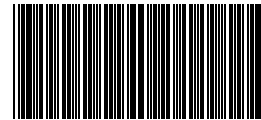




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### Commercial List Response

#### 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

#### TITLE OF THIS CROSS-CLAIM

First Cross Claimant	John Eugene Gay
First Cross Defendant	Gunns Plantations Limited (in Liquidation)
Second Cross Defendant	Gunns Limited (in Liquidation)(Receivers & managers Appointed)
Number of Cross Defendants	10

#### FILING DETAILS

Filed for	Wayne Leonard Chapman, Cross Defendant 3 Rodney John Loone, Cross Defendant 4 Leslie Ralph Baker, Cross Defendant 5 Robert Henry Graham, Cross Defendant 6 Robin Gray, Cross Defendant 7 Paul Desmond Teisseire, Cross Defendant 8
Filed in relation to	Cross-Claim 4
Legal representative	Michael Barrett
Legal representative reference	
Telephone	0412271916

## **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 (GPL - Cross Claim Response (Gay Cross Claim) 07.09.18.pdf)

[attach.]

Form 19 (version 2)  
UCPR 21.10

## COMMERCIAL LIST CROSS-CLAIM RESPONSE

### COURT DETAILS

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

### TITLE OF PROCEEDINGS

First Plaintiff	<b>Giabal Pty Ltd</b> ACN 009 863 807
Second Plaintiff	<b>Geoffrey Edward Underwood</b>
First Defendant	<b>Gunns Plantations Ltd (in Liquidation)</b> ACN 091 232 209
Number of defendants (if more than two)	<b>11</b>

### TITLE OF THIS CROSS-CLAIM

First Cross-Claimant	<b>John Eugene Gay</b>
First Cross-Defendant	<b>Gunns Plantations Ltd (in Liquidation)</b> ACN 091 232 209
Number of Cross-Defendants (if more than two)	<b>10</b>

### PREPARATION DETAILS

Prepared for	<b>Wayne Leonard Chapman</b> , the Third Cross-Defendant <b>Rodney John Loone</b> , Fourth Cross-Defendant <b>Leslie Ralph Baker</b> , Fifth Cross-Defendant <b>Robert Henry Graham</b> , Sixth Cross-Defendant <b>Robin Gray</b> , Seventh Cross-Defendant <b>Paul Desmond Teisseire</b> , Eighth Cross-Defendant
Legal representative	Michael Barrett Thomson Geer
Legal representative reference	MB:4125531
Contact name and telephone	Michael Barrett Tel: 08 8236 1130
Contact email	mbarrett@tglaw.com.au

## PRELIMINARIES

- 1 The terms defined in the Amended Commercial List Statement filed by the Plaintiffs on 6 August 2018 (**ACLS**) and in the Amended Commercial List Responses filed by the Third, Fifth, Sixth, Seventh, Eighth and Ninth Defendants on 24 August 2018 (**ACLRs**) have the same meaning in this document, unless otherwise stated.

### A. NATURE OF DISPUTE

- 1 The Third, Fourth, Fifth, Sixth, Seventh and Eighth Cross-Defendants (**Cross-Defendants**) agree with the general description of the nature of the dispute.

### B. ISSUES LIKELY TO ARISE

- 1 The Cross-Defendants agree that the issues identified by the Cross-Claimants are likely to arise in the Cross-Claim.

### C. CROSS-DEFENDANTS RESPONSES TO CONTENTIONS

- 1 As to paragraph 1 of the Cross-Claimant's Contentions:
  - a. the Third Cross-Defendant repeats against the Cross-Claimants the responses made by the Third Defendant in paragraphs 4, 14-52, 56-64, 69, 73-76, 82-84, 91-94 and 101-103 of section C of the ACLR;
  - b. the Fourth Cross-Defendant repeats against the Cross-Claimants the responses made by the Fifth Defendant in paragraphs 6, 14-52, 56-64, 69, 73-76, 82-84, 91-94 and 101-103 of section C of the ACLR;
  - c. the Fifth Cross-Defendant repeats against the Cross-Claimants the responses made by the Sixth Defendant in paragraphs 7, 14-52, 56-64, 69, 73-76, 82-84, 91-94 and 101-103 of section C of the ACLR;

- d. the Sixth Cross-Defendant repeats against the Cross-Claimants the responses made by the Seventh Defendant in paragraphs 8, 14-52, 56-64, 69, 73-76, 82-84, 91-94 and 101-103 of section C of the ACLR;
  - e. the Seventh Cross-Defendant repeats against the Cross-Claimants the responses made by the Eighth Defendant in paragraphs 9, 14-52, 56-64, 69, 73-76, 82-84, 91-94 and 101-103 of section C of the ACLR; and
  - f. the Eighth Cross-Defendant repeats against the Cross-Claimants the responses made by the Ninth Defendant in paragraphs 10, 14-52, 56-64, 69, 73-76, 82-84, 91-94 and 101-103 of section C of the ACLR.
- 2 The Cross-Defendants deny the matters alleged in paragraph 2 of the Cross-Claimant's Contentions.
  - 3 The Cross-Defendants deny the matters alleged in paragraph 3 of the Cross-Claimant's Contentions.
  - 4 The Cross-Defendants deny that the Cross-Claimants are entitled to the relief sought in paragraph 4 of the Cross-Claimant's Contentions, or any relief against the Cross-Defendants.

#### **D. QUESTIONS APPROPRIATE FOR REFERRAL TO A REFERREE**

- 1 None.

#### **E. MEDIATION STATEMENT**

- 1 The Cross-Defendants agree with the Cross-Claimants' position with respect to mediation.

#### **SIGNATURE**

Signature of legal representative



Capacity

Michael Barrett, Solicitor

Date of signature

7 September 2018

**PARTY DETAILS****PARTIES TO THIS CROSS-CLAIM****Cross-Claimants****John Eugene Gay**

First Cross-Claimant

**Cross-Defendants****Gunns Plantations Ltd (in Liquidation)**

First Cross-Defendant

**Gunns Ltd (in Liquidation) (Receivers and  
Managers Appointed)**

Second Cross-Defendant

**Wayne Leonard Chapman**

Third Cross-Defendant

**Rodney John Loone**

Fourth Cross-Defendant

**Leslie Ralph Baker**

Fifth Cross-Defendant

**Robert Henry Graham**

Sixth Cross-Defendant

**Robin Gray**

Seventh Cross-Defendant

**Paul Desmond Teisseire**

Eighth Cross-Defendant

**Andrew Gray**

Ninth Cross-Defendant

**Mathew Gary Wallace**

Tenth Cross-Defendant