekly 30 under 30 Awards 2022

Professional Experience Prior to Call to the Bar

Solicitor – Commercial Litigation - Atanaskovic Hartnell
June 2016 to August 2017

Acting Associate to the Honourable Chief Justice James Leslie Bain Allsop AC
Federal Court of Australia
September 2015 to February 2016

Associate to the Honourable Justice Richard Francis Edmonds
Federal Court of Australia
January 2015 to February 2016

Tipstaff to the Honourable Justice Stephen Campbell
Supreme Court of New South Wales
January 2014 to December 2014

Teaching Experience

Casual Academic (Lecturer/Tutor) – Faculty of Law - UTS
June 2014 to Present (ongoing) – Equity and Trusts, Real Property, Evidence

Selected Cases and Publications

The following are published cases Anthony has appeared in (unled unless otherwise indicated). In addition to these cases Anthony has appeared in numerous unreported Local and District Court hearings, Tribunal hearings, and matters that have settled before final hearing.

New South Wales Court of Appeal

- ***Joshan v Pizza Pan Group Pty Ltd* (2021) 106 NSWLR 104; 393 ALR 522; [2021] NSWCA 219** – appeared for the respondent (Pizza Hut) in relation to an appeal regarding an application for a permanent stay; whether South Australian court was “the appropriate court” under the *Service and Execution of Process Act 1992* (Cth).
- ***Kearney v Grow Choice Pty Ltd* [2023] NSWCA 325** – appeared for the respondent (having successfully appeared below) on the issue of whether an oral promise by a director constituted a guarantee of the company’s debt.
- ***Stolyar and Anor v Towers and Anor* (2018) 19 BPR 38,287; [2018] NSWCA 6** – appeared for the appellants in relation to the validity of an easement (led by C J Leggat SC).
- ***Meetfresh Franchising Pty Ltd v Ivanman Pty Ltd* [2020] NSWCA 27** – successful application for stay of judgment.

Federal Court of Australia

- ***Metledge v Hopkins* [2020] FCA 561** – successfully appeared for the respondent debtor on determination of a separate question regarding validity of bankruptcy notice. Creditor’s petition dismissed with costs.
- ***McInerney, in the matter of Ghougassian v Ghougassian* [2020] FCA 1230** – appeared for judgment debtors opposing sequestration orders.
- ***Tydeman v Asgard Group Pty Ltd, in the matter of Asgard Group Pty Ltd* [2023] FCA 486** – appeared for the plaintiffs in respect of an application for leave to discontinue proceedings where judgment already listed for delivery and reasons prepared.
- ***Hoskin v Robert Balzola & Associates (Legal) Pty Ltd* [2019] FCA 1353** – appeared for the successful respondent in relation to an appeal brought against the making of a sequestration order by the Federal Circuit Court.
- ***Easton v Kostov* [2018] FCA 2002** – appeared for the successful petitioning creditor in relation to an application for review of a Registrar’s sequestration order.

New South Wales Supreme Court

- ***Younan v Herberton Enterprises Pty Ltd* [2023] NSWSC 1566** – successfully appeared for the plaintiff to enforce a commercial loan. Successfully appeared for the cross-defendants who resisted a cross-claim for breach of fiduciary obligations arising from a joint venture (including resisting a claim for accessorial liability against a director of the joint venture company).
- ***Pizza Pan Group Pty Ltd v AKD Investments Pty Ltd* [2023] NSWSC 125** – successfully appeared for Pizza Hut in an appeal relating to the proper construction of a deed of assignment (including an application for reinstatement of a deregistered defendant company).
- ***Lin v Zhou* [2023] NSWSC 886** – successfully appeared for the Defendants in resisting an application that they be restrained from acting for a former client.
- ***Greenshades Pastoral Co Pty Ltd v Hardi Australia Pty Ltd* [2022] NSWSC 755** – appeared for group members in a representative proceeding (class action) regarding misleading/deceptive conduct by Hardi Australia in respect of a self-propelled crop sprayer known as the Presidio (led by W G Muddle SC).
- ***In the matter of Hot Frog Pty Ltd* [2022] NSWSC 6; and *In the matter of Hot Frog Pty Ltd (No 2)* [2022] NSWSC 412; (2022) 366 FLR 274** – appeared for the partially successful plaintiff involving a claim against a former director accused of misappropriating company funds for personal use. Claims for breach of fiduciary obligations and breaches of director’s duties. Successful claim for gross-sum costs order in client’s favour.
- ***CIMIC Group Limited v AIG Group Limited* [2022] NSWSC 999** – appeared as counsel for a witness in the proceedings (Mr Wal King AO, former CEO of the Plaintiff).
- ***Yin v Li; Li v Jiang* [2022] NSWSC 1512** – appeared for the Plaintiff in a dispute arising out of an oral agreement for sale and purchase of property, including allegations of forgery and unconscionability.
- ***Mason v Cashel Financial Services Pty Ltd* [2021] NSWSC 201** – appeared for the plaintiff on appeal from a decision of the Local Court involving construction of an indemnity clause and estoppel.
- ***Plus One International Pty Ltd v Ching (No 3)* [2020] NSWSC 1598** – Appeared for the largely successful defendants in relation to defending claims regarding breach of employment contracts, breach of the equitable duty of confidence, and breach of fiduciary duties.
- ***Ye v Fang* [2020] NSWSC 687** – appeared for the successful plaintiff to enforce a disputed commercial loan and obtain declarations regarding the existence of an equitable charge over real property.
- ***Li v Kingland Estate Pty Ltd* [2023] NSWSC 1174** – appeared for defendants in respect to contested application for amendment of pleading.

- ***In the matter of LML Repairs Pty Limited (No 2)* [2020] NSWSC 310** – Successful application for further adjournment of proceedings seeking orders winding up the defendant company.
- ***Taunton v Taunton* [2019] NSWSC 1513** – appeared for the successful plaintiff (who lacked capacity) for possession of land from son who was in occupation (leave to appeal against decision subsequently dismissed in *Taunton v Taunton* [2020] NSWCA 197).
- ***Hardi Australia Pty Ltd v Good* [2019] NSWSC 730** – appeared for the successful defendants in resisting transfer and consolidation of District Court proceedings with a Class Action (Led by Dr E Peden (now a Judge of the Supreme Court of NSW)).
- ***Chen v Fang* [2019] NSWSC 960** – appeared for successful cross-defendants in a dispute regarding real property (proceedings discontinued as against my clients with costs – including successful 74MA application for withdrawal of caveat with indemnity costs).
- ***Goldengrove Building Group Pty Limited v Gunnedah Legal Services Pty Ltd trading as Gunnedah Grow and Mow* [2019] NSWSC 264** – appeared for the successful defendant on appeal from a decision of the Local Court.
- ***Youssef Nouh v Commissioner for NSW Fair Trading* [2019] NSWSC 1303** – appeared for the plaintiff seeking judicial review of a direction to freeze an account pursuant to the *Property, Stock and Business Agents Act 2002* (NSW).
- ***In the matter of Courtenay House Capital Trading Group Pty Ltd (in liq)* [2018] NSWSC 604** – appeared for a company director in relation to an application that a liquidator’s examination be held in private.
- ***Marathon Group Pty Ltd v Latrobe Valley Building Services Pty Ltd* [2018] NSWSC 194** – appeared for the successful party on an appeal from the Local Court (Led by D Stewart).
- ***Young v Cooke* [2018] NSWSC 588; and *Young v Cooke (No 2)* [2018] NSWSC 1787** – appeared for the successful party in an application for security for costs in relation to an appeal (Led by D Stewart).

Victorian Supreme Court

- ***Break Fast Investments Pty Ltd v Sclavenitis* [2022] VSC 288; (2022) 67 VR 132** – appeared for the first defendant in a case involving the assignment of debt by former corporate trustee. Questions for determination included the powers of a bare trustee; whether a trustee’s right of exoneration is assignable; and whether the liquidator of a former corporate trustee is empowered to sell trust assets by s 477 of the *Corporations Act 2001* (Led by H Austin QC).

New South Wales District Court

- ***Diamond Wheels Pty Ltd v Origin Concepts Pty Ltd trading as OC Automotive* [2023] NSWDC 418** – Successfully appeared for the Plaintiff who was a car dealer who sold cars on consignment to another car dealer.

- ***Trinvass Pty Ltd and Anor v Connect Infrastructure Design Pty Ltd* [2022] NSWDC 394** – Building and Construction – appeared for the Plaintiffs in a claim regarding delays to a building project.
- ***A and B Management Pty Ltd & Anor v Pinitan Wu & Anor* [2021] NSWDC 422** - Practice and Procedure – Appeared for the plaintiffs in interlocutory applications regarding security for costs and subpoenas.

New South Wales Civil and Administrative Tribunal Appeal Panel

- ***GS & CS Holdings Pty Ltd v The Owners – Strata Plan No. 63227* [2022] NSWCATAP 206; and *GS & CS Holdings Pty Ltd v The Owners – Strata Plan No. 63227 (No 2)* [2022] NSWCATAP 254** - appeared for the successful respondent on appeal (having successfully appeared below) in relation to an alleged unreasonable refusal of consent by lot owners to a proposed amendment to a by-law (Strata/Land Law).
- ***Suecha Pty Ltd v VSD Glass & Timber Pty Ltd* [2020] NSWCATAP 170; and *Suecha Pty Ltd v VSD Glass & Timber Pty Ltd (Costs)* [2020] NSWCATAP 229** – appeared for the respondent on appeal (having successfully appeared below) in relation to a quantum meruit claim; successful application for costs (Building and Construction).
- ***Syed Ahmad Shoaib Ali Pty Ltd v Jandson Pty Ltd; Jandson Pty Ltd v Syed Ahmad Shoaib Ali Pty Ltd* [2018] NSWCATAP 228; and *Syed Ahmad Shoaib Ali Pty Ltd v Jandson Pty Ltd; Jandson Pty Ltd v Syed Ahmad Shoaib Ali Pty Ltd (Costs)*[2018] NSWCATAP 304** – appeared for the successful appellant on appeal (Building and Construction); successful costs application.
- ***K & K Ventures Pty Ltd v Attar* [2019] NSWCATAP 182** – appeared for the successful appellant with an order for costs (Building and Construction).
- ***David Cameron Jones t/as Oz Style Homes v Panchal* [2018] NSWCATAP 238** - appeared for the successful respondent on appeal with an order for costs (Building and Construction).

Federal Circuit Court of Australia

- ***Voukidis v Anastasopoulos & Anor* [2019] FCCA 3397; and *Voukidis v Anastasopoulos & Anor (No 2)* [2020] FCCA 3501** – Appeared for a creditor seeking to set aside a composition pursuant to s 222 of the *Bankruptcy Act 1966* (Cth).
- ***Robert Balzola & Associates v Hoskin* [2018] FCCA 2686** – Bankruptcy proceedings, appeared for successful petitioning creditor.
- ***Fair Work Ombudsman v No Land Tax Incorporated & Anor* [2017] FCCA 2471** – penalty proceedings in relation to contraventions of the Fair Work Act (Led by D Stewart).

New South Wales Civil and Administrative Tribunal (Occupational Division)

- ***Dassouki v Department of Fair Trading* [2019] NSWCATOD 14; and *Dassouki v Department of Fair Trading* [2019] NSWCATOD 45** – Application for administrative review of decision of the Commissioner to cancel a Contractor Licence, appeared for successful applicant reducing disqualification period by 50%.

Publications

- **Hopkins, Anthony "No Constitutional guarantee of freedom from executive detention" [2018] NSWBarAssocNews 13; (2018, Spring) Bar News: Journal of the NSW Bar Association 23.**