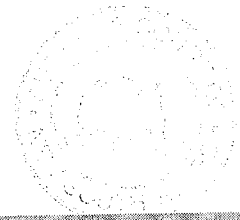


SUMMONS

COURT DETAILS

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

8 MAR 2018



TITLE OF PROCEEDINGS

First Plaintiff **Giabal Pty Ltd** ACN 009 863 807
Second Plaintiff **Geoffry Edward Underwood**
First Defendant **Gunns Plantations Ltd (in Liquidation)** ACN 091 232 209
Second Defendant **Gunns Ltd (in Liquidation) (Receivers and Managers Appointed)** ACN 009 478 148

Number of Defendants 11
Refer to Party Details at rear for full list of parties

FILING DETAILS

Filed for **Giabal Pty Ltd**, ACN 009 863 807 First Plaintiff
Geoffry Edward Underwood, Second Plaintiff

Legal representative Gordon Grieve
Piper Alderman
Legal representative reference GTG.MDM.402437
Contact name and telephone Gordon Grieve Tel: +61 2 9253 9999
Contact email ggrieve@piperalderman.com.au

HEARING DETAILS

This summons is listed at [Time, date and place to be inserted by the registry]. 9:45am on 28/3/18

TYPE OF CLAIM

Other (Commercial List) – Representative proceeding under Part 10 *Civil Procedure Act 2005*

[on separate page]

RELIEF CLAIMED

Declarations that:

1. GPL and Gunns Ltd each acted in breach of trust in respect of the Growers' Trust Money.
2. GPL contravened ss.601FC(1)(b), 601FC(1)(c), 601FC(1)(h), 601FC(1)(i), 601FC(1)(k) 601FC(1)(l) and 601LC of the *Corporations Act 2001* (Cth) (**Act**).
3. the GPL Directors contravened ss.601FD(1)(b), 601FD(1)(c), 601FD(1)(e) and 601FD(1)(f) of the Act.
4. KPMG breached ss.601HG(3) and 601HG(4A) of the Act.
5. pursuant to s.197 of the Act, the GPL Directors are liable for liabilities incurred by GPL as a trustee.
6. pursuant to s.197 of the Act, the Fourth Defendant is liable for liabilities incurred by Gunns Ltd as custodian.

Orders that:

7. GPL, the GPL Directors, the Fourth Defendant, KPMG and Gunns Ltd pay equitable compensation to the Plaintiffs and the Group Members in respect of the breaches of trust for the loss set out at subparagraph **Error! Reference source not found.** below;
8. pursuant to s.601MA of the Act, GPL pay to the Plaintiffs and the Group Members the amount of the loss or damage referred to in subparagraph **Error! Reference source not found.** below; and
9. pursuant to s.1325(5)(e) of the Act, GPL, Gunns Ltd, the GPL Directors, the Fourth Defendant, and KPMG pay to the Plaintiffs and the Group Members the amount of the loss or damage referred to in subparagraph **Error! Reference source not found.** below.
10. alternatively, pursuant to s.1325(5)(d) of the Act, GPL, Gunns Ltd, the GPL Directors, the Fourth Defendant, and KPMG pay to the Plaintiffs and Group Members the amount of the loss or damage referred to in subparagraph **Error! Reference source not found.**

below by way of refund of the Plaintiffs' initial investment in the Gunns Woodlot Schemes.

11. pursuant to s.100 of the *Civil Procedure Act 2005 (NSW) (CPA)*, GPL, Gunns Ltd, the GPL Directors, the Fourth Defendant, and KPMG pay to the Plaintiffs and Group Members interest on any amount ordered to be paid by them respectively pursuant to paragraphs 7 to 10 above.
12. Interest.
13. Costs.
14. 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 claim for damages in these proceedings has reasonable prospects of success.

I have advised the plaintiffs that court fees may be payable during these proceedings. These fees may include a hearing allocation fee.

Signature



Capacity

Solicitor on record for the Plaintiffs

Date of signature

8 March 2018

NOTICE TO DEFENDANT

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the relief claimed in the summons and for the plaintiff's costs of bringing these proceedings.

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 summons very carefully. If you have any trouble understanding it or require assistance on how to respond to the 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 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.justice.nsw.gov.au or at any NSW court registry.

REGISTRY ADDRESS

Street address	184 Phillip Street, Sydney NSW 2000
Postal address	Supreme Court of NSW, GPO Box 3, Sydney NSW 2001, Australia
Telephone	1300 679 272

PARTIES TO THE PROCEEDINGS**Plaintiffs****Giabal Pty Ltd**

First Plaintiff

Geoffry Edward Underwood

Second Plaintiff

Defendants**Gunns Plantations Limited (in Liquidation)**

First Defendant

Gunns Limited (in Liquidation)

Second Defendant

Wayne Leonard Chapman

Third Defendant

John Eugene Gay

Fourth Defendant

Rodney John Loone

Fifth Defendant

Leslie Ralph Baker

Sixth Defendant

Robert Henry Graham

Seventh Defendant

Robin Gray

Eighth Defendant

Paul Desmond Teisseire

Ninth Defendant

Andrew Gray (KPMG partner)

Tenth Defendant

Mathew Gary Wallace (KPMG partner)

Eleventh Defendant

PARTY DETAILS**PARTIES TO THE PROCEEDINGS****Plaintiffs****Giabal Pty Ltd**

First Plaintiff

Geoffry Edward Underwood

Second Plaintiff

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

First Defendant

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

Second Defendant

Wayne Leonard Chapman

Third Defendant

John Eugene Gay

Fourth Defendant

Rodney John Loone

Fifth Defendant

Leslie Ralph Baker

Sixth Defendant

Robert Henry Graham

Seventh Defendant

Robin Gray

Eighth Defendant

Paul Desmond Teisseire

Ninth Defendant

Andrew Gray (KPMG Partner)

Tenth Defendant

Mathew Gary Wallace

Eleventh Defendant

FURTHER DETAILS ABOUT PLAINTIFFS**First Plaintiff**

Name

Giabal Pty Ltd

Address

C/- Sands & Associates

156 Hume Street

TOOWOOMBA QLD 4350

Second Plaintiff

Name Geoffrey Underwood
 Address Sixth Floor Wentworth Chambers
 180 Phillip Street
 SYDNEY NSW 2000

Legal representative for Plaintiffs

Name Gordon Grieve
 Practising certificate number 30216
 Firm Piper Alderman
 Contact solicitor McKenzie Moore
 Address Level 23
 Governor Macquarie Tower
 1 Farrer Place
 Sydney NSW 2000
 DX address DX 10216 Sydney Stock Exchange
 Telephone +61 2 9253 9999
 Fax +61 2 9253 9900
 Email ggrieve@piperalderman.com.au

DETAILS ABOUT DEFENDANTS**First Defendant**

Name Gunns Plantations Limited (in Liquidation)
 Address C/- PPB Advisory
 Level 21 181 William Street
 MELBOURNE VIC 3000

Second Defendant

Name Gunns Limited (in Liquidation) (Receivers and Managers
 Appointed)
 Address C/- PPB Advisory
 Level 21 181 William Street
 MELBOURNE VIC 3000

Third Defendant

Name Wayne Leonard Chapman
 Address 

Fourth Defendant

Name John Eugene Gay
 Address 

Fifth Defendant

Name Rodney John Loone

Address 

Sixth Defendant

Name Leslie Ralph Baker

Address 

Seventh Defendant

Name Robert Henry Graham

Address 

Eighth Defendant

Name Robin Gray

Address 

Ninth Defendant

Name Paul Desmond Teisseire

Address 

Tenth Defendant

Name Andrew Gray

Address 

Eleventh Defendant

Name Mathew Gary Wallace

Address 

Legal representative for plaintiffs

Name Gordon Grieve
Practising certificate number 30216
Firm Piper Alderman
Contact solicitor McKenzie Moore

Address	Level 23 Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000
DX address	DX 10216 Sydney Stock Exchange
Telephone	+61 2 9253 9999
Fax	+61 2 9253 9900
Email	ggrieve@piperalderman.com.au