

Joseph Pokoney

LLM (Applied), LLB (Hons I)

BACKGROUND

Joseph has a broad commercial and equity practice, with a particular emphasis upon corporations law, insolvency, equity and trusts. Joseph is regularly briefed in the following types matters:

- corporations law and insolvency (including insolvent trading, voidable transactions and other liquidators' actions, bankruptcy and associated actions);
- equity and trusts;
- general commercial disputes (including commercial litigation, liquidated claims and enforcement, specific performance and remedies in equity);
- contract law (including advising on drafting, restraints of trade, indemnities, confidentiality clauses and contractual disputes);
- property (including residential and commercial leasing and strata disputes).

Prior to his call to the Bar in 2020, Joseph practised as a solicitor across a multitude of areas, appearing at both final and interlocutory hearings before a variety of federal and state courts and tribunals.

HISTORY

2020 -	Barrister Nine Wentworth Chambers
2018 – 2020	Associate, Commercial Disputes & Insolvency Mills Oakley
2015 – 2018	Associate, Litigation & Dispute Resolution Acorn Lawyers
2013 – 2015	Paralegal, Litigation & Dispute Resolution / Equity Litigation Acorn Lawyers

EDUCATION

2018	Masters of Law (Applied - Commercial Litigation) College of Law, Sydney
2014	Bachelor of Laws (LL.B) (Hons 1) University of Wollongong

SELECT RECENT EXPERIENCE

Corporations, Insolvency and Bankruptcy

- *In the matter of MJ Woodman Electrical Contractors Pty Ltd (In Liq)* [Federal Court of Australia, Full Court (Allsop CJ, Derrington and Middleton JJ)]
2021 - led by J Gleeson SC, G McNally SC – appearing on Special Case as to whether set-off available in unfair preference recoveries [decision reserved]
- *In the matter of Matrix Group Co Pty Ltd* [2021] NSWSC 1042 (Black J)
2021 – unled – appearing on successful application to set aside creditors’ statutory demand.
- *In the matter of Cabramatta King Tea Pty Ltd* [Supreme Court of NSW (Black J)]
2021 – unled – appearing on successful application to set aside confidentiality regime
- *In the matter of Tubi Ltd (Administrators Appointed)* [Federal Court of Australia (Jagot J)]
2021 - led by N Bender – appearing for applicant on application to declare administrators’ appointment invalid [resolved]
- *In the Matter of RC Group Pty Ltd (In Liquidation)* [Federal Court of Australia]
2021 - unled – appearing for examinee in liquidator’s examinations.
- *In the matter of David Betram (A Bankrupt)* [Federal Court of Australia]
2020 - unled - appearing for producing party and privilege claim
- *In the Matter of LML Repairs Pty Ltd* [Supreme Court of NSW, Rees J]
2020 – solicitor advocate - appearing successfully for petitioner in contested winding up proceedings.
- *Bank of Queensland Ltd v Star Trek Pty Ltd* [2019] NSWSC 1712 (Adamson J)
2019 - solicitor advocate - application under the *Personal Property Securities Act 2009* (Cth) arising out of bankrupt estate.
- *In the Matter of Direct Media Enterprises Pty Ltd (In Liq)* [Local Court of NSW]
2019 - as solicitor advocate - successful opposition to insolvent trading claim the *Corporations Act 2001* (Cth).
- *Bank of Queensland Ltd v Papadeas & Anor* [Federal Circuit Court of Australia (Judge Street)]
2019 - solicitor advocate – successful opposition to review of sequestration orders.

General Commercial Disputes

- *Jamaican Coffee Kitchen Pty Ltd v M20 Pty Ltd & Anor* (NSWCATCD)
2021 - unled - successful defence of claim for damages for unconscionable conduct, misleading and deceptive conduct and breach of contract.

Chief Executive Medicare v Specialist Diagnostic Services Pty Ltd [Federal Court of Australia]
2021 - unled – appearing for application for non-publication and suppression orders under *Federal Court of Australia Act 1976* (Cth) [resolved]
- *Hamilton Sushi Won Pty Ltd v Won Mi Morrison & Anor* [Local Court of NSW, Barko LCM]
2021 - unled – appearing on successful application for security for costs.
- *DPG Project 33 Pty Ltd & Anor v Aqualand Chatswood 3 Pty Ltd* [2020] NSWSC 1663
2020 - led by D Williams SC – dispute as to option agreement.
- *Building Diagnosis Centre Pty Ltd v Gow* [Local Court of NSW]
2020 - unled - appearing for defendant on successful application to set aside default judgment.
- *Prosperity Group Management Pty Ltd v Eaststock Pty Ltd* [District Court of NSW, Russell DCJ]
2020 – solicitor advocate – successful opposition to security for costs application.

- *Sales Pond Pty Ltd v Telegate Pty Ltd* [Local Court of NSW]
2019 – solicitor advocate – successful recovery proceedings (upheld on appeal to NSWSC).

Real Property Disputes

- *AP Wireless Investments Pty Ltd v Sara Investments (NSW) Pty Ltd* [Supreme Court of NSW (Darke J)]
2021 - unled - appearing on successful application to strike out defence and cross-claim.

Arbitrations, Inquiries and Other

- *Commercial Arbitration* [International]
2020 - led by D Williams SC and P Mann – insurance.