

ELEVEN
WENTWORTH



Kevin Andronos SC

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Kevin Andronos SC

Kevin has a broad commercial practice, having practised as a solicitor in commercial litigation for 10 years before coming to the Bar in 2000.

Kevin was appointed Senior Counsel in 2014. He has advised and appeared in litigation conducted in superior courts in both Commonwealth and State jurisdictions, including in New South Wales, South Australia, Victoria, the Australian Capital Territory and Western Australia. He has also advised and appeared in many mediations, private commercial arbitrations and proceedings for urgent interlocutory relief, including in obtaining freezing orders, restraining breaches of non-compete obligations, the urgent appointment of receivers and injunctions.

He has had broad legal experience in areas including contractual disputes, equity and trusts, intellectual property, real property claims, ICAC hearings, commissions of inquiry and applications under the Corporations Act and Competition and Consumer Act.

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Admission to the Bar: 2000

Appointed Silk: 2014

Principal areas of practice:

- Alternative dispute resolution
- Administrative law
- Appellate practice
- Class actions
- Commercial law
- Commissions of Inquiry
- Consumer protection
- Corporations law
- Equity and Trusts
- Insolvency & bankruptcy
- Intellectual property
- Real property
- Succession

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Career summary:

October 2014 to date:	Senior Counsel, Eleven Wentworth
Feb 2000 to date:	Barrister, Eleven Wentworth
July 1997 – Dec 1999:	Partner, Gilbert + Tobin
March 1995 – June 1997:	Senior Lawyer, Gilbert + Tobin
Jan 1994 – March 1995:	Senior Associate, Allen Allen & Hemsley (now Allens)
Feb 1990 – Dec 1993:	Solicitor, Allen Allen & Hemsley
1989	Research Assistant/Tipstaff, Hon Justice R F Loveday, Supreme Court of NSW

Academic background:

BA/LLB (Sydney)

Selected matters:

Virk Pty Limited (in liquidation) v YUM! Restaurants Australia Pty Limited (Full Court, Federal Court, pending) – appeal, contract, negligence, unconscionable conduct, franchising

e-induct Pty Limited v 3D Safety Systems Pty Limited & Ors (NSW Supreme Court, pending) equity, confidential information, joint venture, contract, copyright infringement claim re website and software (interlocutory decision re security for costs: [2013] NSWSC 410)

RSN Australia Pty Limited v Casama Group Pty Limited [2016] NSWSC 1788 (NSW Supreme Court) – contractual construction, termination of distribution agreement

In the matter of Gondon Five Pty Ltd [2016] NSWSC 1401 (NSW Supreme Court) – equity, freezing order, trusts, contract, derivative actions under the Corporations Act. Application for extension of appointment of receiver to defendant and principal proceedings settled in December 2016.

Jennings Schembri Farm Holdings Pty Limited v Illawong Pty Limited (NSW Supreme Court, part heard) discretionary trust, partnership, duties of guardian of trust

In the matter of Kevin Jacobsen Pty Limited (in liquidation) [2016] NSWSC 538 (NSW Supreme Court) – Corporations, liquidators, application for approval of Deed of Assignment under s 477(2B)

Diab Pty Ltd v YUM! Restaurants Australia Pty Ltd [2016] FCA 43 – (Federal Court, heard 2015), class action, contract, negligence, unconscionable conduct, franchising

Jabulani Pty Limited & Anor v Walkabout II Pty Limited [2016] NSWCA 267 (NSW Court of Appeal) – adoption of referee’s report into dealings of partnership; first instance hearing, NSW Supreme Court: [2015] 1569

EJ Cooper & Son Pty Limited v Galdes & Ors [2015] NSWSC 1335 (NSW Supreme Court) – vendor and purchaser, payment of deposit

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Taylor v MDA National Insurance [2015] FCA 20 (Federal Court) – interlocutory injunction, non-disclosure under policy of professional indemnity insurance, statutory construction, principal proceedings settled May 2015

A&A (Sydney) Pty Limited v YUM! Restaurants Australia Pty Limited [2014] FCA 678 (Federal Court) – injunction, contracts, unconscionability, franchising

Re Nexus Energy Limited (subject to deed of company arrangement) [2014] NSWSC 1914 (NSW Supreme Court) – injunction, stay application

Wambo Coal Pty Limited v Sumiseki Mining Co Limited (2014) 88 NSWLR 689 (NSW Court of Appeal) companies, shares dividends, estoppel, rectification and oppression

Strange Investments (WA) Pty Limited v Coretrack Limited (2014) 107 IPR 102 (WA Supreme Court) – contract, bailment, ownership of chattels, estoppel

Federation of Parents & Citizens Associations & Anor v Brownlee (2014) (NSW Supreme Court) voluntary associations, D & O insurance, injunctions, validity of notice and meetings, directors' duties, principal proceedings settled April 2014

Retail Holdings Limited ats Consolidated Artists S.A.R.L. (IP Australia) trade mark opposition re “Mango” clothing line, [2013] ATMO 56

Sydney Airport Corporation v Minister for Transport (AAT) transport, planning, administrative law, master plans, settled part heard January 2013

Operation Jasper (ICAC) investigation into former Ministers McDonald and Obeid, appeared for solicitors, 2012-13

Operation Spicer (ICAC) investigation into Sydney Water and Liberal Party donations, appeared for a solicitor and director of a related entity, 2014-15

Operation Cavill (ICAC) investigation into Ryde Council, appeared for councillor under investigation, 2013-14

Operation Vesta (ICAC) investigation into Sydney Harbour Foreshore Authority, appeared for officer under investigation, 2011

McMahon v John Fairfax Publications Pty Limited NSWSC [2013] 933 (NSW Supreme Court) – defamation, injurious falsehood

Holus Bolus Pty Limited v The Wicko Pty Limited [2012] NSWSC 497 (NSW Supreme Court), contractual construction, leasing, fire safety

Byrne v Production Magic Pty Limited [2012] ATSC 160 (privilege judgment) (ACT Supreme Court) Corporations Act, oppression, directors duties, principal proceedings settled October 2012

Hackett v Hackett (NSW Supreme Court) succession, Family Provisions Act, estoppel, undue influence, settled September 2010

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Telstra Corp v Sicard Pty Limited [2009] NSWSC 827 (NSW Supreme Court) injunctions, leasing, quiet enjoyment, construction work

Re Aero Inventory (UK) Limited (2009) 181 FCR 374 (Federal Court) cross border insolvency

Re Greens Food Limited [2007] NSWSC 133 (NSW Supreme Court) corporations, scheme of arrangement

Equine Influenza Inquiry (coram Hon Ian Callinan QC, 2007-08) appeared for Commonwealth agency under investigation (AQIS)

HIH Royal Commission (coram Hon Owen J) appeared for liquidators of HIH, 2001-02