

EIGHTH CROSS CLAIM

COMMERCIAL LIST CROSS CLAIM SUMMONS

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 009 863 807)
Second plaintiff	Geoffry Edward Underwood
Third defendant	Wayne Leonard Chapman
Number of defendants	11

TITLE OF THIS EIGHTH CROSS CLAIM

Cross Claimant to the Eighth Cross Claim	Catlin Australia Pty Limited (ACN 108 319 786) for and on behalf of S.J. Catlin & Others, Syndicate 2003 at Lloyd's
First Cross Defendant to Eighth Cross Claim	Andrew Gray
Second Cross Defendant to Eighth Cross Claim	Matthew Wallace
Number of Cross Defendants	13

FILING DETAILS

Filed for	Catlin Australia Pty Limited (ACN 108 319 786) for and on behalf of S.J. Catlin & Others, Syndicate 2003 at Lloyd's, the Eighth Cross Claimant
Filed in relation to	Eighth Cross Claim
Legal representative	Matt Andrews Kennedys Level 22, 85 Castlereagh Street, Sydney, NSW, 2000
Legal representative reference	921843 MJA
Contact name and telephone	Matt Andrews + 61 2 8215 5999
Contact email	Matt.Andrews@kennedyslaw.com

HEARING DETAILS

This commercial list cross claim summons is listed at

This document was eFiled on 01 Mar 2022 . Final acceptance has been given.



Principal Registrar &
Chief Executive Officer



RELIEF CLAIMED

1. In the event the Cross Claimant is found to be liable to the Plaintiffs and/or Group Members and/or the Eighth Defendant for the liability (if any) of the former First Defendant (**GPL**), the Third Defendant, the former Fourth Defendant, or the Fifth to Ninth Defendants (**GPL Directors**) (which is denied), a declaration that the Cross Claimant is entitled to be subrogated to the rights of GPL and the GPL Directors against the Cross Defendants.
2. Contribution from each of the Cross Defendants under ss 3(1)(c) and (2) of the *Wrongs Act* 1954 (Tas), or alternatively ss 5(1)(c) and (2) of the *Law Reform (Miscellaneous Provisions) Act* 1946 (NSW), or alternatively any other similar or equivalent provision of any other applicable legislation providing for contribution.
3. Further or alternatively, contribution from each of the Cross Defendants in equity.
4. Interest up to judgment pursuant to s 100 of the *Civil Procedure Act* 2005 (NSW), or any equivalent state legislation.
5. Costs and interest upon costs paid prior to judgment.
6. Such further or other order as the Court thinks 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 defence in these proceedings has reasonable prospects of success.

Signature

Capacity

Matt Andrews, solicitor for the Eighth Cross Claimant

Date

25 February 2022

NOTICE TO CROSS-DEFENDANTS

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 www.lawaccess.nsw.gov.au.

The court registry for limited procedural information.

Court forms are available on the UCPR website at www.ucprforms.nsw.gov.au or at any NSW court registry.

REGISTRY ADDRESS

Street address	Supreme Court of New South Wales, Law Courts Building, Queens Square, 184 Phillip Street, Sydney
Postal address	Supreme Court of New South Wales, GPO Box 3, Sydney NSW 2001
Telephone	1300 679 272

PARTY DETAILS

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

PARTIES TO THIS CROSS-CLAIM

Cross-claimant

Catlin Australia Pty Limited (ACN 108 319 786) for and on behalf of S.J. Catlin & Others, Syndicate 2003 at Lloyd's, the Eighth Cross Claimant

Cross-defendants

Andrew Gray, First Cross Defendant to Eighth Cross Claim

Matthew Wallace, Second Cross Defendant to Eighth Cross Claim

Michael T Hine, Third Cross Defendant to Eighth Cross Claim

Martin M Rees, Fourth Cross Defendant to Eighth Cross Claim

Kenneth Deane, Fifth Cross Defendant to Eighth Cross Claim

Leigh C Franklin, Sixth Cross Defendant to Eighth Cross Claim

Nigel J Briggs, Seventh Cross Defendant to Eighth Cross Claim

Paul J Green, Eighth Cross Defendant to Eighth Cross Claim

David Howie, Ninth Cross Defendant to Eighth Cross Claim

Donald H McKenzie, Tenth Cross Defendant to Eighth Cross Claim

John Lord, Eleventh Cross-Defendant to the Eighth Cross Claim

Brent Murphy, Twelfth Cross Defendant to the Eighth Cross Claim

Michael H Cooke, Thirteenth Cross Defendant to the Eighth Cross Claim