

A black and white portrait of Tracy Day (nee Rafferty) is centered in the upper half of the image. She is a woman with long, light-colored hair, smiling at the camera. She is wearing a dark blazer over a light-colored top and a pearl necklace. Her hands are clasped in front of her. The portrait is set within a large white circle that is partially overlaid by a smaller white circle containing the firm's logo.

AJ&CO

**Tracy Day
(nee Rafferty)**

Practice Leader
Litigation & Dispute Resolution



To create enduring client relationships you must be trustworthy, reliable and easy to do business with. This philosophy has helped drive my career from the very beginning.



Tracy is a decisive litigator with a sharp commercial edge, spanning multiple complex sectors and delivering clarity and results where it counts.

Introduction

Tracy is a commercially astute senior practitioner who has a wide range of experience including, disputes, litigation, and insolvency. She has acted for a range of clients in both the private and public sector and is equipped to handle complex matters.

Tracy is results driven and strategic in her practice, she is also passionate about her relationship with her clients and strives to contribute to their long-term success.

Expertise

- Complex Commercial Litigation
- Alternative Dispute Resolution
- Banking and Finance Disputes
- Debt Recovery
- Competition and Consumer Disputes

Experience

Recent matters of note include:

- Successfully defending a bank against 14 claims (and the subsequent appeals) brought against it for misleading and deceptive conduct, unconscionable conduct, negligent misstatement, and personal injuries, among other things. The litigation involved contemporaneous electronic trials in the supreme court of nsw conducted over 13 months;
- Representing a liquidator of a former developer regarding, among other things, allegations of deceit, misleading and deceptive conduct, and unconscionable conduct;
- Representing various clients regarding business separation, restraint, partnership and shareholder disputes, as well as allegations of breaches of restraint obligations;
- Various insolvency law matters for and against insolvency practitioners; • representing a client in a large and complex construction, project finance and energy dispute, including extensive trial preparation; • representing various mining companies in disputes including successfully reducing the estimated rehabilitation costs for one project by over \$1m, and significantly reducing the issues in dispute for another; • representing a nfp organisation regarding various freedom of information requests; • prepared an extensive confidential investigation plan for a nfp organisation in response to allegations of a breach of duty of care; • representing a large bus company in proceedings against its financial advisors for negligence, misleading and deceptive conduct, breach of fiduciary duty and fraud; and • representing a former CEO of a leasing company in respect of allegations of financial misconduct.

Qualifications

- Practising since 2010
- Bachelor of Laws
- ARITA Insolvency Course



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