

Jacob Rodgers
Barrister - University Chambers

Level 9, 167 Macquarie Street
Sydney NSW 2000

E: rodgers.j@universitychambers.com.au

P: +61 2 8227 4400

M: 0422 290 652

W: www.universitychambers.com.au

Admitted as a solicitor: 2012

Called to the bar: 2022

Areas of Practice

Jacob has a broad practice and accepts briefs in all areas of civil law. His main areas of practice are:

- Corporations & Insolvency;
- Equity;
- Contract & Commercial;
- Building & Construction;
- Real Property;
- Banking & Finance; and
- Sports Law.

Qualifications

- LLB (Hons) B Media (Macquarie University)
- LLM (Sydney University)
- ARITA Advanced Certification (Insolvency) (Australian Restructuring and Turnaround Association & UTS)

Selected Recent Cases

Commercial and Equity

Zheng v Jin [2024] NSWSC 567 – successful application to summarily dismiss claims for breach of trust that had been pursued in various forums for over 20 years (unled)

Wonderful Pty Ltd v Faithful Investment Pty Ltd [2024] NSWSC 472 (ongoing) - trusts and trustees – proceedings between trustees and beneficiaries (led by Dominic Priestley SC)

Sheer v Jeffreys [2024] NSWSC 1161 – contracts/specific performance – agreement to purchase shares (led by Franco Corsaro SC)

Procent Pty Ltd & Anor v Judo Bank Pty Ltd NSWSC 2023/00463906 – injunction to restrain receivers selling large commercial property (led by Gregory Sirtes SC)

Bellas v Powers (No 2) [2023] NSWSC 1198 – contracts & penalties — where facility agreement provided for “Discounted Rate” where no event of default occurs and subsisting and higher “Standard Rate” was found to be unenforceable as a penalty (unled)

In the matter of Sunnya Pty Ltd [2023] NSWSC 1104 – large commercial dispute relating to duties under *Corporations Act 2001* (Cth), ss 180, 181, 182 and the involvement of third parties in contraventions (led by Sean Docker SC)

Insolvency and Bankruptcy

Independent Commission Against Corruption (ABN 17 934 402 440) v Edward Moses Obeid & Ors - FCA Proceedings NSD43 of 2022 – opposing creditor’s petition issued by ICAC (led by Robert Newlinds SC (now DCJ))

Acting for a liquidator in obtaining a warrant under s530C of the *Corporations Act 2001* (Cth) – FCA 2024 (decision suppressed) (unled)

In the matter of Sydney Exotic Aquariums Casula Pty Ltd (in liquidation) & Ors FCA Proceedings NSD1287/2024 (ongoing) – acting for a number of examinees in large liquidator’s examinations (led by Farid Assaf SC)

Pu Juan Shu v Zhengzhou LVDU Real Estate Group Co Ltd FCA Proceedings NSD 1258 of 2024 – setting aside \$69m bankruptcy notice based on foreign judgment (led by Sean Docker SC)

Kimber v Clark in his capacity as trustee of the property of Kimber [2022] FCAFC 198 – appeal in respect of the meaning of “divisible property” under s116 *Bankruptcy Act 1966* (Cth) (led by Michelle Castle)

Corporations & ACL

JSHealth Holdings Pty Limited (ACN 648 831 501) & Ors v Australian Health Vitality Pty Ltd (ACN 643 121 537) and Jimmy Seervai – FCA Proceedings No. NSD142/2023 – misleading and deceptive conduct, copyright infringement and injurious falsehood - dispute between two vitamin competitors (led by Ed Heerey KC)

Melissa Smith & Anor v Colin Sim & Ors – NSWSC 2021/00046005 (ongoing) – dispute about agreement for the transfer of shares including misleading and deceptive conduct claims relating to profit representations (led by Franco Corsaro SC)

Cheema v Australian Islamic College of Sydney - NSWSC Proceedings 2023/440655 (ongoing) – corporations - dispute about validity of meetings, appointment of members and constitution in force (led by Andrew Fernon SC)

OmVeda International Pty Ltd & Anor ats Citradine Pty Ltd - Federal Court Proceedings No. NSD421/2024 (ongoing) misleading and deceptive conduct claim relating to sale of business (unled)

Real Property

Cheng v Sydney Markets Ltd; Gao v Sydney Markets Ltd; Weng v Sydney Markets Ltd [2024] NSWSC 755 - acting for Sydney Markets Limited in successful defence of application to set aside relocation notices in respect of Paddy's Haymarket issued under s 34 of the *Retail Leases Act 1994* (NSW) (led by Jason Lazarus SC)

Sukkar v Sukkar - NSWSC 2022/00345215 – application for order pursuant to section 66G of *Conveyancing Act 1919* (NSW) appointing trustees for sale of property (unled)

Dave Jenn Pty Ltd as trustee for the Dave Jenn Super Fund & Dave Jenn Property Pty Ltd as trustee for the Dave Jenn Family Trust – NSWSC 2024/00358446 – acting for defendants resisting extension of caveat and other injunctive relief under s37A of *Conveyancing Act 1919* (NSW) where agreement not to lodge caveat recorded in a deed (unled)

OAC Operations Pty Ltd v Coogee Diggers Limited NSWSC 2022/00243872 (ongoing) – dispute in respect of alleged breach of lease, trespass and nuisance (led by Sean Docker SC)

Building and Construction

Construcciones y Auxiliar de Ferrocarriles S.A. v CPB Contractors Pty Limited NSWSC 2024/00311935 – application to restrain disclosure to an authorised nominating authority or adjudicator under the *Building and Construction Industry Security of Payment Act 1999* (NSW) while international arbitration on foot (led by Scott Robertson SC)

Units Plan 4312 v Project Coordination Pty Ltd & Anor - ACT SC 308 of 2023 (ongoing) – claim for damages in respect of breaches of the *Building Act 2004* (ACT) and breaches under the *Competition and Consumer Act 2001* (Cth) (led by Franco Corsaro SC)

Paul Mason v SGS Platinum Pty Ltd - NCAT Proceedings HB 22/34393 – acting for builder defending defect claims under *Home Building Act 1989* (NSW) and included cross examination of expert witnesses in “hot tub” (unled)

Appellate

KPE Superannuation Fund Pty Ltd v QRM Holdings Pty Ltd [2022] NSWCA 284 – successful appeal of order to withdraw caveat made at first instance (led by Sean Docker SC)

Rachael Stevens & Rod Stainton v SPL Living Pty Ltd - NCAT Appeal Panel Proceedings 2023/00463255 – defending decision where Tribunal held that the agreement between the parties was not a residential tenancy agreement to which the *Residential Tenancies Act 2010* (NSW) applied and therefore did not have jurisdiction to hear the matter (unled)

Sports Law

Jacob has appeared at the NSW Rugby League Judiciary on numerous occasions.

Jacob acted on matters for the NRL (while a solicitor) including in Jack De Belin's challenge to the NRL's no fault stand down rule (*De Belin v Australian Rugby League Commission Limited* [2019] FCA 688) and setting aside an examination summons (as an abuse of process) issued to the then CEO of the NRL, Todd Greenberg (*In the matter of Newheadspace Pty Limited (in liq)* [2020] NSWSC 173).

In 2018, Jacob also attended a mediation in New York representing rugby league player Matthew Lodge (at that time playing for the Brisbane Broncos) who was involved in civil proceedings in the New York District Court. While a solicitor Jacob was also involved in representing a high-profile rugby league player in relation to a defamation matter against a large media organisation.

Other Unled Matters

Jacob has been briefed (unled) in various other proceedings which have included:

- obtaining freezing orders;
- claims under the *Building and Construction Industry Security of Payment Act 1999* (NSW);
- applications to set aside statutory demands;
- numerous winding up applications and creditor's petitions;
- liquidator's examinations;
- oppression proceedings;
- insolvent trading claims and voidable transaction claims;
- applications relating to the appointment of a compulsory strata manager;
- contested discovery applications;

- setting aside default judgments and obtaining and resisting summary judgment;
- setting aside notices to produce and subpoenas;
- possession proceedings including stay applications;
- security for cost applications;
- acting for tenants and landlords in proceedings involving relief against forfeiture; and
- various cost applications including lump sum cost orders.

Previous Professional Experience

Kardos Scanlan – Senior Associate (2018-2022)

Kemp Strang – Lawyer/Senior Associate (2013-2018)

Harris Freidman – Lawyer (2012-2013)