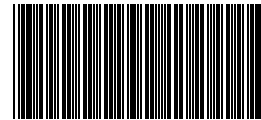




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Commercial List Statement

COURT DETAILS

Court	Supreme Court of NSW
Division	Equity
List	Commercial
Registry	Supreme Court Sydney
Case number	2018/00076580

TITLE OF PROCEEDINGS

First Plaintiff	Giabal Pty Ltd
Second Plaintiff	Geoffry Underwood
First Defendant	Gunns Plantations Limited (in Liquidation)
Second Defendant	Gunns Limited (in Liquidation)(Receivers & managers Appointed)
Number of Defendants	11

FILING DETAILS

Filed for	Andrew Gray, Defendant 10 Mathew Gary Wallace, Defendant 11
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Legal representative	Peter Haig
Legal representative reference	
Telephone	

ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Lodge Document, along with any other documents listed below, were filed by the Court.

Commercial List Statement (Cross-Claim Statement.pdf)

[attach.]

COMMERCIAL LIST CROSS-CLAIM STATEMENT**COURT DETAILS**

Court	Supreme Court of New South Wales
Division	Equity
List	Commercial
Registry	Sydney
Case number	2018/00076580

TITLE OF PROCEEDINGS

First plaintiff	Giabal Pty Ltd
Second plaintiff	Geoffry Underwood
First defendant	Gunns Plantations Limited (in Liquidation)
Number of defendants	11

TITLE OF THIS FIRST CROSS-CLAIM

First cross-claimant	Andrew Gray , Tenth Defendant
Second cross-claimant	Matthew Wallace , Eleventh Defendant
First cross-defendant	Gunns Plantations Limited (In Liquidation) (Receivers and Managers Appointed)
Number of cross-defendants	9

FILING DETAILS

Filed for	Andrew Gray , First Cross-Claimant and Tenth Defendant Matthew Wallace , Second Cross-Claimant and Eleventh Defendant
Legal representative	Peter Haig Allens
Legal representative reference	P0023917
Contact name and telephone	Peter Haig (03) 9613 8289
Contact email	Peter.Haig@allens.com.au

PRELIMINARIES

- A. The terms defined in the Commercial List Statement filed by the Plaintiffs on 20 March 2018 (**CLS**) and in the Commercial List Response filed by the First and Second Cross-Claimants on 16 July 2018 (**CLR**) have the same meaning in this document, unless otherwise defined or stated.

A NATURE OF DISPUTE

- 1 The Plaintiffs in the Proceedings have brought representative proceedings against the First and Second Cross-Claimants (the **Cross-Claimants**) and the First to Ninth Cross-Defendants (the **Cross-Defendants**) on their behalf and on behalf of Group Members in relation to investments that they made in the Gunns Woodlot Schemes for the 2002-2006 and 2008-2009 financial years.
- 2 As set out in the CLR, the Cross-Claimants deny that the Plaintiffs or the Group Members are entitled to the relief claimed by them against the Cross-Claimants.
- 3 However, for the purposes of this Cross-Claim only, the Cross-Claimants allege that, if they are liable to the Plaintiffs, then the Cross-Defendants are liable.

B ISSUES LIKELY TO ARISE

If (which is denied) the First and/or Second Cross-Claimants are liable to the Plaintiffs then the key issues likely to arise as between the Cross-Claimants and the Cross-Defendants are the following:

- 1 Whether any or all of the Cross-Defendants are liable for the same loss or damage as the First and/or Second Cross-Claimants within the meaning of s 3(1)(c) of the *Wrongs Act 1954* (Tas) (**Tas Act**), or alternatively s 5(1)(c) of the *Law Reform (Miscellaneous Provisions) Act 1946* (NSW) (**NSW Act**), or alternatively any other similar or equivalent provision of any other applicable legislation.
- 2 Whether the First and/or Second Cross-Claimants are entitled to contribution from any or all of the Cross-Defendants in equity.
- 3 The amount of contribution recoverable from those Cross-Defendants.

C FIRST AND SECOND CROSS-CLAIMANTS' CONTENTIONS

For the purposes of this Cross-Claim only, if, contrary to the denials and non-admissions set out in the CLR, the Plaintiffs prove the allegations they have made against the First and/or Second Cross-Claimants and one or both of them is liable to the Plaintiffs, then:

Allegations made by Plaintiffs

- 1 The Cross-Claimants repeat against the Cross-Defendants the allegations made by the Plaintiffs in the following paragraphs of section C of the CLS:
 - (a) as against the First Cross-Defendant, the allegations in paragraphs 1, 14-52, 56-64, 65-67, 73-76, 79-80, 87-90 and 101-103;
 - (b) as against the Second Cross-Defendant, the allegations in paragraphs 2-3, 14-52, 56-64, 68, 73-76, 81, 95-96 and 101-103;
 - (c) as against the Third Cross-Defendant, the allegations in paragraphs 4, 14-52, 56-64, 69, 73-76, 82-84, 91-94 and 101-103;
 - (d) as against the Fourth Cross-Defendant, the allegations in paragraphs 5, 14-52, 56-64, 69, 73-76, 82-85, 91-94 and 101-103;
 - (e) as against the Fifth Cross-Defendant, the allegations in paragraphs 6, 14-52, 56-64, 69, 73-76, 82-84, 91-94 and 101-103;
 - (f) as against the Sixth Cross-Defendant, the allegations in paragraphs 7, 14-52, 56-64, 69, 73-76, 82-84, 91-94 and 101-103;
 - (g) as against the Seventh Cross-Defendant, the allegations in paragraphs 8, 14-52, 56-64, 69, 73-76, 82-84, 91-94 and 101-103;
 - (h) as against the Eighth Cross-Defendant, the allegations in paragraphs 9, 14-52, 56-64, 69, 73-76, 82-84, 91-94 and 101-103; and
 - (i) as against the Ninth Cross-Defendant, the allegations in paragraphs 10, 14-52, 56-64, 69, 73-76, 82-84, 91-94 and 101-103.

Contribution at law or equity

- 2 On the basis of the facts and matters alleged by the Plaintiffs and repeated as set out in paragraph 1 above:
 - (a) each of the Cross-Defendants is liable in respect of the same damage as the First and/or Second Cross-Claimants, within the meaning of s 3(1)(c) of the Tas Act, or alternatively s 5(1)(c) of the NSW Act, or alternatively any other similar or equivalent provision of any other applicable legislation;

- (b) to the extent the Plaintiffs' claims are not apportionable, then the Cross-Claimants are entitled to contribution from the Cross-Defendants against the Plaintiffs' claims to the extent as may be found by the Court to be just and equitable pursuant to s 3(1)(c) and (2) of the Tas Act, or alternatively s 5(1)(c) and (2) of the NSW Act, or alternatively any other similar or equivalent provision of any other applicable legislation;
- (c) further or alternatively, the Cross-Claimants are entitled to contribution in equity from the Cross-Defendants against the Plaintiffs' claims on the basis that the Cross-Defendants are liable in equity to make good the Plaintiffs' loss.

Relief

- 3 Accordingly, the Cross-Claimants claim against each of the Cross-Defendants the relief set out in the Cross-Summons of the same date.

D QUESTIONS APPROPRIATE FOR REFERRAL TO A REFERREE

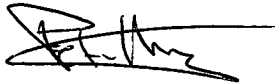
None.

E MEDIATION STATEMENT

To date, the parties have not attempted to mediate. This Cross-claim would be appropriate to mediate at the same time the principal claim is the subject of mediation.

SIGNATURE OF LEGAL REPRESENTATIVE

Signature



Capacity

Solicitor for the Cross-Claimants

Date of signature

20 July 2018