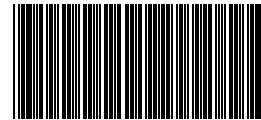




Filed: 26 February 2018 10:22 AM



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## Commercial List Response

### COURT DETAILS

Court	Supreme Court of NSW
Division	Equity
List	Commercial
Registry	Supreme Court Sydney
Case number	2017/00193375

### TITLE OF PROCEEDINGS

First Applicant	TW McConnell Pty Ltd ACN 000 217 890 as trustee for the McConnell Superannuation Fund
First Respondent	SURFSTITCH GROUP LIMITED ACN 602288004
Second Respondent	Justin Peter Cameron

### FILING DETAILS

Filed for	TW McConnell Pty Ltd ACN 000 217 890 as trustee for the McConnell Superannuation Fund, Applicant 1
Legal representative	Glenn McGowan
Legal representative reference	
Telephone	(03) 9252 2587
Your reference	21605811

### 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 Response (Reply - 26 February 2018.pdf)

[attach.]

Practice Note No. SC Eq 3

**COMMERCIAL LIST REPLY TO THE SECOND DEFENDANT'S AMENDED  
COMMERCIAL LIST RESPONSE**

**COURT DETAILS**

Court	<b>Supreme Court of New South Wales</b>
Division	<b>Equity Division</b>
List	<b>Commercial</b>
Registry	<b>Sydney</b>
Case Number	

**TITLE OF PROCEEDINGS**

First plaintiff	<b>TW McConnell Pty Ltd ACN 000 217 890 as trustee for McConnell Superannuation Fund</b>
Number of plaintiffs (if more than 2)	
First Defendant	<b>SurfStitch Group Limited (Administrators Appointed) ACN 602 288 004</b>
Second Defendant	<b>Justin Peter Cameron</b>
Number of defendants if more than 2	
In the matter of	<b>SurfStitch Group Limited ACN 602 288 004</b>

**FILING DETAILS**

Filing for	<b>The Plaintiff</b>
Filed in relation to	<b>Plaintiff's claim</b>
Legal representative	<b>Glenn McGowan QC, Gadens Lawyers</b>
Legal representative reference	<b>GYM:21605811</b>
Contact name and telephone	<b>Glenn McGowan QC, (03) 9252 2587</b>
Contact email	<b><u><a href="mailto:Glenn.McGowan@gadens.com">Glenn.McGowan@gadens.com</a></u></b>

**A. PLAINTIFF'S REPLY**

To the second defendant's amended commercial list response dated 9 February 2018 (**ACLR**), the plaintiff says as follows (adopting the defined terms in the plaintiff's commercial list statement and the **ACLR**):

1. As to paragraph 7 of the **ACLR**, the plaintiff:
  - (a) admits the allegations in paragraph 7(a)(i) and (ii); and
  - (b) admits the allegations in paragraph 7(b).
2. As to paragraph 23(c)(i) of the **ACLR**, the plaintiff:
  - (a) admits that the statements were printed as alleged; and
  - (b) says further that the said statements did not:
    - (i) withdraw, qualify or correct the October Representations; or
    - (ii) disclose to the market the October Information.
3. As to paragraph 38(d)(i) of the **ACLR**, the plaintiff:
  - (a) admits that the statements were printed as alleged; and
  - (b) says further that the said statements did not:
    - (i) withdraw, qualify or correct the November Representations; or
    - (ii) disclose to the market the November Information.
4. As to paragraph 39(c)(i) of the **ACLR**, the plaintiff refers to and repeats paragraph 3 above.
5. As to paragraph 54(f) of the **ACLR**, the plaintiff:
  - (a) admits that the statements in sub-paragraphs 54(f)(i) and (ii) were printed as alleged; and
  - (b) says further that the said statements did not:
    - (i) withdraw, qualify or correct the February Representations; or
    - (ii) disclose to the market the February Information.

Save as to admissions in the **ACLR** and the matters set out in this reply, the plaintiff joins issue with the second defendant upon the whole of his **ACLR**.

**SIGNATURE**

Signature of legal representative

A handwritten signature in blue ink, appearing to be 'John McPherson'.

Capacity

Solicitor on the record.

Date of Signature

26 February 2018