



ROBERT YEZERSKI
Barrister

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ADMISSIONS

2010, Barrister, NSW Bar

Also admitted to practice in New York State, Southern District of New York, and Eastern District of New York

PRACTICE AREAS

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

ACADEMIC

2010 - 2018	Adjunct Senior Lecturer, UNSW Co-Convenor, Conflict of Laws
2011	Lecturer, University of Sydney Co-teaching Topics in Legal History
2005 - 2006	Harvard Law School LL.M.
1998 - 2003	University of Sydney LL.B. (First Class Honours & University Medal)
1998 - 2001	University of Sydney B.A. (History) (First Class Honours & University Medal)

EXPERIENCE

2010 – Present	Barrister, NSW Bar
2006 – 2010	Weil, Gotshal & Manges LLP, New York, NY
2005	Freehills, Sydney, NSW
2004 - 2005	High Court of Australia, Associate to the Hon. Justice W.M.C. Gummow AC

AWARDS/RECOGNITION

Doyles Guide, Commercial Litigation & Dispute Resolution Junior Counsel, Australia and NSW, 2021 (Preeminent), 2015 – 2020 (Leading)

Doyles Guide, Competition Law Junior Counsel, Australia, 2017 – 2020 (Preeminent), 2015 – 2016 (Leading)

Who's Who Legal Australia and New Zealand, Competition Law, 2021

Doyles Guide, Insolvency & Restructuring Junior Counsel, Australia, 2019 – 2021 (Recommended)

P. Blashki Award, 2010 (highest aggregate mark in the NSW Bar exams)

Frank Knox Memorial Scholarship, 2005 (Harvard)

REPRESENTATIVE CASES

GENERAL COMMERCIAL, CORPORATIONS, INSOLVENCY AND INSURANCE

Galilee Solicitors Pty Ltd v Ethan Group Pty Ltd [2021] NSWSC 1067 (contempt of court, unled with W Liu)

In the matter of Car Buyers Australia Pty Limited [2020] FCA 599 (unled)

Wang v Cai [2020] NSWSC 1414 (unled)

Greyhound Racing New South Wales v Leslie [2019] NSWSC 1591 (with R Pietriche)

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 Indigenious 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)

REPRESENTATIVE PROCEEDINGS/CLASS ACTIONS

Cantor v Audi Australia Pty Limited (No 5) [2020] FCA 637 (acting as independent contradictor opposing common fund order with N J Owens SC)

Rodriguez & Sons Pty Ltd v Queensland Bulk Water Supply Authority trading as Seqwater (No 22) [2019] NSWSC 1657 (acting for plaintiff and group members in successful claim arising out of 2011 Brisbane floods, with J Sexton SC, N J Owens SC and J E Taylor instructed by Maurice Blackburn)

Williamson v Sydney Olympic Park Authority, Supreme Court of NSW Proceedings 2019/232749 (acting for plaintiff in class action concerning Opal Tower)

Kenquist Nominees Pty Ltd v Campbell, Federal Court of Australia, NSD 1364 of 2015 (acting for three director defendants, with G Rich SC)

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)

COMPETITION, REGULATORY, AND CARTEL

ACCC v Google LLC [2021] FCA 367 (acting for Google with P J Brereton SC and S H Hartford-Davis)

ANZ Criminal Cartel Prosecution (acted for S Roberts, against whom all charges were dropped)

Vodafone Hutchison Australia Pty Ltd v ACCC, Federal Court of Australia, [2020] FCA 117 (acting for Vodafone, with P J Brereton SC, J Arnott and K Stellios)

APRA v Kelaher & Ors [2019] FCA 1521 (acting for first respondent, with C R C Newlinds SC)

Qube Ports Pty Ltd v Port of Newcastle Operations Pty Limited, Federal Court of Australia, NSD 1905 of 2019 (acting for Qube, with T Bannon SC and M Hodge QC)

ACCC v Yazaki Corp [2018] FCAFC 73 (acting for the ACCC with M O'Brien SC and D Tynan); also at first instance ([2017] FCA 465) and in successfully resisting 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)

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)

Acting for the ACCC in various competition investigations, including by conducting s 155 examinations for the ACCC

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)

PUBLICATIONS

R A Yezerski, “Renvoi Rejected? The meaning of the *lex loci delicti* after *Zhang*” (2004) 26 *Sydney Law Review* 273

J T Gleeson & 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, *Historical Foundations of Australian Law*, Vol I (Federation Press, 2013)