

# Robert Yezerksi

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**ADMISSION TO BAR** 2010

## **PRACTICE AREAS**

General commercial  
Competition & Regulatory  
Criminal cartel  
Representative proceedings (Class actions)  
Corporations & Insolvency  
Equity, Trusts and Property  
Insurance  
Administrative and public law

## **ACADEMIC**

July 2011 – Nov 2018	<b>ADJUNCT SENIOR LECTURER, UNSW</b> Co-Convenor, Conflict of Laws
July 2011 – Dec. 2011	<b>LECTURER, UNIVERSITY OF SYDNEY</b> Co-teaching Topics in Legal History
Sept. 2005 – May 2006	<b>HARVARD LAW SCHOOL</b> LL.M.
Feb. 1998 – Dec. 2003	<b>UNIVERSITY OF SYDNEY</b>  LL.B. (First Class Honours & University Medal)
Feb. 1998 – Dec. 2001	<b>UNIVERSITY OF SYDNEY</b>  B.A. (History) (First Class Honours & University Medal)

## **ASSOCIATESHIP**

Feb. 2004 – Feb. 2005	<b>HIGH COURT OF AUSTRALIA</b> Associate to the Hon. Justice W.M.C. Gummow AC
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## **PRIOR LEGAL EXPERIENCE**

Sept. 2006 – July 2010	<b>WEIL, GOTSHAL &amp; MANGES LLP</b>	<b>New York, NY</b>
Feb. 2005 – Aug. 2005	<b>FREEHILLS</b>	<b>Sydney, NSW</b>

<b>BAR ADMISSIONS</b>	<p>New South Wales</p> <p>New York State</p> <p>Southern District of New York</p> <p>Eastern District of New York</p>
<b>AWARDS / RECOGNITION</b>	<p>Doyle's Leading Commercial Litigation &amp; Dispute Resolution Junior Counsel: NSW and Australia – 2015, 2016, 2017, 2018, 2019</p> <p>Doyle's Leading Competition Law Barristers: Australia – 2015, 2016, 2017 (Preeminent), 2018 (Preeminent), 2019 (Preeminent)</p> <p>Doyle's Leading Insolvency &amp; Restructuring Junior Counsel: NSW – 2019</p> <p>P. Blashki Award 2010 (highest aggregate mark in NSW Bar Exams)</p> <p>Frank Knox Memorial Fellowship 2005 (Harvard)</p>
<b>MEMBERSHIPS</b>	<p>New South Wales Bar Association</p>
<b>PUBLICATIONS</b>	<p>R A Yezerski, "Renvoi Rejected? The meaning of the <i>lex loci delicti</i> after <i>Zhang</i>" (2004) 26 <i>Sydney Law Review</i> 273</p> <p>J T Gleeson &amp; R A Yezerski, "The Separation of Powers and the Unity of the Common Law" in J T Gleeson, J A Watson and R C A Higgins, <i>Historical Foundations of Australian Law</i>, Vol I (Federation Press, 2013)</p>

## REPRESENTATIVE CASES

### Competition, Regulatory and Cartel

- *APRA v Kelaber & Ors* [2019] FCA 1521 (acting for first respondent, with C R C Newlinds SC)
- *Vodafone Hutchison Australia Pty Ltd v ACCC*, Federal Court of Australia, NSD 818 of 2019 (acting for Vodafone, with P J Brereton SC, J Arnott, B Lim and K Stellios)
- *ANZ Criminal Cartel Prosecution* (acting for an individual defendant with R Dick SC)
- *ACCC v Yazaki Corp* [2018] FCAFC 73 (acting for ACCC with M O'Brien SC and D Tynan); also at first instance ([2017] FCA 465) and in successfully resitting special leave application.
- *Application by Tabcorp Holdings Ltd* [2017] ACompT 1 (acting for Tabcorp with CA Moore SC, N De Young and A D'Arville)
- *ACCC v Air New Zealand Limited* [2017] HCA 21 (with B W Walker SC and N J Owens SC); also at first instance ([2014] FCA 1157) and on appeal to the Full Court ([2016] FCAFC 42)
- *ACCC v Woolworths Limited* [2016] FCA 1472 ('Mind the Gap' case) (acting for Woolworths with C A Moore SC)
- *ACCC v Cascade Coal* [2018] FCA 1019 and on appeal [2019] FCAFC 154 (acting for the ACCC, with C A Moore SC and M O'Mearra)
- *ACCC v Virgin Australia Airlines*, [2017] FCA 204 (with N J Young QC)
- *ACCC v Informed Sources*, Federal Court of Australia, VID 450 of 2014 (acting for Woolworths Limited, with C A Moore SC) (matter settled)
- *Parmalat v VIP Packaging* (2013) 210 FCR 1 (with G A Thompson SC and D P O'Brien)

- *Transport Workers' Union of New South Wales v NSW Taxi Industry Association*, Industrial Relations Commission of NSW, No. IRC 811 of 2012 (for NSW TIA with I Taylor SC) (TWU application withdrawn)
- *ACCC v Metcash* (2011) 282 ALR 464 (first instance) and (2011) 198 FCR 297 (Full Court) (with J E Griffith SC and C A Moore SC)
- *Technology Leasing Ltd v Bergia 2 Pty Ltd T/as A and A Smash Repairs* [2011] FCA 284 (acting for the ACCC, with R J Wright SC)
- Acting for the ACCC in various competition investigations, including by conducting s 155 examinations for the ACCC
- Representing witnesses before the ACCC in s 155 examinations and voluntary witness interviews

### **Representative Proceedings / Class Actions**

- *Kenquist Nominees Pty Ltd v Campbell*, Federal Court of Australia, NSD 1364 of 2015 (acting for three director defendants, with G Rich SC)
- *Rodriguez & Sons Pty Ltd v Seqwater & Ors*, Supreme Court of New South Wales, Proceedings 2014/200854 (reserved) (acting for plaintiff and group members in proceedings arising out of 2011 Brisbane floods, with J Sexton SC, N J Owens SC and J E Taylor instructed by Maurice Blackburn)
- *Rivercity Motorway Finance Pty Limited (Administrators Appointed) (Receivers and Managers Appointed) v AECOM Australia Pty Ltd (No 2)* [2014] FCA 713 (with R M Smith SC and M Elliott)
- *De Brett Seafood Pty Ltd v Qantas Airways Ltd*, Federal Court of Australia, VID 12 of 2007 (acting for Air New Zealand, with R M Smith SC and N J Owens) (proceedings discontinued against Air New Zealand with costs)

### **General Commercial, Corporations and Insurance**

- *Deluxe Developments Pty Ltd (In Liq) v Downer EDI Engineering Pty Ltd* [2017] NSWSC 895 (acting for Downer EDI, unled)
- *Australian Institute of Fitness Pty Ltd v Australian Institute of Fitness (Vic/Tas) Pty Ltd (No 3)* [2015] NSWSC 1639 (with C R C Newlinds SC)
- *Jeffries v Indigenous Land Corporation* [2015] NSWSC 1616 (with C R C Newlinds SC)
- *Stephen Hopkins & Anor v AECOM Australia Pty Ltd & Ors*, Federal Court of Australia, NSD 757 of 2012 (acting for Leighton Contractors Pty Ltd in various proceedings with R M Smith SC and M R Elliott)
- *Catra Pty Limited v Viva Energy Australia Limited Proceedings*, NSW Supreme Court Proceeding 2013/320090 (with I Jackman SC) (settled prior to hearing)
- *Sienkiewicz v Salisbury Group Pty Ltd (in liq) (No 2)* [2015] FCA 147 (with G J Rich SC)
- *O'Brien v Bank of Western Australia Ltd* [2013] NSWCA 71 (with B W Walker SC)
- *International Litigation Partners Pte Ltd v Chameleon Mining NL* [2011] NSWCA 186 (with R A Dick SC)
- *Arena Management Pty Ltd (recs and mgr apptd) v Campbell Street Theatre Pty Ltd* (2011) 80 NSWLR 652 (with S A Kerr SC)

### **Property and Equity**

- *Bradcorp Wilton Park Pty Limited v Country Garden Wilton West Pty Ltd* [2019] NSWSC 1407 (with M Darke SC)

- *Campbell v Campbell* [2015] NSWSC 784 (with D Pritchard SC)
- *Sze Tu v Lowe* [2014] NSWCA 462 (with T G R Parker SC)
- *The Owners – Strata Plan No 67246 v Oaks Hotels & Resorts (NSW) No 1 Pty Ltd* [2013] NSWSC 1866 (with J Kirk SC)
- *Rix v Wells* [2013] NSWSC 672 (with A P Coleman SC)

### **High Court**

- *ACCC v Air New Zealand Limited* [2017] HCA 21 (with B W Walker SC and N J Owens SC)
- *Attwells v Jackson Lalic Lawyers* [2016] HCA 16 (with G O’L Reynolds SC, R C A Higgins and D W Robertson)
- *Fischer v Nemeske* [2016] HCA 11 (with N C Hutley SC and A B Edington)
- *OC v The Queen* [2016] HCATrans 26 (with J T Gleeson SC)
- *Miller v Miller* (2011) 242 CLR 446 (with G M Watson SC and N J Owens)

### **Administrative and Public Law**

- *Hewit v NSW State Coroner* [2019] NSWSC 1401 (unled for Attorney General (NSW))
- *Li v Attorney-General (NSW)* [2019] NSWCA 95 (unled for Attorney General (NSW))
- *Baker v Commonwealth of Australia* (2012) 206 FCR 229 (with B W Walker SC and A W Street SC)
- *The Trust Company Limited v Valuer-General*, NSW Supreme Court Proceeding 2011/412141 (with R A Dick SC) (settled during hearing)

Current as at October 2019