

ALEX MORIARTY

CLEAR . RESPONSIVE . STRATEGIC

AJ&CO

Alex is known for his ability to confidently handle complex or sensitive corporate disputes, and for providing clear, responsive and strategic advice that delivers results.

INTRODUCTION

Alex has broad experience running large and high-stakes disputes in all Australian jurisdictions - ranging from commercial or contractual disputes to trade practices, revenue and administrative law, intellectual property and insolvency disputes. He also has an impressive grasp of international law.

Alex's recent major litigation successes include urgent injunctions to curtail alleged, multi-million dollar employee frauds, defending a leading renewable energy scientist against injunctions and IP infringement proceedings regarding thermal battery patents, and winning a multi-million dollar judgment against a US yacht manufacturer concerning its manufacture and sale of a dangerously defective vessel.

Alex is a strategic thinker who is able to cut through jargon and offer clear, concise advice on often complex issues. He is careful, highly attentive and appreciates that time is money.

QUALIFICATIONS

Practising law since 2001
Bachelor of Laws (1st Class Hons), Adelaide University
Bachelor of Commerce, Adelaide University

EXPERTISE

Commercial litigation and dispute resolution | Trade practices, consumer law and product liability | Professional negligence | Shareholder disputes | Corporate malfeasance | Insurance litigation
Revenue, taxation & administrative law disputes | Intellectual property disputes | Commercial class actions | Franchising law and disputes | Restructuring & insolvency law

"Sophisticated clients are becoming much more discerning on whom they engage. No longer are they blindly loyal to a particular law firm. This presents exciting, new opportunities for us, which we intend to pursue."



EXPERIENCE

Successfully litigated against leading US yacht manufacturer, Bertram Yachts, concerning its manufacture and sale of a dangerously defective charter vessel - Tarangau Game Fishing Charters Pty Ltd v Eagle Yachts Pty Ltd & Anor (Supreme Court of Qld) 2017.

Defended leading renewable energy scientist Dr Patrick Glynn against injunctions and IP infringement proceedings concerning his thermal battery patents - Climate Change Technologies Pty Ltd v Glynn & Ors (Supreme Court of SA) 2017-18.

Ran the landmark bankruptcy law test case Berryman v Zurich Australia Ltd (Supreme Court of WA) 2016 which held that proceeds of TPD insurance policies are protected in bankruptcy, beyond the reach of creditors, and ran the further test case, Gittins v Field (Federal Court of Australia) 2018, which held proceeds of income protection policies due to personal injury are not protected in bankruptcy.

Advised and acted for or against numerous national franchises. This included 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.

Ran a class action in the Federal Court on behalf of investors in the Pearls India Ponzi scheme. It commenced with an urgent injunction successfully restraining the sale of the Sheraton Mirage Gold Coast and having its \$90 million net sale proceeds placed into trust for victims and the Indian Government.

Acted for Agripower Australia Ltd in the test case Agripower Australia v J&D Rigging Pty Ltd & Ors [2013] QSC 16. This included identifying and advising on a novel jurisdictional question, temporarily overturning the validity of security of payments legislation in the mining industry, which was tried until the High Court.

Advised a large chemicals manufacturer on product liability claims after a major contamination and product recall event.

Managed major shareholder disputes for or against ASX-listed and private clients.

Acted for or against the ATO and OSR in revenue and taxation law appeals.

Advised private clients on sensitive matters including Crime and Corruption Commission and ASIC investigations.

Brisbane | Sydney | Melbourne

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"Alex knows the law, and that's certainly a good thing. He is prompt and proactive when considering ways to progress an issue and is part of a growing team with lots of energy. That's very important to us."

David Porter, Programme Director - Endeavour Program

