

## **JULIE GRANGER**

### **QUALIFICATIONS**

- 2010                    Master of Laws (Commercial and Corporate Law),  
University of New South Wales  
Dean's Awards for the highest mark in a subject for each of *Fiduciary Duties and Conflicts of Interest*, and *Construction of Commercial Agreements*
- 2006                    Graduate Diploma in International Commercial Arbitration,  
Chartered Institute of Arbitrators
- 2001                    Bachelor of Arts/Laws (Honours),  
Southern Cross University

### **ADMISSIONS**

- August 2015            Admitted to the New South Wales Bar
- August 2001            Admitted as a solicitor of the Supreme Court of New South Wales

### **RECOGNITION AS A BARRISTER**

2017 - Doyles Guide's Emerging Construction and Infrastructure Junior Counsel NSW

### **EXPERIENCE PRIOR TO ADMISSION TO THE BAR**

- 2001 - 2015            Solicitor, then Senior Associate, then Special Counsel, Clayton Utz, Sydney
- Commercial Litigation, acting in a range of commercial disputes in a variety of jurisdictions and industries. (2003 to 2015)
- Financial Services, (Managed Funds and Superannuation) (2002 to 2003)

### **SELECTED MATTERS AS A BARRISTER**

#### **COMMERCIAL/EQUITY MATTERS:**

- Acting for the Receivers and appointing banks in relation to the collapse of Dick Smith Electronics (including appearing in Public Examinations); led by John Sheahan QC and Jeremy Giles SC (ongoing)
- *Park v Murray Irrigation Limited* [2018] NSWCA 166 and *Boucher v Murray Irrigation Limited*; *Pratt v Murray Irrigation Limited*; *Park v Murray Irrigation Limited* [2017] NSWSC 1268 - construction of a members constitution and water entitlements contracts, unconscionable conduct and misleading or deceptive conduct, proper measure of damage; led by Scott Goodman SC (at first instance) and Ian Pike SC (on appeal)
- *Schwartz Family Co Pty Ltd v Capitol Carpets Pty Ltd* [2017] NSWCA 223 – application for leave to appeal (led by E Muston SC)

- *Midland Metals Overseas v Australian Cablemakers Association* [2018] NSWSC 938 and *Midland Metals Overseas v Australian Cablemakers Association (No 2)* [2018] NSWSC 1128 (costs judgment) - Misleading or deceptive conduct, whether conduct in trade or commerce, remedies available where no damage (led by M Izzo) – Currently on appeal
- Acting for the Trend Group of Companies in various related Local, District Court and Federal Court Proceedings regarding breach of fiduciary duty, breach of directors duties, claim for monies alleged paid by way of loan, and related cross-claims – appeared unled in strike out, summary judgment and security for costs applications; see for example *Granite Transformations Pty Ltd v Apex Distributions Pty Ltd* [2018] FCA 725.
- Acting for a private individual defending an interlocutory injunction brought by Hello World Limited & Ors to restrain her employment by a former colleague; led by Robert Newlinds SC (form of undertakings ultimately agreed)
- Acting in various proceedings in the Federal Court against Cynosure in relation to various allegations of misleading and deceptive conduct regarding the performance of medical products sold and marketed by Cynosure; led by Marcus Clarke QC - ongoing
- *Brown v Forrest* [2017] NSWSC 1810 (unled) – interpleader proceedings; whether fruits of litigation lien; costs issues
- Appearing unled in various district court and local court commercial cases including in relation to the proper construction of a settlement deed with her ex-husband (Preece v Preece, [2017] NSWLC); dispute for breach of contract and under the Sale of Goods Act (ongoing)

## **CORPORATIONS ACT/INSOLVENCY**

- *White, in the matter of Mossgreen Pty Ltd (Administrators Appointed)* [2018] FCA 471 and *White, in the matter of Mossgreen Pty Ltd (Administrators Appointed) (No 3)* [2018] FCA 711 - Application for equitable lien (led by R Foreman)
- *In the matter of SurfStitch Group Limited (admins apptd)* [2017] NSWSC 1827 – orders extending the convening period (led by M Izzo)
- *In the matter of SurfStitch Group Limited* [2018] NSWSC 164 – subordinate creditors voting rights and how to determine proof for voting purposes at second creditors meeting (led by M Izzo)
- Acting for Sydney Recycling Group opposing an interlocutory application brought by Cardinal Group to amend existing proceedings to recover allegedly unfair preference payments made by Cardinal Group to our client and, on appeal, on the question of the proper construction of s.588FF of the *Corporations Act*; *Sydney Recycling Park Pty Ltd v Cardinal Group Pty Ltd (in liq)* [2016] NSWCA 329 led by Jeremy Giles SC
- *In the matter of Atlas Construction Group Pty Ltd (in liquidation) – Fitz Jersey Pty Limited v Fraser* [2018] NSWSC 1189 - Acting for the liquidators of Atlas in an application to appoint alternative liquidators; led by M Izzo

- Acting for L & H Group in relation to various unfair preference proceedings in the Supreme Court (unled) (settled)
- Acting for the administrators appointed to McAleese including appearing in an application for orders in the Federal Court under s 447A of the Act limiting the Administrators' personal liability and a direction under s 447D in relation to a proposed funding arrangement (led by David Sulan) and an application to extend the convening period for the second creditors meeting (unled)
- Acting for the former company secretary of Provident Capital Limited in a public examination by the liquidators of Provident (unled)
- Acting for Cryeng (Thailand) Co Ltd in a contested three day hearing for the winding up of Pioneer Cryogenics Pty Ltd (led by David Sulan; settled)

## **PROPERTY AND CONSTRUCTION**

- Acting for a private individual in Local Court and District Court proceedings against Dunkirk Property Developments Pty Ltd which raised issues concerning breach of contract, misleading and deceptive conduct and the operation of the Property Stock and Business Agents Act (proceedings settled prior to hearing); led by Justin Hogan-Doran
- Acting for Diveva Pty Limited in Supreme Court proceedings against Port Macquarie Hastings Council in relation to the proper construction of an option within a commercial contract and on appeal and alleged defects in work performed by Diveva Pty Ltd (asphalt laying company); led by Jeremy Giles SC
- Acting for Reece Plumbing in relation to district court proceedings commenced by Sydney Water relating to services provided under the "quick check" regime and subsequent expert determination (unled)
- Acting for WorleyParsons' joint venture partner in a contractual dispute worth approximately \$1.5m relating to wind farms, including acting for them at the mediation at which the matter ultimately settled (unled)
- Acting for the Cancer Council of NSW in proceedings in the possession List of the Supreme Court of NSW to obtain possession of a Sydney property (unled);

## **SELECTED MATTERS AS A SOLICITOR**

### Financial Services (including Superannuation) Matters:

REGULATORY: ASIC investigation re potential breaches of s674 and s1043A (2) of the Corporations Act (2014)

Acted for a large financial institution in relation to several s30 Notices issued by ASIC and appeared at related s 19 ASIC Examination.

REGULATORY: APRA investigation (2011 - 2012)

Participated in over 15 examinations conducted pursuant to s 270 of the SIS Act. Gave advice re various substantive, strategic and procedural matters relating to the investigation (including obligations under the SIS Act and natural justice requirements).

ADVISORY: Trio collapse (2013)

Acted for and advised a company who was undertaking due diligence into the auditor of the Trio funds in the context of a possible takeover. Extensive analysis of potential claims against the auditor and other parties by reason of the Trio collapse.

VIC SUPREME CT- Construction and Rectification of a Superannuation Trust Deed (2002 - 2010)  
- *ExxonMobil Superannuation Plan Pty Ltd v Esso Australia Pty Ltd & Ors*  
[2010] VSC 357

Acted for the Trustee of the ExxonMobil Superannuation Plan in relation to long running proceedings regarding the proper interpretation and possible rectification of certain provisions of the Trust Deed governing the ExxonMobil Superannuation Plan. Believed to be one of the largest Superannuation disputes in the Asia-Pacific Region.

General Commercial Matters:

NSW SUPREME CT Winding up of Mulsanne Resources (Nathan Tinkler Company); public examinations and breach of Corporations Act (2012-2013)

Advised and acted for an unsecured creditor of Mulsanne Resources (one of the Tinkler Group companies) in relation to an unpaid subscription price of \$28.4M and subsequently, for Ferrier Hodgson, the Liquidators appointed to Mulsanne Resources in winding up proceedings.

FEDERAL COURT - Trade Practices Issues; Stay of Proceedings (Merrill Lynch vs CKI) (2012 - 2013)

Acted for Merrill Lynch in relation to proceedings brought against it and Bluescope Steel by CKI. Involved allegations of breach of the Trade Practices Act and several interlocutory applications, including an application for a permanent stay.

NSW SUPREME CT- Breach of Contract, Negligence and Breach of Trade Practices Act (WorleyParsons) (2010 - 2013) – Construction Matter

Acted for WorleyParsons Limited and its subsidiary John Wilson & Partners Pty Ltd (JWP) regarding the design and construction of the Bootawa Water Treatment Plant. The proceedings involved issues of breach of contract, negligence, breach of statutory duties under the Trade Practices Act and proportionate liability.

ARBITRATION - Working Capital Dispute (2008 - 2012)

Acted for Startronics (a PEP company) in relation to a domestic arbitration regarding a working capital dispute with Sanmina.

SA SUPREME CT Breach of Contract, Negligence and Breach of Trade Practices Act - Construction Matter (WorleyParsons ats Ahrens) (2006 - 2010)

Acted for a WorleyParsons Ltd subsidiary in relation to proceedings commenced against it in the South Australian Supreme Court regarding the collapse of a silo which had been design reviewed by WorleyParsons. Involved allegations of negligence, breach of contract and breach of statutory duties under the Trade Practices Act. Proceedings settled.

NSW SUPREME CT Fraud (OzTam v Hillier) (2009)

Acted for OzTam (the then official source of television audience measurement in Australia) in relation to a substantial Fraud. The proceedings involved successfully obtaining an urgent Mareva Injunction.

NSW SUPREME CT Restraint of Trade, Misuse of Confidential Information (2004) - *Woolworths Limited v Mark Konrad Olson & Anor* [2004] NSWSC 871, *Woolworths Limited v Mark Konrad Olson and Anor* [2004] NSWSC 849 (22 September 2004), *Woolworths Limited v Mark Konrad Olson & Anor* [2004] NSWSC 896

Acted for Woolworths in proceedings which spanned 4 jurisdictions (Federal Court of Australia, New South Wales Court of Appeal, Supreme Court of New South Wales and the Industrial Relations Commission of New South Wales). Involved issues of fraud, breach of contract, restraint of trade, breach of fiduciary duty and breach of copyright including the obtaining of an Anton pillar order to seize critical confidential information.

## **PRESENTATIONS/PUBLICATIONS**

### Selection of Publications

*The High Court talks sense about Proportionate Liability*, Clayton Utz Insights July 2013

*The right to appeal an arbitral award: Express may be best*, In House Counsel July 2012

*Open access* (Superfunds Magazine) (September 2012)

*A beneficiary's right to access legal advice*, Australian Superannuation Law Bulletin (August 2012)

*Enforcement of arbitral awards - navigating the Shoals*, Clayton Utz Insights April 2012

*Rectification: How to prove your "contract" is not your contract*, Clayton Utz Insights January 2012

*Who cares what you think? Contracts and the parties' subjective intentions*, Clayton Utz Insights November 2011 and In House Counsel

*Rectification: What to do when your "contract" is not your contract*, Clayton Utz Insights September 2011

*Lady Luck shines light on proportionate liability*, Clayton Utz Insights June 2008

*Limitation of liability and indemnity clauses: the knock-out punch of proportionate liability*, Clayton Utz Insights December 2006

### Selection of Presentations

UNSW's Contract Law Update 2017 (Ambiguity and Construction of Commercial Agreements)

UNSW's Contract Law Update March 2014 (Consumer considerations in contract law)

Presented paper at the NSW State Legal Conference on the law of penalties post *Andrews v ANZ* (2013)

"Class Actions in Superannuation" Clayton Utz Risky Business session 2013 with Ross McInnes and Jane Paskin (July 2013).

Presented at the Centre for Investor Excellence Course on Obligations of Trustee Directors in light of the *Centro* decision (Course attended by Senior Executives in the Superannuation Industry) (October 2011)

Presented paper at the NSW State Legal Conference on the law of penalties (2010)

Presented paper at the NSW State Legal Conference on the Convention for International Sale of Goods (2009)

Presented paper at the NSW State Legal Conference on Freezing and Search orders (2008)