



## Kevin Andronos SC

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Kevin Andronos SC has a broad commercial and regulatory practice.

He was appointed Senior Counsel in 2014, having practised as a solicitor in commercial litigation for 10 years before coming to the Bar in 2000. He has advised and appeared in litigation conducted in superior courts in both Commonwealth and State jurisdictions, including the High Court and Federal Court and the Supreme Courts of New South Wales, South Australia, Victoria, the Australian Capital Territory and Western Australia.

Kevin has broad experience in private litigation and regulatory proceedings, including in major commercial disputes, consumer protection, franchising, equity and trusts, intellectual property, real property and finance, corporations and insolvency matters, enforcement actions, AAT hearings, ICAC investigations and commissions of inquiry.

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.

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**Admission to the Bar:** 2000

**Appointed Senior Counsel:** 2014

**Principal areas of practice:**

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

**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:**

Australian Competition and Consumer Commission v Retail Food Group Limited & Ors (ongoing proceedings before Federal Court) advising ACCC on proceedings concerning franchising, alleging systemic unconscionable conduct and misleading or deceptive conduct

R B (Hygiene Home) Pty Limited v S C Johnson & Sons Pty Limited [2020] FCA 1783 (Federal Court) consumer protection, misleading or deceptive conduct, comparative advertising, injunctions

Almona Pty Limited v Parklea Corporation Pty Limited & Ors (2020) NSW Court of Appeal currently reserved

Almona Pty Limited v Parklea Corporation Pty Limited & Ors [2019] NSWSC 1868 (NSW Supreme Court) real property, mortgages and securities, contract, equity, fraud, indefeasibility of title

Operation Dasha (ICAC) 18 week hearing of investigation into Canterbury City Council, appeared for general manager under investigation, 2018-2019

eify Pty Limited v 3D Safety Systems Pty Limited & Ors [2018] FCAFC 1017 copyright, appeals

Virk Pty Limited (in liquidation) v YUM! Restaurants Australia Pty Limited [2017] FCAFC 190 (Full Court, Federal Court) – appeal, contract, negligence, unconscionable conduct, franchising; special leave successfully resisted 2018

eify Pty Limited v 3D Safety Systems Pty Limited & Ors [2017] NSWSC 1310 (NSW Supreme Court) equity, confidential information, joint venture, contract, copyright infringement claim re website and software (costs judgment: [2018] NSWSC 339; 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.

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

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

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

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

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

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

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

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

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)