



**SIXTH CROSS-CLAIM**

*COOK*

Principal Registrar &  
Chief Executive Officer

**Commercial List Cross-claim Response of the Fifth Cross-Defendant**

**Court Details**

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

**Title of Proceedings**

First Plaintiff Giabal Pty Ltd ACN 009863807  
Second Plaintiff Geoffry Edward Underwood  
Third Respondant Wayne Leonard Chapman  
Number of Respondents 11

**TITLE OF THE CROSS-CLAIM**

First cross-claimant Robin Gray  
Fifth cross-defendant Robert Henry Graham  
Number of cross-defendants 6

**Preparation Details**

Prepared by Robert Henry Graham, Seventh Respondant/ Fifth Cross-Defendant  
Legal representative Nil  
Telephone 0418 80 45 80  
Email rhg18669@gmail.com

**A NATURE OF THE DISPUTE**

1. The Fifth 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 Fifth Cross-Defendant, the Fifth Cross-Defendant disputes the First Cross-Claimant allegations in the Commercial List Cross-Claim Statement (CLCCS) as more fully set out below in the Fifth Cross-Defendant's responses to the First Cross-Claimant's Contentions.

**B ISSUES LIKELY TO ARISE**

1. The Fifth Cross-Defendant agrees that the issues identified by the First Cross-Claimant are likely to arise in the proceedings.
2. In addition The Fifth Cross-Defendant considers the following issues are likely to arise.
  - 2.1 Whether the proceedings are statute barred as not having been commenced within the time prescribed by the relevant sections of the *Corporations Act 2001 (CWLTH)*, of the *Limitation Act (1974 TAS)*, of the *Limitation Act 1969 (NSW)*, the *Limitation of Actions Act 1958 (VIC)*, of the *Limitation of Actions Act 1936 (SA)*, of the *Limitation Act 2005 (WA)*, of the *Limitation of Actions Act 1974 (QLD)*, of the *Limitation Act 1985 (ACT)* and the *Limitation Act 1981 (NT)*.
  - 2.2 Whether the claim against the Fifth 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 FIFTH CROSS-DEFENDANT'S RESPONSES TO THE FIRST CROSS-CLAIMANT'S CONTENTIONS**

1. The Fifth Cross-Defendant denies the matters alleged in paragraph C 1 e of the First Cross-Claimant's contentions.
2. The Fifth Cross-Defendant denies the matters alleged in paragraph C 2 of the First Cross-Claimant's contentions.
3. The Fifth Cross-Defendant denies the matters alleged in paragraph C 3 of the First Cross-Claimant's contentions.
4. The Fifth 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 Fifth Cross-Defendant repeats the Sixth Cross-Defendant's Further Amended Commercial List Response as filed on 19<sup>th</sup> 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 MEDIATION AT AN APPROPRIATE TIME**

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

**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

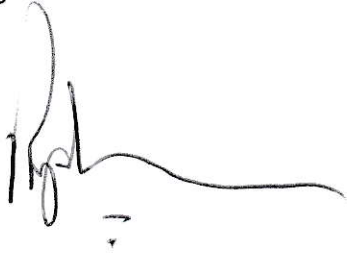
**Robert Henry Graham**

Fifth Cross-Defendant

**Paul Desmond Tesserie**

Sixth Cross-Defendant

Signature of the Fifth Cross-Defendant

A handwritten signature in black ink, consisting of a large, stylized initial 'H' followed by a long, horizontal, slightly wavy line.

Date signed 6<sup>th</sup> September 2021