

M2, C5
5/10/18

Form 10 (version 6)
UCPR 9.1

**FOURTH CROSS-CLAIM
CROSS-SUMMONS**

COURT DETAILS

Court	Supreme Court of New South Wales	
Division	Equity	FILED
List	Commercial List	3 0 AUG 2018
Registry	Sydney	(TL)
Case number	2018/00076580	



TITLE OF PROCEEDINGS

First Plaintiff	Giabal Pty Ltd
Second Plaintiff	Geoffry Edward Underwood
First Defendant	Gunns Plantations Ltd (In Liquidation) (Receivers and Managers Appointed)
Number of Defendants	11

TITLE OF THIS CROSS-CLAIM

Cross-Claimant	John Eugene Gay
First Cross-Defendant	Gunns Plantations Ltd (in Liquidation) (Receivers and Managers Appointed)
Number of Cross-Defendants	10

FILING DETAILS

Filed for	John Eugene Gay, Cross-Claimant
Filed in relation to	Fourth Cross-Claim
Legal representative	Richard Mereine HWL Ebsworth Lawyers
Legal representative reference	RM:NP:881154
Contact name and telephone	Richard Mereine (03) 8644 3656
Contact email	rmereine@hwle.com.au

HEARING DETAILS

A Notice of Listing will be attached and served with this cross-summons

RELIEF CLAIMED

The Cross-Claimant claims:

1. Contribution from each of the Cross-Defendants pursuant to sections 3(1)(c) and 3(2) of the *Wrongs Act 1954* (Tas), alternatively sections 5(1)(c) and 5(2) of the *Law Reform (Miscellaneous Provisions) Act 1946* (NSW), or alternatively any other similar or equivalent provision of any other applicable legislation.
2. Further or alternatively, contribution from each of the Cross-Defendants in equity.
3. Interest up to judgment pursuant to s 100 of the *Civil Procedure Act 2005* (NSW).
4. Costs and interest upon costs paid prior to judgment.
5. Such further or other order as the Court thinks fit.

SIGNATURE OF LEGAL REPRESENTATIVE

I certify under clause 4 of Schedule 2 of 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 this cross-summons has reasonable prospects of success.

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

Signature

Capacity

Date of signature



Richard Alan Mereine, Solicitor for the Cross-Claimant

29 / 08 / 2018

NOTICE TO CROSS-DEFENDANT

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-claim 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.justice.nsw.gov.au or at any NSW court registry.

REGISTRY ADDRESS

Street address: Supreme Court of NSW, Law Courts Building, Queens Square, 184 Phillip Street, Sydney NSW 2000

Postal address: Supreme Court of NSW, GPO Box 3, Sydney NSW 2001

DX: Supreme Court of NSW, DX 829, Sydney NSW

Telephone: 1300 679 272

PARTY DETAILS**PLAINTIFFS CLAIM****Plaintiffs****Giabal Pty Ltd**

First Plaintiff

Geoffry Edward Underwood

Second Plaintiff

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

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

Tenth Defendant

Matthew Gary Wallace

Eleventh Defendant

PARTIES TO THIS FOURTH CROSS-CLAIM

Cross-Claimant

John Eugene Gay

Cross-Claimant

Cross-Defendants

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

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

Matthew Gary Wallace

Tenth Cross- Defendant

NOTICE TO CROSS-DEFENDANTS

Service and Execution of Process Act 1992 - Form 1 [Section 16]

**PLEASE READ THIS NOTICE AND THE ATTACHED DOCUMENT VERY CAREFULLY
IF YOU HAVE ANY TROUBLE UNDERSTANDING THEM YOU SHOULD
GET LEGAL ADVICE AS SOON AS POSSIBLE**

Attached to this notice is a Cross-Summons ("the attached process") issued out of the Supreme Court of New South Wales at Sydney.

Service of the attached process outside New South Wales is authorised by the *Service and Execution of Process Act 1992*.

YOUR RIGHTS

If a court of a State or Territory other than New South Wales is the appropriate court to determine the claim against you set out in the attached process, you may be able to apply to the Supreme Court of New South Wales to have the proceeding transferred to another Supreme Court, or another superior court.

If you think the proceeding should be stayed or transferred you should get legal advice as soon as possible.

CONTESTING THIS CLAIM

If you want to contest this claim, you must take any action set out in the attached process as being necessary to contest the claim.