

MICHAEL L. ROSE

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ACADEMIC QUALIFICATIONS

2011 – 2012 **INSOLVENCY LAW AND PROFESSIONAL PRACTICE EDUCATION PROGRAM
(ARITA/QUEENSLAND UNIVERSITY OF TECHNOLOGY)**
First in course: semester 2

2008 – 2010 **MASTER OF LAWS (UNIVERSITY OF NEW SOUTH WALES)**
Specialisation: Corporate and Commercial Law. High Distinction average.

- *Dean's List for highest mark – Corporate Insolvency Law*
- *Dean's List for highest mark – Globalisation and Commercial Law*
- *Dean's List for highest mark – Law, Culture and the International*

2004 – 2006 **BACHELOR OF LAWS (UNIVERSITY OF WOLLONGONG)**

2000 – 2003 **BACHELOR OF COMMERCE (UNIVERSITY OF SYDNEY)**
Majors: Finance and Economics

ADMISSIONS

September 2014 Called to the New South Wales Bar

June 2007 Solicitor and Barrister of the High Court of Australia

May 2007 Solicitor and Barrister of the Supreme Court of New South Wales

OTHER

“Recommended” counsel in Insolvency and Restructuring Barristers in Doyle’s Guide 2016, 2017, 2018, 2020,
“Leading” counsel in Doyle’s Guide 2021, 2022, and 2023, and “Preeminent” counsel in Doyle’s Guide 2024.

“Recommended” counsel in the list of Leading Commercial Litigation and Dispute Resolution Barristers in
Doyle’s Guide 2023 and 2024.

Listed in Best Lawyers 2020, 2021, 2022, 2023, 2024 and 2025 in the Insolvency and Reorganization Law, and
Litigation, categories..

PROFESSIONAL CAREER

2014 – date **BARRISTER, NEW SOUTH WALES BAR**
Representation and advisory practice in commercial disputes, insolvency &
bankruptcy, banking, and equity.

2012 – 2014 **SENIOR ASSOCIATE, NORTON ROSE FULBRIGHT AUSTRALIA**
Extensive commercial litigation expertise in New South Wales and Federal Courts,
including the High Court of Australia, and in appearing in New South Wales, Victorian
and Federal Courts, including in Federal Court bankruptcy appeals.

Acting for and advising major banks, financial institutions, insolvency practitioners and lenders in relation to security documents and complex enforcement issues, proceeds of crime matters, formal and informal restructures, and corporate and personal insolvency issues.

Providing advice and acting in relation to technical insolvency disputes including priority issues, retention of title disputes, the scope and enforceability of securities and claims in relation to the recovery of voidable transactions.

2007 – 2012 **ASSOCIATE, NORTON ROSE AUSTRALIA** (predecessor firm to Norton Rose Fulbright Australia)
Experience as detailed above.

2005 – 2006 **SUMMER CLERK, DEACONS** (predecessor firm to Norton Rose Fulbright Australia)

CASES: APPEARING (SELECTED)

- *Krejci (liquidator) v Panella, in the matter of Richmond Lifts Pty Ltd (in liq) (No 2)* [2025] FCA 248: (unled) acted for liquidator in having receivers appointed.
- *Special Gold Pty Ltd (in liq) v Dylam Developments Pty Ltd (subject to a Deed of Company Arrangement)* [2025] FCA 226: (unled) acted for liquidator in obtaining s 1323 freezing orders.
- *Krejci, in the matter of Sydney Exotic Aquariums Casula Pty Ltd (in liq) (No 2)* [2025] FCA 211: (unled) acted for liquidator in obtaining arrest warrant
- *Krejci (liquidator) v Panella, in the matter of Richmond Lifts Pty Ltd (in liq)* [2025] FCA 151: (led by D L Williams SC) acted for liquidator in successfully opposing application to set aside provisional liquidator appointments.
- *Chenyi Pty Ltd v Vrkic, in the matter of Chen* [2025] FCA 78: (unled) acted for trustee in obtaining directions on settlement.
- *In the matter of Maximus Holdings (NSW) Pty Ltd (receivers and managers appointed) (subject to a deed of company arrangement)* [2025] NSWSC 3: (unled) acted for administrators in obtaining s 444GA leave to transfer shares.
- *Walker (Administrator), in the matter of Goldin Australia Pty Ltd (Administrators Appointed)* [2024] FCA 1518: (unled) acted for administrators in extending convening period.
- *Krejci, in the matter of Sydney Exotic Aquariums Casula Pty Ltd (in liq)* [2024] FCA 1409: (unled) acted for liquidator in successfully opposing application to set aside examination summonses.
- *In the matter of Bizpay Group Limited* [2024] NSWSC 1480: (unled) acted for administrator in obtaining s 444GA leave to transfer shares.
- *National Australia Bank v Salubre* [2024] NSWSC 1288: (unled) acted for bank in successfully opposing application to set aside default judgment.
- *Starbelle Energy Pty Ltd as trustee for the Cronulla Coal Unit Trust v Louttit (Liquidator), in the matter of Coal Contractors Pty Limited (in liq)* [2024] FCA 1172: (with F Di Lizia) acted for creditor in obtaining orders to replace liquidator.
- *Morgan v McMillan Investment Holdings Pty Ltd* [2024] HCA 33; 98 ALJR 1200: (led by M R Pesman SC) appeared for applicant on appeal from Full Federal Court.
- *In the matter of Infinite Water Holdings Limited (subject to deed of company arrangement)* [2024] NSWSC 1096: (unled) acted for administrators in obtaining s 444GA leave to transfer shares.
- *Cathro, in the matter of Cubic Interiors NSW Pty Ltd (in liq) v Cubic Interiors NSW Pty Ltd (in liq)* [2024] FCA 877: (unled) acted for liquidators in obtaining s 588FF “shelf order”.
- *Gbedia (liquidator), in the matter of SK Homes Aus Pty Ltd (in liq)* [2024] FCA 859 (unled): acted for liquidator in successfully opposing privilege claims.
- *In the matter of Roxy’s Bootcamp Pty Limited (in provisional liquidation)* [2024] NSWSC 948: (unled) acted for liquidators in obtaining directions on trust funds.

- *In the matter of Openpay Group Ltd (recs and mgrs apptd) (subject to a DOCA)* [2024] NSWSC 789: (unled) acted for administrators in obtaining s 444GA leave to transfer shares.
- *National Australia Bank Limited v Mary Rose Salubre* [2024] NSWSC 665: (unled) acted for bank in successfully opposing application to set aside default judgment.
- *Fair Work Ombudsman v Foot & Thai Massage Pty Ltd (in liquidation) (No 8)* [2024] FCA 483: (led by F Assaf SC) appointment as amici curiae by Federal Court of Australia in connection with claims for provable debts in administration.
- *Brennan v DCA Capital Pty Ltd (No 2)* [2024] FCA 507: (unled) obtaining arrest warrant.
- *Woodhouse, in the matter of Panoramic Resources Limited* [2024] FCA 449: (led by J C Giles SC) opposing application for directions by administrators in connection with Western Australian mining assets.
- *Brennan v DCA Capital Pty Ltd, in the matter of DCA Capital Pty Ltd* [2024] FCA 475: (unled) obtaining s 1323 freezing orders in connection with unregistered managed investment scheme.
- *In the matter of Rio Dorado Limited* [2023] NSWSC 1398: (unled) successfully opposing application to adjourn winding up.
- *Gemi 143 Pty Ltd v The Gosford Pty. Limited (Receivers and Managers Appointed), in the matter of The Gosford Pty. Limited* [2023] FCA 1375: (led by A Leopold SC) application to extend time to register security interests.
- *Krejci in his capacity as liquidator of ENA Development Pty Ltd (in liq) v Sebie* (2023) 169 ACSR 566: (unled) obtaining vexatious proceedings orders.
- *Cathro (Liquidator), in the matter of Metigy Pty Ltd (in liq) (applications for settlement approval)* [2023] FCA 81: (led by M Condon SC) obtaining directions on settlement.
- *In the matter of ENA Development Pty Ltd (in liquidation) (ACN 105 235 363)* [2023] NSWSC 652 (unled) obtaining vexatious proceedings orders.
- *One T Development Pty Ltd v Peter Krejci in his capacity as liquidator of ENA Development Pty Ltd* [2023] NSWCA 120: (led by J C Giles SC) successfully resisting appeal against orders for directions given to liquidator.
- *Revroof Pty Ltd (receivers and managers appointed) (administrators appointed) v Taminga Street Investments Pty Ltd* [2023] FCA 543: (led by J C Giles SC) obtaining orders under s 588FM in respect of security granted post-appointment of administrators
- *Anchorage Capital Master Offshore Ltd v Sparkes* (2023) 111 NSWLR 304: (led by D L Williams SC, with N D Riordan): successfully opposing appeal
- *Hudson v National Australia Bank* [2022] FCA 1222: (led by J C Giles SC) successfully opposing claim against bank by mortgage broker.
- *In the matter of ENA Development Pty Ltd (in liq)* [2022] NSWSC 919: (unled) obtaining directions for liquidator in dealing with trust assets.
- *Anchorage Capital Master Offshore Ltd v Sparkes (No 4); Bank of Communications Co Ltd v Sparkes (No 3)* [2021] NSWSC 1695: (led by D L Williams SC, with N D Riordan): successfully resisting claims for misleading or deceptive conduct, insolvent trading and negligence brought in connection with the Arrium Group.
- *Gulf Conveyor Systems Pty Limited v Gulf Integrated Solutions Pty Limited* [2020] FCA 1534: (unled) successfully opposing application for leave to appeal against orders for adoption of referee report.
- *In the matter of Zoe Corporation Pty Limited* [2020] NSWSC 1431: (unled) successfully opposing leave to bring derivative suit.
- *Aquino (Trustee), in the matter of McGowan (Bankrupt) v McGowan* [2020] FCA 221: (unled) obtaining orders for recognition of proceedings under *Cross-border Insolvency Act*.
- *Gulf Conveyor Systems Pty Ltd v Gulf Integrated Systems Solutions Pty Ltd* [2020] FCA 1245: (unled) obtaining orders for adoption of referee report.

- *Wiggins Island Coal Export Terminal Pty Ltd v New Hope Corporation Ltd* [2019] NSWCA 316: (led by N Young KC) appeal against orders in respect of construction and rectification of deed of cross-guarantee.
- *Hundy (liquidator), in the matter of Renewable Energy Traders Pty Ltd (in liq)* (2019) 140 ACSR 466: (unled) application for directions by liquidator.
- *Walley v Australian Securities and Investments Commission, in the matter of Spectrum Community Focus Ltd (deregistered)* [2019] FCA 1580: (unled) obtaining orders for reinstatement of deregistered company.
- *Cranford, in the matter of North Queensland Heavy Haulage Services Pty Ltd (Administrators Appointed)* [2017] FCA 723: (unled) appearing for applicant on directions on entry into of loan agreement.
- *Cranford, in the matter of North Queensland Heavy Haulage Services Pty Ltd (Administrators Appointed)* [2017] FCA 635: (unled) appearing for applicant on extension of convening period.
- *In the matter of Production Printing (Aust) Pty Ltd (in liquidation)* [2017] NSWSC 505: (led by A Leopold SC) appearing for Hewlett Packard in relation to orders extending time for registration under the *Personal Property Securities Act*.
- *Tonks, in the matter of PWG Holdings Pty Ltd (in liquidation)* [2017] FCA 246: application by liquidators for appointment as receivers of trust assets.
- *Yakushiji v Daiichi Chuo Kisen Kaisha (No 2)* [2016] FCA 1277: (unled) application for termination of recognition of foreign proceedings under the *Cross-Border Insolvency Act*.
- *In the matter of Swan Services Pty Limited (in liquidation)* [2016] NSWSC 1724: (led by P S Braham SC) defence of \$10 million insolvent trading claim.
- *Schwarz, in the matter of Gordon Smith Marketing Pty Ltd (Administrator Appointed)* [2016] FCA 1378: (unled) application by administrator to be appointed liquidator.
- *BCI Finances Pty Limited (in liq) v Binetter (No 4)* [2016] FCA 1351: acted for director in breach of duties claim.
- *Schwarz, in the matter of Gordon Smith Marketing Pty Limited (Administrator Appointed)* [2016] FCA 836: application to extend convening period.
- *In the matter of GPJ Investments Pty Limited and in the matter of Angelides Investments Pty Limited* [2016] NSWSC 1173: application by liquidators for payment of remuneration.
- *Neale v Commonwealth Bank of Australia Ltd trading as Bank of Western Australia* [2015] NSWCA 272: (led by P Dowdy) acted for CBA in opposing appeal against judgment obtained against debtor.
- *Eriksson v Melluish* [2015] FCCA 1223: acted for Trustee in opposing application by examinee to set aside summons.
- *Commonwealth Bank of Australia v James* [2015] NSWDC 68: acted for CBA on opposing application to set aside judgment.

PUBLICATIONS

(selected)

“Bankrupt New Zealander bankrupt in Australia” (2012) 12 (5) *Insolvency Law Bulletin* 118 (with Dr. David Goldman).

“New Zealand liquidators obtain search warrant in Australia” (2011) 12 (2) *Insolvency Law Bulletin* 44 (with Dr. David Goldman).

“Claims Presentation and Resolution in Insolvency Proceedings: Australia” chapter published in *Claims Presentation and Resolution in Insolvency Proceedings* (2008) Insol International (with Dr. David Goldman).