

Stefanie Wilkins

2006 (Australia); 2017 (England and Wales)

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Stefanie is an experienced litigator, with more than 10 years' experience in complex and large-scale commercial litigation and insolvency in England and Australia. Stefanie specialises in restructuring and insolvency and commercial litigation.

Stefanie has been instructed in numerous restructurings, including *McDermott*, *Vroon*, *Nasmyth*, *Re ALL Scheme* (concerning Amigo Loans), *Re Petra Diamonds US\$ Treasury Plc* and *Re Lecta Paper UK Ltd*.

In her commercial litigation practice, Stefanie has been instructed in the long-running *China Shanshui* litigation in the Cayman Islands, and acted as a junior counsel in *PJSC Uralkali v Rowley and Baker* [2020] EWHC 3442(Ch).

Before joining South Square, Stefanie practised as a solicitor in the Australian office of Lipman Karas, a leading firm specialising in insolvency and commercial litigation. She has frequently worked as a member of a team, working closely with senior and junior counsel, and well understands the pressures facing solicitors instructed in commercial litigation. She also spent two years as Associate (judicial assistant) to the Honourable Justice Sulan in the Supreme Court of South Australia.

Stefanie has an interest in third-party litigation funding and civil procedure, having completed a doctorate at the University of Oxford on this topic, and advises in this area. She contributes to several publications, including *Chitty on Contracts*, *Corporate Administrations and Rescue Procedures*, and *Zuckerman on Australian Civil Procedure*.

Insolvency & Restructuring

Restructuring cases in which Stefanie has been involved include:

- *McDermott - Re CB&I UK Ltd* [2023] EWHC 2497 (Ch); [2023] EWHC 2987 (Ch); [2024] EWHC 398 (Ch) - acted for the company in a restructuring plan which was the subject of a six-day contested sanction hearing (with David Allison KC, Clara Johnson and Ryan Perkins)
- *Vroon - Re Lamo Holding BV* [2023] EWHC 1558 (Ch) - acted for the supporting creditors in a contested scheme of arrangement (with David Allison KC)
- *Re Nasmyth* [2023] EWHC 696 (Ch); [2023] EWHC 988 (Ch) - acted for the company in a contested restructuring plan (with Marcus Haywood)
- *Re ALL Scheme* [2021] EWHC 1401 (Ch) - successful opposition to a scheme of arrangement (with Tom Smith KC)
- *Re Port Finance Investment Ltd* [2021] EWHC 378 (Ch) - scheme of arrangement (with Tom Smith KC)

- *Re Petra Diamonds US\$ Treasury Plc* [2020] EWHC 3565 (Ch) – scheme of arrangement (with Tom Smith KC)
 - *Re Lecta Paper UK Ltd* [2019] EWHC 3615 (Ch); [2020] EWHC 382 (Ch) – scheme of arrangement (with Daniel Bayfield KC)
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Banking & Finance

Cases in which Stefanie has been involved include:

- *Elders Forestry Limited v BOSI Security Services Limited & Ors* (2010) 80 ACSR 122; [2010] SASC 223 (At Lipman Karas) – represented Elders Forestry Limited in urgent proceedings against the security trustee for a syndicate of three large banks. The banks had security over a 50% interest held by Elders’ joint venture partner in an incorporated joint venture, and refused to release that security to facilitate an acquisition by Elders of a 100% interest pursuant to default option rights in the shareholders’ deed. The proceedings involved urgent injunctive relief to restrain a third-party sale by the syndicate banks and was litigated through to judgment in five months, the Court finding in Elders’ favour. See also *Elders Forestry Ltd v BOSI Security Services Ltd & Ors Nos. 2 and 3* [2010] SASC 226 and [2010] SASC 228.
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Commercial Litigation & Arbitration

Cases in which Stefanie has been involved include:

- *PJSC Uralkali v Rowley and Baker* [2020] EWHC 3442(Ch) – acted as junior counsel for the administrators of a Formula One team in their successful defence of a claim by an unsuccessful bidder concerning the conduct of the sale of the business. The claimant brought claims in negligence, negligent misstatement, and breach of confidence. (Led by Jonathan Crow KC and Stephen Robins).
- *One.Tel Limited (in liq) v Packer & Ors* (At Lipman Karas) – represented the special purpose liquidator of One.Tel in a dispute in the Equity Division of the New South Wales Supreme Court in relation to the company’s 2001 collapse following the withdrawal of an AU\$132 million renounceable rights issue. The proceedings concerned claims against entities connected to some of the company’s former high-profile directors for breaches of directors’ duties and in connection with the abandoned rights issue. The matter settled favourably before trial.
- *ITC Limited v Timbercorp Limited* (2009) 76 ACSR 467; [2009] SASC 342 (At Lipman Karas) – represented ITC Limited in urgent proceedings against the liquidators of Timbercorp Limited to enforce option rights over shares in an incorporated joint venture, which arose from a shareholders’ deed between ITC and Timbercorp. The proceedings were litigated urgently through to a judgment in ITC’s favour within one month.

Company

Cases in which Stefanie has been involved include:

- *One.Tel Limited (in liq) v Packer & Ors* (At Lipman Karas) - represented the special purpose liquidator of One.Tel in a dispute in the Equity Division of the New South Wales Supreme Court in relation to the company's 2001 collapse following the withdrawal of an AU\$132 million renounceable rights issue. The proceedings concerned claims against entities connected to some of the company's former high-profile directors for breaches of directors' duties and in connection with the abandoned rights issue. The matter settled favourably before trial.

Other

Cases in which Stefanie has been involved include:

- *Elders Rural Services & Anor v The Registrar of Plant Breeder's Rights & Anor* (2012) 199 FCR 520; [2012] FCAFC 14 (At Lipman Karas) - represented the holder of plant breeders' rights in an application for a declaration and injunctive relief against the Australian Commonwealth Government concerning the duration of those rights. The case turned on the proper construction of legislative provisions, and the relief sought was ultimately granted by the Full Court of the Federal Court of Australia.

Publications

Books

Chitty on Contracts (35th edn 2023 and subsequent updates, Sweet and Maxwell) - editor of the chapter on Death and Insolvency.

Arnold and Mortimore, *Company Directors* (4th edn 2024, Oxford University Press) - editor of the chapter on transactions with directors requiring the approval of members

Goodison, Abraham, Shaw and Wilkins, *Corporate Administrations and Rescue Procedures* (4th edn, 2022).

Zuckerman, Wilkins, Adamopoulos, Higgins, Hooper and Vial, *Zuckerman on Australian Civil Procedure* (2018, LexisNexis); 2nd edn 2023.

Articles

Arbitration Agreements and Insolvency Claims: The Developing Principles (2020) 33(2) *Insolvency Intelligence* 50

Common Fund Orders in Australia: A New Step in Court Regulation of Litigation Funding: *Money Max Int Pty Ltd (Trustee) v QBE Insurance Group Limited* [2016] FCAFC 148 (2017) 36 *Civil Justice Quarterly* 133

Access to Justice: A Critical Analysis of Recoverable Conditional Fees and No Win No Fee Funding (Book Review) (2016) 35 *Civil Justice Quarterly* 89

Collins v Gordon: Is Postponing a Trial a Measure of Last Resort? (2009) 28 *Civil Justice Quarterly* 306

The Constitutional Limits on Bills of Rights Introduced by a State or Territory (2007) 35 *Federal Law Review* 431

Education & Qualifications

2021- Doctor of Philosophy in Law, University of Oxford (thesis entitled 'Litigation Funding: Its place in the Civil Justice System')

2009 - Bachelor of Civil Law, Distinction (University College, Oxford)

2006 - Bachelor of Laws, First Class Honours (University of Adelaide)

2003 - Bachelor of Civil Engineering, First Class Honours (University of Adelaide)

Prizes & Scholarships

2009 Clifford Chance prize for Principles of Civil Procedure (BCL prize)

2008 Sir Robert Menzies Memorial Scholarship in Law (Australian scholarship for BCL)

Interests

Distance running, travel, cricket

Career

2017 - Called to the Bar of England and Wales

2014 - Commenced doctorate at the University of Oxford

2009-2014 - Associate, and then Senior Associate, at Lipman Karas (Australian office)

2011 - Admitted to the Register of Practitioners of the High Court of Australia