

PARTNER | LITIGATION & DISPUTE RESOLUTION

# ALEX MORIARTY

AJ&CO

CREATIVE. PROACTIVE. DYNAMIC

YEARS IN PRACTICE

16

BACHELOR OF LAWS (1ST CLASS HONS)

ADELAIDE UNIVERSITY

BACHELOR OF COMMERCE

ADELAIDE UNIVERSITY

AREAS OF EXPERTISE

COMMERCIAL LITIGATION & DISPUTE RESOLUTION, COMMERCIAL CLASS ACTIONS, INTERNATIONAL COMMERCIAL ARBITRATION; RESTRUCTURING & INSOLVENCY LAW, FRANCHISING LAW, PROFESSIONAL NEGLIGENCE; SHAREHOLDER DISPUTES, INSURANCE LITIGATION; REVENUE, TAXATION & ADMINISTRATIVE LAW

## INTRODUCTION

Alex deploys his unique blend of insight, intellect and focused effort to every matter, enabling him to unlock superior results for his clients. He possesses an exciting legal mind, real world commercial acumen and a determination to excel for all his clients, all of which make him a highly potent, creative and constructive force in any legal contest.

## EXPERIENCE

His major experience and litigation includes:

- Advising and acting for or against numerous national franchises including winning a Federal Court trial against the ACCC and 27 class action members in a Franchising Code test case - ACCC v Kyloe Pty Ltd & Ors [2007] FCA 1522;
- Advising on and winning the test case, *Berryman v Zurich Australia Ltd* [2016] WASC 196, which held for the first time in Australia that the Bankruptcy Act 1966 protects the proceeds of TPD insurance policies exclusively for bankrupts, beyond the reach of creditors;
- Acting for Agripower Australia Ltd in the test case, *Agripower Australia v J&D Rigging Pty Ltd & Ors* [2013] QSC 164, including identifying and advising on a novel jurisdictional question temporarily overturning the validity of security of payments legislation in the mining industry, which was won at first instance and run to the High Court;
- Running a class action in the Federal Court on behalf of investors in the Pearls India Ponzi scheme, which commenced with an urgent injunction to restrain the sale of the Sheraton Mirage Gold Coast;
- Advising a large chemicals manufacturer on insurance product liability claims after a major contamination and product recall event;
- Major shareholder disputes for or against ASX-listed clients;
- Acting for or against major law firms in professional negligence suits;
- Acting for or against the ATO and OSR in revenue and taxation law appeals;
- Significant experience in all courts obtaining urgent ex-parte injunctive relief in employee fraud and theft matters, breach of confidence and IP infringement matters;
- Significant GFC-related, property insolvency work and litigation included acting a 3 week Supreme Court trial against Balmain Trilogy as a responsible entity for the City Pacific First Mortgage Fund, litigation against the Lotte Group in relation to Victoria Towers, Southport and acting for directors or external administrators in relation to CEC Group Ltd, the Trilogy Tower and Empire Square projects, LM Investment Management Ltd, Petrac and Viking Groups

