

## Nick Kotzman



Nick Kotzman practises in all areas of commercial law.

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### QUALIFICATIONS

Bachelor of Arts (Media and Communications) (Melb)  
Juris Doctor (Melb)

### CORRESPONDENCE

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### CHAMBERS

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### COMMERCIAL LAW

Appellate | Banking & Finance | Class Actions | Competition | Consumer Law | Contractual Disputes | Corporate Insolvency | Corporations & Securities | Equity & Trusts | Insurance | Real Property | Regulatory Investigations

### EMPLOYMENT & INDUSTRIAL

Confidential Information | Discrimination | Employment Contracts | Restraint of Trade

### INTELLECTUAL PROPERTY

Appellate | Confidential Information | Copyright & Designs

### TORT LAW

Class Actions | Commissions & Inquiries | Product Liability | Professional Negligence

### PUBLIC LAW

Administrative Law | Judicial Review | Commissions & Inquiries | Environment | White Collar Crime

Nick has a particular interest in competition and consumer law, corporations and securities matters, insolvency law, and class action proceedings.

Before coming to the Bar, Nick worked as a solicitor at Herbert Smith Freehills in litigation and transactional practice groups. He also served as associate to the Hon Justice Middleton AM at the Federal Court of Australia, where he gained valuable experience across matters covering the full gamut of that Court's jurisdiction.

As a solicitor, Nick acted for large corporate and financial services clients, advising on complex transactions and contested mergers.

He holds a Bachelor of Arts and a Juris Doctor from the University of Melbourne. He is a published author in the Australian Journal of Competition and Consumer Law, and the winner of a number of national and state-wide mooted competitions.

Nick read with Peter Wallis KC and Nicholas De Young KC as his senior mentor.

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## Recent Cases

### COMMERCIAL LAW

Aurelius Marvel One Ltd v Orica Investments Pty Ltd (Supreme Court of Victoria S ECI 2023 01729) – breach of warranty and misleading and deceptive conduct claim – led by H Austin KC, with H Douglas

Smash Enterprises Pty Ltd & Ors v Euromark Limited [2022] VSCA 267 – unconscionable conduct, breach of contract appeal – led by P Wallis KC

Next Stage Living Moonee Ponds Pty Ltd v Ardmillan Place Nominees Pty Ltd [2022] VSC 89 – sale of land and assets dispute – led by P Willis SC

Jowett Motor Group Pty Ltd v Pentana Solutions Pty Ltd (No 2) [2023] VCC 1916 – breach of contract; misleading and deceptive conduct, claim dismissed – led by P Wallis KC

Tramways/East Melbourne RSL Sub-Branch Inc v Kew RSL Sub-Branch Inc & Anor (County Court of Victoria CI-23-01061) – detinue and conversion claim – unled

Setka v Dalton and Anor (No 2) [2021] VSC 604 – substantive legal professional privilege dispute – led by M Borsky KC and K Loxley

Pentana Solutions Pty Ltd v Titan Dealer Management Solutions Pty Ltd (Federal Court of Australia VID585/2020) – copyright infringement; misuse of market power – led by P Wallis KC

FRP Pools & Spas Pty Ltd v Allnex Resins Australia Pty Ltd (Supreme Court of Victoria S ECI 2018 01519) – product liability; insurance claims – led by K Foley

Somers & Ors v Box Hill Institute (Supreme Court of Victoria S ECI 2020 01535) – discovery dispute

Sigma Company Ltd & Ors v Shams & Ors (County Court of Victoria CI-21-00732) – injunctive relief – led by P Wallis KC

Sigma Company Ltd & Anor v Jestins Enterprises Pty Ltd & Anor (County Court of Victoria CI-20-00411) – re-instatement of proceedings – led by P Wallis KC

**REGULATORY LAW**

Advising persons investigated by the ACCC for Part IV contraventions

Acting for the Australian Medical Association in Australian Competition Tribunal Application for Review ([2022] ACompT 4) – led by D Preston

Advising and representing examinees before compulsory examinations conducted by the ACCC and ASIC

**INSOLVENCY LAW**

Re Windsor Development Company Pty Ltd (in liq) (No 1) [2022] VSC 742; (No 2) [2024] VSC 297 – court approval for long-term agreement; trustee and receivership relief; judicial directions, directions obtained – led by S Maiden KC

Re Sunshine Investment Corp Pty Ltd (Supreme Court of Victoria S ECI 2024 01034) – application to terminate winding up, orders made – unled

Re Buildko Pty Ltd (Supreme Court of Victoria S ECI 2023 02047) – unreasonable director-related transaction claim

Re Biodental Remin Ltd (in liq) (Supreme Court of Victoria S ECI 2021 01994) – court approval for liquidator to enter long-term agreement, approval granted – unled

Re Z & S Camberwell Pty Ltd (in liq) (Supreme Court of Victoria S ECI 2023 02199) – unreasonable director-related transaction claim

**OTHER**

Representing employer in discrimination in employment proceedings (VCAT H103/2020) – proceedings dismissed – unled

Advising directors and shareholders in shareholder oppression claims

Advising defendant to breach of confidence and copyright claims

Acting for tenants in proceedings for recovery of unpaid rent

Acting for defendant to asset freezing order application

Acting for creditors in debt recovery proceedings

Acting for owner of collateral in proceedings to remove of PPS registration

Acting for major logistics employer in employee picketing dispute

Acting for insurers and owners in motor vehicle collision dispute

Advising on breach of contract and shareholder agreement disputes

## Memberships

Commercial Bar Association of Victoria

Tax Bar Association