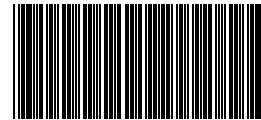




Filed: 26 February 2018 10:22 AM



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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	Supreme Court of New South Wales
Division	Equity Division
List	Commercial
Registry	Sydney
Case Number	

TITLE OF PROCEEDINGS

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

FILING DETAILS

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

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