

Ball J 16/7

# FIRST CROSS-CLAIM CROSS-SUMMONS

## COURT DETAILS

Court	Supreme Court of New South Wales
Division	Equity Division
List	Commercial List
Registry	Sydney
Case number	2018 / 52431

**FILED**

27 JUN 2018

S.G.



## TITLE OF PROCEEDINGS

First plaintiff	<b>Epaminodas Mastoris</b>
Second plaintiff	<b>Lena Mastoris</b>
First defendant	<b>DSHE Holdings Limited (Receivers and Managers Appointed) (in Liquidation) (ACN 166 237 841)</b>
Number of defendants	<b>3</b>

## TITLE OF THIS CROSS-CLAIM

Cross-claimant	<b>DSHE Holdings Limited (Receivers and Managers Appointed) (in Liquidation) (ACN 166 237 841)</b>
Cross-Defendants	<b>David White and the others listed in Schedule 1 trading as Deloitte Touche Tohmatsu (ABN 74 490 121 060)</b>
Number of Cross-Defendants	<b>455</b>

## FILING DETAILS

Filed for	<b>DSHE Holdings Limited (Receivers and Managers Appointed) (in Liquidation) (ACN 166 237 841) cross-claimant/s</b>
Filed in relation to	First Cross-Claim
Legal representative	Scott Geoffrey Hedge of Colin Biggers & Paisley Pty Ltd
Legal representative reference	SGH:1709693
Contact name and telephone	Scott Hedge (02) 8281 4555
Contact email	scott.hedge@cbp.com.au

## HEARING DETAILS

This cross-summons is listed at. *9am 16/07/18*

## RELIEF CLAIMED

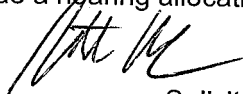
1. An order that the cross-defendants pay the cross claimant an amount of money to be determined by the Court by way of damages or compensation pursuant to ss 236 and 237 of the *Australian Consumer Law* and/or s 1041I of the *Corporations Act 2001 (Cth)* and/or s12GF of the *Australian Securities and Investments Commission Act 2001 (Cth)* in the amount of:
  - (a) any damages or compensation, costs or interest that the cross claimant is ordered to pay to the plaintiffs or group members in these proceedings; and/or
  - (b) the legal costs and disbursements that the Cross-Claimant has incurred in defending these proceedings.
2. An order that the Cross-Defendants pay the Cross-Claimant an amount of money to be determined by the Court by way of contribution pursuant to s 5 of the *Law Reform (Miscellaneous Provisions) Act 1946 (NSW)* or in equity.
3. Interest.
4. Costs.
5. Such further or other orders as the Court sees fit.

## SIGNATURE OF LEGAL REPRESENTATIVE

I certify under clause 4 of Schedule 2 to the *Legal Profession Uniform Law Application Act 2014* that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that the claim for damages in this cross-summons has reasonable prospects of success.

I have advised the cross-claimant that court fees may be payable during these proceedings. These fees may include a hearing allocation fee.

Signature



Capacity

Solicitor

Date of signature

27 June 2018

## NOTICE TO CROSS-DEFENDANT

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you. The court may also make orders for the payment of costs.

If you are a new party, or an existing party who has not already filed an originating process or appearance, before you can appear before the court you must file at the court an appearance in the approved form.

## HOW TO RESPOND

Please read this cross-summons very carefully. If you have any trouble understanding it or require assistance on how to respond to the cross-summons you should get legal advice as soon as possible.

You can get further information about what you need to do to respond to the cross-summons from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at <http://www.lawaccess.nsw.gov.au/>.
- The court registry for limited procedural information.

Court forms are available on the UCPR website at [www.ucprforms.justice.nsw.gov.au](http://www.ucprforms.justice.nsw.gov.au) or at any NSW court registry.

## REGISTRY ADDRESS

Street address: Supreme Court of NSW  
Law Courts Building  
Queens Square  
184 Phillip Street  
Sydney NSW 2000

Postal address: Supreme Court of NSW  
GPO Box 3  
Sydney NSW 2001

Telephone: (02) 9230 8111

## PARTY DETAILS

A list of parties must be filed and served with this cross summons.

### PARTIES TO THIS CROSS CLAIM

**Cross-Claimant**

DSHE Holdings Limited (Receivers and Managers Appointed) (in Liquidation) (ACN 166 237 841)

**Cross-Defendant**

David White and the others listed in Schedule 1 trading as Deloitte Touche Tohmatsu (ABN 74 490 121 060)

**455th Cross-Defendant**

Deloitte Corporate Finance Pty Limited

### DETAILS ABOUT CROSS-DEFENDANT/S THAT ARE NEW PARTIES

**First Cross defendant**

Name	David White and the others listed in Schedule 1 trading as Deloitte Touche Tohmatsu (ABN 74 490 121 060)
Address	Deloitte Touche Tohmatsu Level 1, Grosvenor Place 225 George Street SYDNEY NSW 2000

**Further cross defendants**

Name	Each of the persons as listed in Schedule 1 Deloitte Touche Tohmatsu
Address	Level 1, 225 George Street SYDNEY NSW 2000

**455th Cross-Defendant**

Address	<b>Deloitte Corporate Finance Pty Limited</b> C/- Deloitte Touche Tohmatsu Level 1, Grosvenor Place 225 George Street SYDNEY NSW 2000
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**Schedule 1 - Second to 455th cross defendants**

2. Brett Douglas Streatfeild
3. Sneza Pelusi
4. James Patrick Hickey
5. Alastair Banks
6. Tara Cathy Hill
7. Paul Jeremy Klein
8. Frank Scott Farrall
9. Christopher Donald Noble
10. Alec Paul Bashinsky
11. George Nicholas Kyriakakis
12. Roan Rolles Fryer
13. Stuart Johnston
14. Kaylene O'Brien
15. Craig Patrick O'Hagan
16. Leanne Karamfiles
17. Neil Graham Smith
18. Demostanies Krallis
19. David John Lombe
20. Christian John Biermann
21. Jonathan Paul
22. Michael James Clarke
23. Roger Jeffrey
24. Rachel Andrea Foley-Lewis

25. Franco Claudio Santucci
26. Michelle Robyn Hartman
27. Matthew Christopher Saines
28. Francis Thomas
29. Robert Basker
30. Alan Eckstein
31. Donal Graham
32. Andrew Raymond Hill
33. Patrick McLay
34. Paul Bernal Liggins
35. David °cello
36. Paul Scott Holman
37. Paul Robert Wiebusch
38. Murray Peck
39. Julie Michelle Stanley
40. 40, John Bland
41. Timothy Carberry
42. Alvaro Ramos
43. Graeme John Adams
44. Suzanne Archbold
45. Tim Richards
46. Timothy Geoffrey Maddock
47. Xenia Delaney
48. Reuben Saayman

49. Ronaldus Lambertus Van Beek
50. Liesbet Ann Juliette Spanjaard
51. Christopher John Richardson
52. Martin Harry Read
53. Mark Reuter
54. Stuart Thomas Ciocarelli
55. Paul Wayne Hockridge
56. Vikas Khanna
57. Paul Thomas Carr
58. Weng Yen Ching
59. Rodger Stewart Muir
60. Mark Cover
61. Robert Hillard
62. Michael John Lynn
63. Gaile Anthea Pearce
64. Isabelle Emilienne Lefevre
65. Phillip Andrew Roberts
66. Stuart Alexander Rodger
67. Paul Leonard Wensor
68. Claudio Cimetta
69. Simon Tarte
70. Stephen Charles Gustafson
71. Geoffrey William Cowen
72. Geoffrey Gill

73. Steven John Simionato
74. Jason John Handel
75. Declan O'Callaghan
76. Michael Andrew Kissane
77. Kurt Proctor-Parker
78. Richard Davies Wanstall
79. Johan Simon Duivenvoorde
80. Benjamin John Shields
81. John Meacock
82. Ian Michael Turner
83. David Harradine
84. Muhunthan Kanagaratnam
85. Marc Philipp
86. Kamlee Anne Coorey
87. Hugh William Mosle
88. Paul Masters
89. David Shane Egan
90. Alison Margaret Brown
91. Stavroula Papadatos
92. Damien Tampling
93. Alexandra Jane Spark
94. Monica Ellen Campigli
95. Craig Peter Mitchell
96. Robert John McCannel



97. Alyson Rodi
98. Andrew Charles Price
99. Mark Hadassin
100. Anthony James Robinson
101. Garry Ian Millhouse
102. Ashley Graham Miller
103. Craig Stephen Smith
104. Margaret Lynne Pezzullo
105. Adam Barringer
106. Campbell James Jackson
107. Jason Charles Crawford
108. Kevin Michael Russo
109. Adele Christine Watson
110. Neil Anthony Brown
111. Gordon James Thring
112. Brett William Greig
113. Steven James Shirliff
114. Robert Donald Collie
115. Spyros Kotsopoulos
116. Austin John Scott
117. Jenny Lyn Wilson
118. Peter John Bars
119. Elizma Bolt
120. Stephen Thomas Harvey

121. Fiona Lea Cahill
122. Jonathan Mark Schneider
123. Michael McNulty
124. Katherine Louise Howard
125. Juliet Elizabeth Bourke
126. Peter Gerard Forrester
127. Carl Jonathan Gerrard
128. Jody Michelle Burton
129. Rachel Frances Smith
130. Peter Martin Rupp
131. Helen Elena Fisher
132. Geoffrey Ronald Sincock
133. Nicholas Harwood
134. John Clement Malcom Randall
135. Todd Kayle Fielding
136. Geoffrey Bruce Stalley
137. Russell Bradley Norman Mason
138. Paul Leon Rubinstein
139. Andrew Ignatius Muir
140. Lisa Barry
141. Alfred Alan Nehama
142. Michael Paul Stibbard
143. Paul Childers
144. Angelo Karelis

145. Sarah Caroline Woodhouse
146. Richard John Hughes
147. Christopher Robert Masterman
148. Robin Poison
149. Megan Joy Field
150. Christopher Guy Nunns
151. Clare Helen Harding
152. Simon Cook
153. Stephen Carl Tailing
154. Leslie Coleman
155. Samuel James Vorverg
156. Helen Hamilton-James
157. Coert Grobbelaar Du Plessis
158. Stephen George Stavrou
159. Steven Christopher Cunico
160. Mark Ekkel
161. Soulla McFall
162. Leigh Matthew Pieroni
163. Mark Colin Woodley
164. Stephen James Healey
165. Sandeep Chadha
166. Margaret Clare Bower
167. Anna Victoria Crawford
168. Robert Howard Dowling

169. Greg Janes
170. Colin Mckay Methven Scott
171. Richard Mark Simes
172. Dharmalingum Shunmugam Chithiray
173. Nicole Marie Vignaroli
174. John Giannakopoulos
175. Vaughan Neil Strawbridge
176. Judith Anne Donovan
177. Nicole Wakefield
178. Paula Teresa Capaldo
179. Michael Rath
180. Karen Rachel Stein
181. Brett Todd
182. Julian Craig Dolby
183. Robert Kim Arvai
184. Catherine Jane Hill
185. Richard Michael Thomas
186. Timothy John Gullifer
187. Peter James Pagonis
188. Michael Damon Cantwell
189. Joseph Frank Galea
190. Nicolette Louise Ivory
191. John Leotta
192. Darren James Hall

193. Stephen Huppert
194. Elma Von Vielligh-Louw
195. Michael Anthony Kennedy
196. Stuart James Alexander
197. Yi Mei Tsang
198. Christopher Wilson
199. Joshua David Tanchel
200. Tendal Sitenisiyo Mkwanzani
201. Richard Nigel Raphael
202. Jacqueline Ann Clarke
203. Rodney James Whitehead
204. Heather Park
205. John Lethbridge Greig
206. Adrian Charles O'Dea
207. Grant Cameron
208. Gregory Couttas
209. Steven Allan Hernyl
210. Gary John McLean
211. Jonathan Ma
212. Suzie Gough
213. Mark Douglas Ian Allsop
214. Jennifer Anne Exner
215. Ryan Quintin Hansen
216. Jamie Brian Hamilton

217. David Mark Hill
218. Jason Bruce Dunnachie
219. John Christopher McCourt
220. Gerhard Vorster
221. David John Boyd
222. Andrew Kingsley Johnstone-Burt
223. Dwayne Barrie Sleep
224. David Black
225. Gerard Michael Meade
226. Francis Patrick O'Toole
227. Tony Garrett
228. Danny Rezek
229. Mark Goldsmith
230. David Watkins
231. Patrick Broughan
232. Jeremy Drumm
233. Michael John Whyte
234. Mark Andrew Stretton
235. Weng Wee Ching
236. Robert Malcolm Spittle
237. Marisa Orbea
238. Frances Rita Borg
239. David Barrie Brown
240. David Sherwin McCloskey

241. Philip Walter Teale
242. Jan Hein Alexander Alpert
243. Katherine Anne Milesi
244. Kevin Kiazim Nevrous
245. Andrew Paul Annand
246. Carl Richard Harris
247. Philip Malcolm Moore Hardy
248. Derek Rodney Bryan
249. Gregory Gyorgy Janky
250. David John Redhill
251. Guillaume Johannes Swiegers
252. Peter Ronald Ryan
253. Brennan Ursula
254. Fiona Dawn Craig
255. Sarah Lane
256. George Stathos
257. Richard Adam Young
258. Marc Hofmann
259. Brad Joel Pollock
260. Mark Justin Kuzma
261. Warren Green
262. Stuart Osborne
263. Garry Lance Bourke
264. Andrew Vaughn Griffiths

265. Adam Powick
266. Margaret Dreyer
267. Timothy Bryce Norman
268. David McCarthy
269. Neil Pereira
270. Michael Robert Gastevich
271. Elizabeth Ann Brown
272. Lakshman Kumar Gunaratnam
273. Monish Paul
274. Alexander Collinson
275. Bruce John Williamson
276. Luke Bramwell Houghton
277. Aldrin Anthony De Zilva
278. Neil McLeod
279. Gerard Lucien Belleville
280. Michael Kaplan
281. Mark David Irving
282. Alison Lorna White
283. Haiderali Hussein Hussein
284. Martyn Charles Barrett Strickland
285. Caroline Jane Bennet
286. Christopher Robert Campbell
287. Gary Peter Doran
288. Mark Steven Wright



289. Peter Matruglio
290. John Koutsogiannis
291. Selvvyn Peter DISouza
292. Keith William Skinner
293. Clive Charles Alan Mottershead
294. Karen Lynette Green
295. Jason Mark Thorne
296. Andrew Stuart Christopher Reid
297. Mark Richard Weaver
298. Matthew Robert Broadfoot
299. Michael Mauro De Palo
300. Peter Arthur Caldwell
301. Tracey Con Dous
302. Shelley Rae Nolan
303. Ian Grant Levi
304. Grant Arthur Hyde
305. Timothy Francis Nugent
306. Andrea Csontos
307. Geoffrey Colin Lamont
308. Christopher John Nicoloff
309. Craig Maxwell Bryan
310. Peter Madden
311. Jeremy Jurriaan Walton Cooper
312. Neil Robert Cussen

313. Robert Southern
314. Andy Peck
315. Colin Radford
316. Hendri Mentz
317. Robert Nguyen
318. Shinji Tsutsui
319. Philippa Simone Dexter
320. Timothy Fleming
321. Cynthia Hook
322. James Campbell Down
323. Kate McDonald
324. Stephen John Coakley
325. Keith Francis Jones
326. Serg Duchini
327. Stephen James Reid
328. Max Andreas Persson
329. Graham Mott
330. Anthony John Vie,
331. David Joseph Murray
332. Richard Antony Jamieson
333. Bradley James Burt
334. Anthony Goroslav Buntic
335. Paul Gerard Fogarty
336. Jamie Christopher Gatt

337. Geoffrey Ian Roberts
338. Melissa Jayne Cabban
339. Matthew Fraser
340. Thomas Fredrick Viljoen
341. Julie Christine Crisp
342. Paul Bernard Riley
343. Salvatore Algeri
344. Ross Ian Jerrard
345. Avi Sharabi
346. Ian Geoffrey Sanders
347. Dale McCauley
348. Iain Maxwell Gerrard
349. David Hobbis
350. Scott Conrad Bailey
351. Stephen Gregory Brown
352. Ian Ross Harper
353. Shashi Vicknekumeran Sivayoganathan
354. Jowita Gartlan
355. Mark Ingham
356. Viswa Phani Kumar Padiseti
357. Ian Charles Thatcher
358. Ian Andrew Trevorah
359. Dennis Leslie Moth
360. Jacques Louis Van Rhyn

361. Paul Swinhoe
362. Greg Fitzgerald
363. Steven Alexander Hallam
364. Stuart Lynn Black
365. Stephen Woosnam
366. Andrew John Culley
367. Stephen James Ferris
368. Timothy Arbuckie
369. David Amis Rumbens
370. Matthew James Williams
371. Jason Frederick Bender
372. Patrick Lane
373. Martin Paul Langridge
374. Caithlin Mary McCabe
375. Simon Alexander Wallace-Smith
376. Adrian Clyde Batty
377. Tapan Parekh
378. Masaaki Mark Nakamura
379. Roger Geoffrey McBain
380. Graeme John Hodge
381. Rick Shaw
382. Marina Ruth Stuart
383. Tom Christopher Imbesi
384. Eric Angelucci

385. Harvey Christophers
386. John Kingsley Rawson
387. Mark Richard Sercombe
388. Phillip Kravaritis
389. Gary Christie
390. Wayne Edward Walker
391. John Womack
392. Peter Grainger
393. Samantha Louise Lewis
394. Ashley Jonathon King
395. Peter Francis Williams
396. Alexander Aitken
397. Timothy Gordon Biggs
398. Ian McCall
399. Johannes Laubscher Venter
400. Roberto Dimonte
401. Alan Gordon Weeks
402. Ian John Breedon
403. Peter Michael Roberson
404. Michael David Nelson
405. Lindsay James Stanton
406. Craig Paul Johnson
407. Timothy Riordan
408. Anthony James Cipriano

409. Phil Hopwood
410. Dai-Trang Le Duncanson
411. David Jonathan Graham
412. Andre Spnovic
413. William Harold Wardrop
414. David Erskine Thompson
415. David Kyffin Willington
416. Stephen Mark Holdstock
417. Dean John Grandy
418. Harold Scott Payne
419. Jean-Marie Abi-Ghanem
420. Fraser Ross
421. Roberto Krizman
422. Caroline McGlashan
423. William Robert McAinsh
424. Osamu Uchimura
425. Glendon Moss Sanford
426. Simon James Lester
427. Stephen James Jones
428. Kristen Jay Wydell
429. John Guthrie Hood
430. Paul Martin Radici
431. Frank Klasic
432. Mark John Pittorino

433. David Anthony Cooper
434. Matthew Sheerin
435. Tony Brain
436. Henry John Kidd
437. Matt Gerald Tengu Whitesky Kuperholz
438. Gordon Pattison
439. Branko Panich
440. Julian Christopher Cheng
441. David William Pring
442. Peter Andre Jovic
443. Craig Goldberg
444. Bruce Robert Dungey
445. Dean Robert Edward Kingsley
446. David Alan Watson
447. Bernard Spencer Gild
448. Graham John Newton
449. Dwight Murray Hooper
450. Michael Rosendorfer
451. Richard Roy Porter
452. John George Azarias
453. Donna Maree Carey
454. Christopher Paul Cass
455. Deloitte Corporate Finance Pty Limited