

**Reported matters in which Mark has appeared since coming to the Bar include the following. The party Mark acted for appears in bold below:**

**Bester, in the matter of Mirror Trading (Pty) Ltd (in liquidation) [2024] FCA 305** McEvoy J, application for shelf order, claims for recoveries from “winners” in Ponzi scheme, shelf order granted

**Casualife Australia Pty Ltd v ANI Commercial Storage Pty Ltd (Civil Claims) [2023] VCAT 1253** Wilson DP, application for delivery up of stored furniture, unpaid storage fees, no security offered, delivery up subject to security over other stored goods, referral of proceeding to County Court to be heard with related proceedings

**Bester v Mirror Trading International (Pty) Ltd (in liq) [2023] FCA 1194** Button J, application for recognition of South African liquidation proceedings in Australia, worldwide crypto online Ponzi scheme, recognition granted

**Guss v Larkfield Industrial Estates Pty Ltd [2023] FCA 1105** appeal of decision of Forbes J, appeal dismissed, application for extension of time to comply with bankruptcy notice, application dismissed.

**Guss v Larkfield Industrial Estates Pty Ltd [2023] FedCFamC2G 235** Forbes J, application for review of decision to refuse to set aside bankruptcy notice, decision affirmed on review.

**RMIT v Galloway [2023] VSC 155** Garde J, nuisance caveats on property of 7 staff or board members, caveats removed with indemnity costs

**Re Clarinda Pty Ltd (in liq) [2023] VSC 109** Connock J, application to release Harman undertaking in relation to expert evidence on solvency from prior preference action to use in insolvent trading claim

**IMO Atlas Gaming Holdings Pty Ltd [2023] VSC 91; 70 VR 540** Osborne J, application for pooling orders, related parties, issue with material disadvantage to asset rich companies, whether orders just and equitable, orders made

**Yimiao Australia v Cyber Intelligence [2023] VSCA 21** appeal, McLeish, Walker and Macaulay JJA, decision to refuse injunction on discretionary grounds overturned.

**Yimiao Australia Pty Ltd v Star Mining Pty Ltd & Ors (No 2) [2023] VSC 1** Attiwill J, costs

**Yimiao Australia Pty Ltd v Star Mining Pty Ltd & Ors [2022] VSC 701** Attiwill J, Interlocutory injunction, opposing, acting for 4<sup>th</sup> defendant, application for interlocutory injunction for delivery up of cryptocurrency mining equipment, injunction refused

**Stratpharma Pty Ltd v Hbba Pty Ltd [2022] VCC 888** Brimer J, trial, no appearance by defendant, defendant refused to deliver up stock at end of distributorship, damages for loss of sales and perished stock

[\*\*Foris GFS Australia Pty Ltd v Manivel \[2022\] VSC 482; 67 VR 561\*\*](#) Elliott J, recovery of funds paid away mistakenly by crypto currency service, default judgment against recipient of traceable funds, whether service of documents by substituted service in electronic link complied with sub service order, judgment entered

[\*\*Blakeley v Ausmart Services Pty Ltd \(in liq\), in the matter of Ausmart Services Pty Ltd \(in liq\) \[2021\] FCA 1470\*\*](#) Anderson J, pooling of corporate group unrelated by shareholdings, shelf order to extend time (s588FF(3))

[\*\*Royal Melbourne Institute of Technology v Galloway \[2020\] VSC 575\*\*](#) Derham AsJ, nuisance caveat registration against CBD site owned by plaintiff, removed

[\*\*Jayfield Pty Ltd v Cussen \[2020\] VSC 380\*\*](#) Garde J, trial, claim by liquidator to property allegedly abandoned at tenancy, vesting under s267 of PPSA, uncollected goods (ACLFTA)

[\*\*Tasman Logistics v Seaco Global Aust \[2020\] VSC 100; 60 VR 252\*\*](#) Garde J, trial, uncollected goods, order under ACLFTA for sale of 700+ abandoned shipping containers containing recycling materials, arising from collapse of rubbish export business, opposed by container owner, order made

[\*\*Ausmart Services Pty Ltd \(In Liq\) v Zheng \[2019\] FCA 2162\*\*](#) Anderson J, ex parte freezing orders against 8 defendants in respect of traceable real property acquired by directors and associates with liquidated group funds

[\*\*Nantong Construction \(Australia\) Pty Ltd \(ACN 154 528 751\) v M and S Sambor Pty Ltd \(ACN 004 599 151\) \[2019\] VSC 774\*\*](#) Macauley J, Interlocutory injunction restraining defendant from obstructing development at building site, injunction granted

[\*\*Scandi International Pty Ltd v Larkfield Industrial Estate Pty Ltd \[2019\] VSCA 109\*\*](#) (20 May 2019) Whelan and Beach JJA, Sifris AJA, Appeal, dismissed

[\*\*Williamson v Michell \(Trustee\) \[2019\] FCA 481 \(10 April 2019\)\*\*](#), Moshinsky J, annulment of bankruptcy application refused, appeal of proof of debt

[\*\*Scandi International Pty Ltd & Anor v Larkfield Industrial Estate Pty Ltd \(No 2\) \[2018\] VCC 628 \(9 May 2018\)\*\*](#) Anderson J, costs

[\*\*Lendlease Communities \(Australia\) Ltd v Juric & Anor \[2018\] VSC 107 \(8 March 2018\)\*\*](#) Forrest J, urgent removal of nuisance caveat affecting residential development

[\*\*Scandi International Pty Ltd & Anor v Larkfield Industrial Estate Pty Ltd \[2018\] VCC 584 \(4 May 2018\)\*\*](#) Anderson J, trial, dispute over security in goods for unpaid storage fees, uncollected goods, equitable lien, misleading conduct

[\*\*Woods \(Trustee\), in the matter of Magnaye \(Bankrupt\) v Magnaye \[2018\] FCA 117 \(5 February 2018\)\*\*](#) O'Callaghan J, trial, vesting application, dispute over whether property purchased by bankrupt was held on trust, property vested in trustee, acting for trustee

[Deputy Commissioner of Taxation v Advant Pty Ltd \(Administrators Appointed\) \[2017\] FCA 1123 \(20 September 2017\)](#) Markovic J, Sydney Registry, application for adjournment of winding up proceeding to enable acceptance of DOCA proposal at second creditors meeting, opposed by ATO, application granted, acting for administrators

[Scandi International Pty Ltd and Anor v Larkfield Industrial Estate Pty Ltd \[2017\] VCC 1153 \(22 August 2017\)](#) Marks J, contested leave to amend defence on counterclaim to plead conspiracy and other matters

[Re Victoria Station Corporation Pty Ltd \[2017\] VSC 371 \(23 June 2017\)](#) Gardiner AsJ, directions, extension of convening period, granted, acting for administrators

[VINCI Energies SA v McConnell Dowell Holdings Pty Ltd \[2017\] FCA 561 \(22 May 2017\)](#) O’Callaghan J, with David Collins QC, application for temporary stay of proceeding on grounds related arbitration proceedings, stay granted on conditions

[Retire One Day Pty Ltd v Sullivan Property Pty Ltd \[2017\] VSC 243 \(10 May 2017\)](#) Judd J, trial, liquidated damages clause void as a penalty

[Kaizen Global Investments Limited, in the matter of Australia New Agribusiness & Chemical Group Limited \(in liq\) v Australia New Agribusiness & Chemical Group Limited \(in liq\) \(28 April 2017\)](#) Moshinsky J, PPSA application to extend time for registration of security interest, acting for applicant, application refused.

[Re AGW Funds Management Limited \[2017\] VSC 124 \(24 March 2017\)](#) Sifris J, application for judicial advice by solvent responsible entity, acting for responsible entity

[Scandi International Pty Ltd \(ACN 082 473 747\) & Anor v Larkfield Industrial Estate Pty Ltd \(ACN 006 067 965\) \[2017\] VCC 215 \(14 March 2017\)](#) Smith J, further application for security for costs, granted

[Maitre D Marketing Pty Ltd v. Patties Food Ltd \[2016\] VCC 1782 \(28 November 2016\)](#) Anderson J, security for costs application, granted, acting for defendant

[Scandi International Pty Ltd \(ACN 082 473 747\) & Anor v Larkfield Industrial Estate Pty Ltd \(ACN 006 067 965\) \[2016\] VCC 1073 \(28 July 2016\)](#) Cohen J, application for security for costs, granted

[Yamaha Music Australia Pty Ltd v Blakeley \[2016\] VSC 391 \(12 July 2016\)](#) appeal to Elliott J against decision of Gardiner AsJ (below), appeal dismissed

[Ross Andrew Blakeley & Australian Music Pty Ltd v Yamaha Music Australia Pty Ltd \[2016\] VSC 231 \(10 May 2016\)](#) Gardiner AsJ, unfair preference claim, pleading attack by defendant run as strike out application, consideration of nature of “security interest” under PPSA transitional provisions, application under section 18 of the Civil Procedure Act 2010 claiming lack of proper basis, abuse of process claim, application dismissed on condition, acting for the plaintiff.

[\*\*Benton, in the matter of Mackay Rural Pty Ltd \(Receivers and Managers Appointed\) \[2014\] FCA 1285\*\*](#) Beach J, trial, application for declarations regarding validity of appointment of receivers and powers of sale in respect of charged land, order for possession and restraint on defendant debtors from interfering with sale, declarations and orders made, acting for receivers and managers.

[\*\*ACN 092675164 \(in liq\) v National Builders Group Pty Ltd \[2014\] VSC 530 \(24 October 2014\)\*\*](#) Vickery J, self-executing order for discovery of documents, compliance of insubstantial affidavits with order, failure to comply, orders set aside and fresh self-executing orders made, acting for plaintiff/respondent

[\*\*Sandhurst Golf Estates Pty Ltd v Coppersmith Pty Ltd \[2014\] VSC 217 \(14 May 2014\)\*\*](#) Robson J, PPSA, permanent injunctions restraining registration of baseless security interests on the PPSR and order for removal of registration, as an abuse of process, acting for developer plaintiff

[\*\*Re Essendon Apartment Developments Pty Ltd \(in liquidation\) \(No 2\) \[2013\] VSC 210\*\*](#) Robson J, application by liquidator to remove multiple caveats to permit sale of failed apartment development, where subject to constructive trust claims by off the plan purchasers.

[\*\*Re Essendon Apartment Developments Pty Ltd \(in liquidation\) \(No 1\) \[2013\] VSC 209\*\*](#) Robson J, application by liquidator for directions pursuant to s479(3) to enter contract to sell land subject of failed apartment development, where two competing offers and unsuccessful offeror disputes bona fides of sale.

[\*\*Martin & Martin \[2012\] FamCA 869\*\*](#) Coleman J acting for former solicitors to the wife to intervene, significant unpaid legal fees, security arrangements in place, disputing proposed consent final orders for settlement of property until fees paid, orders refused

[\*\*Martin & Martin \[2012\] FamCA 1017\*\*](#) Coleman J, costs - where application by husband and wife for final orders refused, reservation of costs of the intervenors

[\*\*Australian Solar Electrics Pty Ltd v IPD Group Ltd \[2012\] FCA 786\*\*](#) Gordon J, application to set aside statutory demand, dispute as to effective service of demand

[\*\*Primary RE Ltd v Great Southern Property Holdings Ltd \(recs and mgrs apptd\) \(in liq\) \[2011\] VSC 242\*\*](#) with T Woodward SC and Dr P Vout Managed Investment Scheme, removal of caveats, effect of change of responsible entity, relief against forfeiture, validity of s146 notice under PLA

[\*\*Thackray v Gunns Plantations Ltd \(No 1\) \[2011\] VSC 380\*\*](#), Davies J, with J G Santamaria QC and Dr O Bigos Managed Investment Schemes, Receivership, Indemnity and Equitable Lien, Salvage principles, determining Receiver's remuneration and costs

[\*\*Thackray v Gunns Plantations Ltd \(No 2\) \[2011\] VSC 417\*\*](#), Davies J with J G Santamaria QC and Dr O Bigos (Assignability of right of indemnity and lien arising on salvage principles, form of order appropriate where objections to Receivers' remuneration and costs claim agreed)

[RH Woodward & Co Pty Ltd v M & T Meat Supply \(Aust\) Pty Ltd \[2011\] VSC 322](#),  
Gardiner AsJ, Application to set aside deed of company arrangement, costs

[SNSH Pty Ltd & Anor v SNSH \(t/a CJ Reid & Sons\) \[2010\] VSC 660](#), Gardiner AsJ,  
Application to adjourn winding up application under s440A

[Shellie v Davidson & Anor \[2010\] VSC 575](#), Osborn J, removal of caveat, serious question  
to be tried, balance of probabilities

[Re the Health Services Union \(2009\) 187 IR 51](#) (FCA) Tracey J, Application for orders to re  
organise HSU Branch - branch dysfunctional

[Asmar, in the matter of an Election for offices of the Health Services Union \[2009\] FCA  
1294](#), Tracey J, opposing application for orders to stop union election