

JUSTIN MEREINE

Extended Biography

RECENT APPEARANCES

Banking and Finance

One Capital Partners Pty Ltd v Casada Holdings Pty Ltd (Supreme Court of Victoria, 2024) - Acting for One Capital Partners Pty Ltd to resist an application for injunctions preventing it enforcing various mortgages and other securities; summary judgment obtained against Casada Holdings Pty Ltd

JSTC Pty Ltd & Ors v Benalla Road Pty Ltd & Ors (Supreme Court of Victoria, 2015) – Acting for the Commonwealth Bank of Australia in relation to a claim for moneys retained pursuant to its securities. Attempt by a unit holder to bring the proceeding on behalf of the unit trust (settled)

[A Saraya Nominees Pty Ltd v National Australia Bank Ltd](#) [2014] VSC 524 – Acting for the National Australia Bank in defence of an injunction to prevent the sale of property

[Commonwealth Bank of Australia v Davies and Anor](#) [2011] VSC 666 – Acting for the Commonwealth Bank of Australia in relation to the enforcement of its securities. Issue estoppel, cause of action estoppel, res judicata

Contract Law

Keystone Automotive Pty Ltd v BMW Australia Finance Limited (Supreme Court of Victoria, 2018) - Contract, bailment, General Security Agreements (settled prior to trial)

[Nicholson v Hilldove Pty Ltd & Ors](#) [2012] VSC 598 - Contract, property law, specific performance, damages, misleading and deceptive conduct and negligence (with Ted Woodward SC)

[Nicholson v Hilldove Pty Ltd & Ors](#) [2013] VSC 231 – Application to reopen case on liability (with Ted Woodward SC)

[Nicholson v Hilldove Pty Ltd & Ors \(No 3\)](#) [2013] VSC 500 and [Nicholson v Hilldove Pty Ltd & Ors \(No 4\)](#) [2013] VSC 578 –No damage established for alleged loss of opportunity, only nominal damages of \$100 awarded for repudiation of contract (with Ted Woodward SC)

[Nicholson v Hilldove Pty Ltd & Ors](#) [2014] VSCA 158 – Appeal in relation to contractual damages awarded at first instance (with Ted Woodward SC)

Corporations / ASX Listing Rules

[Australian Securities and Investments Commission v iSignthis Limited & Anor \[2024\]](#)

[FCA 669](#) - misleading or deceptive conduct; continuous disclosure obligations; directors' duties (with Peter Collinson KC)

[Isignthis Limited v ASX Limited \[2020\]](#) FCA 567 - Interlocutory injunction to restrain publication by the Australian Securities Exchange of its Statement of Reasons (with Peter Collinson QC)

Corporations/Insider trading/Pecuniary Penalty Order

Commonwealth Director of Public Prosecutions v Gay (Supreme Court of Tasmania, 2015) – Application by the Commonwealth Director of Public Prosecutions for a pecuniary penalty order based on an alleged benefit obtained from insider trading (with Neil Clelland QC) (settled mid trial)

Corporations/Insolvency

[Secatore, in the matter of Last Lap Pty Ltd \(in liq\) \[2020\]](#) FCA 627 – Application for access to the liquidator's supporting affidavit; application by creditor for provision by the liquidator of information and documents relating to funding of examinations and subsequent proceedings (with Ian Waller QC)

QBID Pty Ltd v Manuka Doctor Limited (New Zealand) (Supreme Court of Victoria, 2019) - Application to set aside creditor's statutory Demand (settled before judgment)

[Re Calder Park Promotions \(In Liquidation\) \[2015\]](#) VSC 285 – Liquidators' examinations, failure by the director to produce documents specified in the summons, orders made for the production of documents, some documents subsequently produced, director ordered to pay the liquidators' costs on an indemnity basis

Bob Jane Corporation Pty Ltd v Last Lap Pty Ltd & Ors (Supreme Court of Victoria, 2015) – Application to remove liquidator appointed to Last Lap Pty Ltd (with Ian Waller QC)

[IMO Calder Park Promotions Pty Ltd \(In Liquidation\) \[2014\]](#) VSC 254 – Liquidators' examinations pursuant to sections 596A and 596B of the Corporations Act 2001 (Cth), application to set-aside examination summonses and to remove counsel for an alleged conflict of interest (with Jonathon Moore SC)

[MK Builders Pty Ltd v 36 Warrigal Road Pty Ltd & Ors](#) [2014] VSC 149 – Appeal from the Victorian Civil and Administrative Tribunal, operation of the set-off provisions in section 553C of the Corporations Act 2001 (Cth)

[In the Matter of Australia Zhongfu Oil Gas Resources Pty Ltd](#) [2012] NSWSC 1208 - Application to set aside a creditor's statutory demand

[Haulotte Australia Pty Ltd v All Area Rentals Pty Ltd \(in liq\) & Anor](#) [2012] FCA 615; [2012] 90 ACSR 177 - Removal of liquidator appointed to All Area Rentals Pty Ltd (in liq)

[Georges v Seaborn International \(Trustee\), in the matter of Sonray Capital Markets Pty Ltd \(in liq\)](#) [2012] FCA 75; [2012] 288 ALR 240 - Liquidation, method of distribution, issues in relation to trust assets (with Ian Hardingham QC)

Corporations / Oppression claims

[M.J.M Holdings \(NT\) Pty Ltd v Australian Marine Contractors](#) [2024] FCA 691 - claim by minority shareholder against majority shareholders; removal of director; access to documents (ongoing)

In the matter of Albedor Industries Pty Ltd (Supreme Court of Victoria, 2019/2020) - Companies and unit trusts; claim by majority shareholders and unitholders against the minority shareholder and unitholder (settled prior to trial)

In the matter of Mia Rosart Pty Ltd (Supreme Court of Victoria, 2018/2019) - Claim by new minority shareholder against incumbent majority shareholder (settled prior to trial)

Equity/Trusts

Chan v Valmorbidia Custodians Pty Ltd (Supreme Court of Victoria) - Application to remove trustees. Alleged breaches of trust and fiduciary duties as well as an oppression claim (with Ian Waller QC, settled mid-trial).

[Integrated Global Partners Pty Ltd v Hyde & Ors](#) [2018] VSC 45 – Alleged breaches of employment contracts, breaches of fiduciary duties and accessorial liability for knowing participation in the breaches of fiduciary duties. Defending an interlocutory application made by the defendants for orders preventing the use of confidential information and restraining the plaintiff's lawyers from continuing to act (with Ian Waller QC)

[Koko Black Group Pty Ltd \(Administrators Appointed\) v Kallure](#) [2016] VSC 484 – Application for Freezing Orders; declarations for breaches of fiduciary duties

[ACN 005 490 540 Pty Ltd v Robert Frederick Jane Pty Ltd](#) [2016] VSC 219 – Trusts, declaration that the purported removal of two trustees was invalid (with Ian Waller QC)

[Liu & Ors v Guan & Ors; Guan & Ors ats Liu & Ors](#) (Supreme Court of Victoria, 2013-2015) – Alleged breach of fiduciary duties, accessorial liability for knowing receipt, secret commissions, misappropriation of moneys, acknowledgement of debt, moneys had and received, promissory estoppel, deceit, debt and breach of contract (with Ian Waller QC, settled mid trial)

[Deutsch v Deutsch](#) (Victorian Court of Appeal, 2015) – Alleged error made by expert appointed by the Supreme Court of Victoria, unit trusts and accounting issues (with Ian Waller QC, settled prior to hearing)

[Kirk & Ors v PBP Accounting Solutions Pty Ltd & Anor](#) [2015] VSC 173 – Breach of fiduciary duties, accessorial liability of corporate defendant for knowing receipt and knowing assistance, compound interest of 5% with yearly rests, equitable compensation, judgment of more than \$5 million

[Bendav Investments Pty Ltd & Anor v Bendel Holdings Pty Ltd & Ors](#) (Supreme Court of Victoria, 2014) – Trusts, declaration sought as to the valid appointment of trustee and delivery up of trust property (settled)

[Jane v Bob Jane Corporation Pty Ltd & Anor](#) [2013] VSC 406 - Settled account, estoppel, limitation of actions (with Ian Waller QC)

[Jane v Bob Jane Corporation Pty Ltd & Anor](#) [2013] VSC 85 - Taking of an account, application for discovery (with Ian Waller QC)

[Wales v Wales](#) [2012] VSC 409 - Action by trustees for settling accounts of trusts, claim by beneficiaries for discovery

General Commercial Litigation / Practice and Procedure

[Fair Go Group Pty Ltd v Riseley](#) [2020] VSC 27 - Application for preliminary discovery under rule 32.05 of *Supreme Court (General Civil Procedure) Rules 2015*; dispute between the current director and the former director of the applicant; alleged breach of duties by the former director in the process of winding up the business of the applicant

[ACN 005 490 540 Pty Ltd v Robert Frederick Jane Pty Ltd](#) (unreported, 28 April 2016) – Application to restrain the plaintiffs’ solicitors from acting (with Ian Waller QC)

[Knorr v CSIRO & Ors](#) [2014] VSCA 84 – Appeal against the decision of Beach J refusing leave to file a further Statement of Claim, refusing leave to join a corporation to the proceeding and dismissing the proceeding for want of prosecution

[Bob Jane Corporation Pty Ltd & Anor v Robert Frederick Jane & Anor](#) [2014] VSC 27 – Application to transfer proceeding from the Supreme Court of Victoria to the Family Court of Australia

Bob Jane Corporation Pty Ltd & Anor v Robert Frederick Jane & Anor (Supreme Court of Victoria, 2013 - 2015) – Freezing orders obtained against Robert Jane and Laree Jane (unreported)

[Jane v Jane & Ors](#) [2012] VCC 807 – Pleadings, striking out of a Statement of Claim (with Ian Waller QC)

[Knorr v Commonwealth Scientific and Industrial Research Organisation \(CSIRO\) & Ors](#) [2012] VSC 83; [Knorr v Commonwealth Scientific and Industrial Research Organisation \(CSIRO\) & Ors \(No 2\)](#) [2012] VSC 268 (No 2) [2012] VSC 268; [Knorr v CSIRO & Ors \(No 3\)](#) [2012] VSC 529 - Pleadings - strike out of Statements of Claim and dismissal of proceeding for want of prosecution

Rich Mark Development (Group) Pty Ltd v St Barbara Ltd (20 December 2012, Supreme Court of Victoria) - Interim injunction to prevent sale of assets (with Philip Solomon QC)

Letters Rogatory

Application by Bugatchi Uomo Apparel Inc (Supreme Court of Victoria, 2019) - Letters Rogatory request; application for an order for oral examination of witnesses under Part 1 of the *Evidence (Miscellaneous Provisions) Act 1958*; examination of witness in the Supreme Court of Victoria for legal proceedings in Florida

Property Law

Chih & Anor v Kaplan Property Services Pty Ltd; Kaplan Property Services Pty Ltd v Chih & Anor (Supreme Court of Victoria - 2019/2020) - Alleged breach of lease; alleged breach of guarantee (settled after opening submissions)

[Barport Pty Ltd v Baum](#) [2019] VSCA 167 - Restrictive covenant, Civil Aviation Safety Authority Manual of Standards Part 139, estoppel and misleading or deceptive conduct (with Ian Waller QC)

Deague v Chen (Supreme Court of Victoria, 2015) - Contract to purchase property, claim for unpaid deposit (settled just prior to opening of the trial)

Bob Jane Corporation Pty Ltd & Anor v Robert Frederick Jane & Anor (Supreme Court of Victoria) – Application pursuant to section 172 of the *Property by Law Act 1958* (Vic) in relation to property transferred by Robert Jane to Laree Jane (unreported)

[Owners Corporation PS326519P v May \(Owners Corporations\)](#) [2013] VCAT 933 -
Operation of the Owners Corporation Rules and section 12(2) of the Subdivision Act
1988 (Vic)

[Asian Pacific Building Corporation Pty Ltd v Sharon-Lee Holdings Pty Ltd](#) [2013] VSC 11 -
Appeal from the Victorian Civil and Administrative Tribunal, effect of the abolition of
distress for rent on a possessory lien contained in a retail tenancy lease

Owners Corporation PS326519P v May (8 - 9 January 2013, VCAT, unreported) - Interim
injunction to prevent the use of air-conditioning, operation of the Owners Corporation
Rules and section 12(2) of the Subdivision Act 1988 (Vic)

[Sharon-Lee Holdings Pty Ltd v Asian Pacific Building Corporation Pty Ltd](#) [2012] VCAT
546 – Property law, distress for rent, possessory lien

PUBLISHED WORK

2014: Commercial Bar Association of Victoria and Lexology “Automatic set-off is not
that automatic”

2010: Australian Insolvency Journal 2010, Volume 22, Number 1 "Set-off: Notice of facts
disclosing insolvency"

2010: International Law Office Online Publication "Set-off rights at risk only if party has
actual notice of facts which disclose insolvency"

2008: Co-author of Chapter 23, Australian Finance Law, 6th Edition, "Directors' Duties
to Creditors"

2008: Australian Insolvency Journal 2008, Volume 20, Number 2 "Statutory demands:
Time for compliance cannot be extended once expired"

2006: Co-author of the Mallesons' publication "Document destruction: widening of
court sanctions"

2003: Australian Insolvency Journal 2003, Volume 15, Number 2 "What Protection from
the Court for Commercial Decisions Under Part 5.3A"

2002: International Finance Law Review, January 2002 "Why Australian law threatens
airline financiers"

VICTORIAN BAR COMMITTEE MEMBERSHIPS

Audit, Finance & Risk Committee (2022-2024)

ALSO ENTITLED TO PRACTISE IN

Federal Court of Australia

High Court of Australia

From 20 May 2011, liability limited by a scheme approved under Professional Standards Legislation.