

**SIXTH CROSS-CLAIM**  
**COMMERCIAL LIST CROSS-CLAIM RESPONSE OF THE**  
**FOURTH CROSS-DEFENDANT**

**COURT DETAILS**

Court	Supreme Court of New South Wales
Division	Equity
List	Commercial
Registry	Sydney
Case number	2018/76580

This document was eFiled  
on 19 Jul 2021 . Final  
acceptance has been  
given.



Principal Registrar &  
Chief Executive Officer



**TITLE OF PROCEEDINGS**

First Plaintiff	<b>Giabal Pty Ltd ACN 009 863 807</b>
Second Plaintiff	<b>Geoffry Edward Underwood</b>
Third Defendant	<b>Wayne Leonard Chapman</b>
Number of defendants (if more than two)	<b>11</b>

**TITLE OF THE CROSS-CLAIM**

**First cross-claimant**                      **Robin Gray**

**FOURTH cross-**                              **Leslie Ralph Baker**

**defendant**

**Number of cross-defendants**

**PREPARATION DETAILS**

Prepared by	<b>Leslie Ralph Baker</b> , Sixth Defendant / Fourth Cross-Defendant
Legal representative	Nil
Contact name and telephone	Tel: 0418130237
Contact email	lesbaker13@gmail.com

**A        NATURE OF DISPUTE**

- 1        The Fourth Cross-Defendant agrees with the general description of the nature of the dispute.
- 2        To the extent that the dispute concerns allegations made by the First Cross-Claimant against the Fourth Cross- Defendant, the Fourth Cross-Defendant disputes the First Cross-Claimant allegations in the Commercial List Cross-

Claim Statement (**CLCCS**) as more fully set out below in the Fourth Cross-Defendant's responses to the First Cross-Claimant's Contentions.

## **B ISSUES LIKELY TO ARISE**

- 1 The Fourth Cross-Defendant agrees that the issues identified by the First Cross-Claimant are likely to arise in the proceeding.
- 2 In addition, the Fourth Cross-Defendant considers the following issues are likely to arise:
  - 2.1 Whether the proceeding is statute barred as not having been commenced within the time prescribed by sections 1317K and 1325(4) of the *Corporations Act 2001* (Cth), section 24(2) of the *Limitation Act 1974* (TAS), section 48 of the *Limitation Act 1969* (NSW), section 21 of the *Limitation of Actions Act 1958* (VIC), sections 31 and 32 of the *Limitation of Actions Act 1936* (SA), section 27 of the *Limitation Act 2005* (WA), section 27 of the *Limitation of Actions Act 1974* (QLD), section 11 of the *Limitation Act 1985* (ACT) or section 33 of the *Limitation Act 1981* (NT);
  - 2.2 Whether the claim against the Fourth Cross-Defendant is an apportionable claim within the meaning of section 43A(1) of the *Civil Liability Act 2002* (TAS) or further or alternatively section 34(1) of the *Civil Liability Act 2002* (NSW).

## **C. FOURTH CROSS-DEFENDANT'S RESPONSES TO FIRST CROSS-CLAIMANT'S CONTENTIONS**

- 1 The Fourth Cross-Defendant denies the matters alleged in paragraph C 1 f. of the First Cross-Claimant's Contentions.
2. The Fourth Cross-Defendant denies the matters alleged in paragraph C 2 of the First Cross-Claimant's Contentions.
3. The Fourth Cross-Defendant denies the matters alleged in paragraph C 3 of the First Cross-Claimant's Contentions.
4. The Fourth Cross-Defendant denies the matters alleged in paragraph C 4 of the First Cross-Claimant's Contentions.

5. In further answer to the whole of the First Cross-Claimant's Contentions the Fourth Cross-Defendant repeats the Sixth Defendant's Further Amended Commercial List Response filed on the 19 February 2021.

**D QUESTIONS APPROPRIATE FOR REFERRAL TO A REFEREE**

None.

**E. STATEMENT AS TO WHETHER THE PARTIES HAVE ATTEMPTED MEDIATION, WHETHER THE PARTY IS WILLING TO PROCEED TO MEDATION AT AN APPROPRIATE TIME**

The Fourth Cross-Defendant is willing to attempt mediation at an appropriate time.

**SIGNATURE**

Signature of the Fourth  
Cross-Defendant



Date of signature

19 day of July 2021

## **PARTY DETAILS**

### **Cross-Claimant**

**Robin Gray**  
First Cross-Claimant

### **Cross-Defendants**

**Wayne Leonard Chapman**  
First Cross-Defendant

**John Eugene Gay**  
Second Cross-Defendant

**Rodney John Loone**  
Third Cross-Defendant

**Leslie Ralph Baker**  
Fourth Cross-Defendant

**Robert Henry Graham**  
Fifth Cross-Defendant

**Paul Desmond Teisseire**  
Sixth Cross-Defendant

