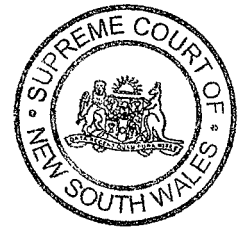


FILED

- 3 JUL 2019



## FOURTH CROSS-CLAIM CROSS-SUMMONS

D.E.

### COURT DETAILS

Court Supreme Court  
Division Equity  
List Commercial  
Registry Sydney  
Case number ~~2017/00294069~~ & 2018/00052431 - 017

### TITLE OF PROCEEDINGS

~~Proceeding 2017/00294069~~  
~~First Plaintiff Haliburton Charles David Findlay~~  
~~Second Plaintiff Marian Jennifer Denny Findlay~~  
~~First Defendant DSHE Holdings Limited ACN 166 237 841~~  
~~(receivers and managers appointed) (in liquidation)~~  
~~Number of Defendants 457~~  
**Proceeding 2018/00052431**  
First Plaintiff **Epaminondas Mastoris**  
Second Plaintiff **Lena Mastoris**  
First Defendant **DSHE Holdings Limited ACN 166 237 841**  
**(receivers and managers appointed) (in liquidation)**  
Number of Defendants **457**

### TITLE OF THIS CROSS-CLAIM

First Cross-Claimant **David Robert White t/as Deloitte Touche Tohmatsu**  
**(ABN 74 490 121 060)**  
Number of Cross-Claimants **455**  
Refer to Party Details at rear for full list of parties  
First Cross-Defendant **DSHE Holdings Limited ACN 166 237 841**  
**(receivers and managers appointed) (in liquidation)**  
Number of Cross-Defendants **3**  
Refer to Party Details at rear for full list of parties

### FILING DETAILS

Filed for **David Robert White & Ors listed in Schedule 1**  
**trading as Deloitte Touche Tohmatsu**  
**(ABN 74 490 121 060),**  
1<sup>st</sup> to 454<sup>th</sup> Cross-Claimants to the  
Fourth Cross-Claim  
**Deloitte Corporate Finance Pty Limited,**  
455<sup>th</sup> Cross-Claimant to the Fourth Cross-Claim  
Fourth Cross-Claim  
Legal representative Angela Pearsall, Clifford Chance  
Legal representative reference 21-40668614 / 21-40675324  
Contact name and telephone Angela Pearsall / Jack Oakley, +61 2 8922 8000  
Contact email [angela.pearsall@cliffordchance.com](mailto:angela.pearsall@cliffordchance.com) /  
[jack.oakley@cliffordchance.com](mailto:jack.oakley@cliffordchance.com)

### HEARING DETAILS

This cross-summons is listed at 9am on 8 July 2019.

**RELIEF CLAIMED**

- 1 To the extent that leave may be necessary, an order that the Cross-Claimants have leave to proceed against the First Cross-Defendant pursuant to s 500 of the *Corporations Act 2001* (Cth) (**Corporations Act**).
- 2 An order that the Cross-Defendants pay the 1<sup>st</sup> to 454<sup>th</sup> Cross-Claimants (**Deloitte**) an amount of money to be determined by the Court by way of damages or compensation pursuant to ss 236 and 237 of the *Australian Consumer Law (NSW)* (**ACL NSW**) (being Schedule 2 to the *Competition and Consumer Act 2010* (Cth)) and/or ss 12GF and 12GM of the *Australian Securities and Investments Commission Act 2001* (Cth) (**ASIC Act**) and/or ss 729, 1041I and 1325 of the *Corporations Act*.
- 3 An order that the Cross-Defendants pay the 455<sup>th</sup> Cross-Claimant (**DCF**) an amount of money to be determined by the Court by way of damages or compensation pursuant to ss 236 and 237 of the *ACL NSW* and/or ss 12GF and 12GM of the *ASIC Act* and/or ss 729, 1041I, 1317H and 1325 of the *Corporations Act*.
- 4 An order that the Cross-Defendants pay Deloitte an amount of money to be determined by the Court by way of equitable contribution and/or (in the case of the First Cross-Defendant) pursuant to s 5 of the *Law Reform Miscellaneous Provisions Act 1946* (NSW) (**LRMP Act**).
- 5 An order that the Cross-Defendants pay DCF an amount of money to be determined by the Court by way of equitable contribution and/or (in the case of the First Cross-Defendant) pursuant to s 5 of the *LRMP Act*.
- 6 An order that any amount awarded by the Court pursuant to the First to Third Cross-Claims in this Proceeding be set off against the amount or amounts that the Court orders any of the corresponding Cross-Defendants to pay to Deloitte pursuant to this Fourth Cross-Claim Cross-Summons.
- 7 An order that any amount awarded by the Court pursuant to the First Cross-Claim in this Proceeding be set off against the amount or amounts that the Court orders the First Cross-Defendant to pay to DCF pursuant to this Fourth Cross-Claim Cross-Summons.
- 8 An injunction pursuant to s 232 of the *ACL NSW*, s 12GD of the *ASIC Act*, s 1324 of the *Corporations Act* and/or the inherent jurisdiction of the Court, restraining the prosecution of, and/or recovery in respect of, the First to Third Cross-Claims.
- 9 Interest up to judgment pursuant to s 100 of the *Civil Procedure Act 2005* (NSW) for the relevant period and at a rate that the Court determines.

- 10 Costs.
- 11 Interest on costs.
- 12 Such further or other orders as the Court sees 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 this cross-summons has reasonable prospects of success.

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

Signature



Capacity

Solicitor on record

Date of signature

2 July 2019

### **NOTICE TO CROSS-DEFENDANTS**

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-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 cross-summons from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at [www.lawaccess.nsw.gov.au](http://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](http://www.ucprforms.justice.nsw.gov.au) or at any NSW court registry.

**REGISTRY ADDRESS**

Street address	Law Courts Building 184 Phillip Street Sydney NSW 2000
Postal address	GPO Box 3 Sydney NSW 2001
Telephone	1300 679 272

**PARTY DETAILS**

A list of parties must be filed and served with this cross-summons.

**PARTIES TO THIS CROSS-CLAIM****Cross-claimants**

**David Robert White,**  
First Cross-Claimant

**Each of the persons as listed in Schedule 1,**  
Second to 454<sup>th</sup> Cross-Claimants

**Deloitte Corporate Finance Pty Limited,**  
455<sup>th</sup> Cross-Claimant

**Cross-defendants**

**DSHE Holdings Limited ACN 166 237 841**  
**(receivers and managers appointed)**  
**(in liquidation)**

First Cross-Defendant

**Nicholas Abboud**  
Second Cross-Defendant

**Michael Thomas Potts**  
Third Cross-Defendant

**SCHEDULE 1 – 2<sup>ND</sup> TO 454<sup>TH</sup> CROSS-CLAIMANTS**

<b>Cross-Claimant No.</b>	<b>Name</b>
2	Brett Douglas Streatfeild
3	Sneza Pelusi
4	James Patrick Hickey
5	Alastair Banks
6	Tara Cathy Hill
7	Paul Jeremy Klein
8	Frank Scott Farrall
9	Christopher Donald Noble
10	Alec Paul Bash Insky
11	George Nicholas Kyriakakis
12	Roan Rolles Fryer
13	Stuart Johnston
14	Kaylene O'Brien
15	Craig Patrick O'Hagan
16	Leanne Karamfiles
17	Neil Graham Smith
18	Demostanies Krallis
19	David John Lombe
20	Christian John Biermann
21	Jonathan Paul
22	Michael James Clarke
23	Roger Jeffrey
24	Rachel Andrea Foley-Lewis
25	Franco Claudio Santucci
26	Michelle Robyn Hartman
27	Matthew Christopher Saines
28	Francis Thomas
29	Robert Basker
30	Alan Eckstein
31	Donal Graham
32	Andrew Raymond Hill
33	Patrick Mclay
34	Paul Bernal Liggins
35	David Ocello

36	Paul Scott Holman
37	Paul Robert Wiebusch
38	Murray Peck
39	Julie Michelle Stanley
40	John Bland
41	Timothy Carberry
42	Alvaro Ramos
43	Graeme John Adams
44	Suzanne Archbold
45	Tim Richards
46	Timothy Geoffrey Maddock
47	Xenia Delaney
48	Reuben Saayman
49	Ronaldus Lambertus Van Beek
50	Liesbet Ann Julliette Spanjaard
51	Christopher John Richardson
52	Martin Harry Read
53	Mark Reuter
54	Stuart Thomas Ciocarelli
55	Paul Wayne Hockridge
56	Vikas Khanna
57	Paul Thomas Carr
58	Weng Yen Ching
59	Rodger Stewart Muir
60	Mark Cover
61	Robert Hillard
62	Michael John Lynn
63	Gaile Anthea Pearce
64	Isabelle Emilienne Lefevre
65	Phillip Andrew Roberts
66	Stuart Alexander Rodger
67	Paul Leonard Wensor
68	Claudio Cimetta
69	Simon Tarte
70	Stephen Charles Gustafson
71	Geoffrey William Cowen
72	Geoffrey Gill

73	Steven John Simionato
74	Jason John Handel
75	Declan O'Callaghan
76	Michael Andrew Kissane
77	Kurt Proctor-Parker
78	Richard Davies Wanstall
79	Johan Simon Duivenvoorde
80	Benjamin John Shields
81	John Meacock
82	Ian Michael Turner
83	David Harradine
84	Muhunthan Kanagaratnam
85	Marc Philipp
86	Kamlee Anne Coorey
87	Hugh William Mosley
88	Paul Masters
89	David Shane Egan
90	Alison Margaret Brown
91	Stavroula Papadatos
92	Damien Tampling
93	Alexandra Jane Spark
94	Monica Ellen Campigli
95	Craig Peter Mitchell
96	Robert John McConnel
97	Alyson Rodi
98	Andrew Charles Price
99	Mark Hadassin
100	Anthony James Robinson
101	Garry Ian Millhouse
102	Ashley Graham Miller
103	Craig Stephen Smith
104	Margaret Lynne Pezzullo
105	Adam Barringer
106	Campbell James Jackson
107	Jason Charles Crawford
108	Kevin Michael Russo
109	Adele Christine Watson

110	Neil Anthony Brown
111	Gordon James Thring
112	Brett William Greig
113	Steven James Shirliff
114	Robert Donald Collie
115	Spyros Kotsopoulos
116	Austin John Scott
117	Jenny Lyn Wilson
118	Peter John Bars
119	Elizma Bolt
120	Stephen Thomas Harvey
121	Fiona Lea Cahill
122	Jonathan Mark Schneider
123	Michael McNulty
124	Katherine Louise Howard
125	Juliet Elizabeth Bourke
126	Peter Gerard Forrester
127	Carl Jonathan Gerrard
128	Jody Michelle Burton
129	Rachel Frances Smith
130	Peter Martin Rupp
131	Helen Elena Fisher
132	Geoffrey Ronald Sincock
133	Nicholas Harwood
134	John Clement Malcom Randall
135	Todd Kayle Fielding
136	Geoffrey Bruce Stalley
137	Russell Bradley Norman Mason
138	Paul Leon Rubinstein
139	Andrew Ignatius Muir
140	Lisa Barry
141	Alfred Alan Nehama
142	Michael Paul Stibbard
143	Paul Childers
144	Angelo Karelis
145	Sarah Caroline Woodhouse
146	Richard John Hughes



147	Christopher Robert Masterman
148	Robin Polson
149	Megan Joy Field
150	Christopher Guy Nunns
151	Clare Helen Harding
152	Simon Cook
153	Stephen Carl Tarling
154	Leslie Coleman
155	Samuel James Vorvverg
156	Helen Hamilton-James
157	Coert Grobbelaar Du Plessis
158	Stephen George Stavrou
159	Steven Christopher Cunico
160	Mark Ekkel
161	Soulla McFall
162	Leigh Matthew Pieroni
163	Mark Colin Woodley
164	Stephen James Healey
165	Sandeep Chadha
166	Margaret Clare Bower
167	Anna Victoria Crawford
168	Robert Howard Dowling
169	Greg Janes
170	Colin McKay Methven Scott
171	Richard Mark Simes
172	Dharmalingum Shunmugam Chithiray
173	Nicole Mari Vignaroli
174	John Giannakopoulos
175	Vaughan Neil Strawbridge
176	Judith Anne Donovan
177	Nicole Wakefield
178	Paula Teresa Capaldo
179	Michael Rath
180	Karen Rachel Stein
181	Brett Todd
182	Julian Craig Dolby
183	Robert Kim Arvai

184	Catherine Jane Hill
185	Richard Michael Thomas
186	Timothy John Gullifer
187	Peter James Pagnois
188	Michael Damon Cantwell
189	Joseph Frank Galea
190	Nicolette Louise Ivory
191	John Leotta
192	Darren James Hall
193	Stephen Huppert
194	Elma Von Vielligh-Louw
195	Michael Anthony Kennedy
196	Stuart James Alexander
197	Yi Mei Tsang
198	Christopher Wilson
199	Joshua David Tanchel
200	Tendal Sitenisiyo Mkwanzani
201	Richard Nigel Raphael
202	Jacqueline Ann Clarke
203	Rodney James Whitehead
204	Heather Park
205	John Lethbridge Greig
206	Adrian Charles O'Dea
207	Grant Cameron
208	Gregory Couttas
209	Steven Allan Hernyl
210	Gary John McLean
211	Jonathan Ma
212	Suzie Gough
213	Mark Douglas Ian Allsop
214	Jennifer Anne Exner
215	Ryan Quintin Hansen
216	Jamie Brian Hamilton
217	David Mark Hill
218	Jason Bruce Dunnachie
219	John Christopher McCourt
220	Gerhard Vorster

221	David John Boyd
222	Andrew Kingsley Johnstone-Burt
223	Dwayne Barrie Sleep
224	David Black
225	Gerard Michael Meade
226	Francis Patrick O'Toole
227	Tony Garrett
228	Danny Rezek
229	Mark Goldsmith
230	David Watkins
231	Patrick Broughan
232	Jeremy Drumm
233	Michael John Whyte
234	Mark Andrew Stretton
235	Weng Wee Ching
236	Robert Malcolm Spittle
237	Marisa Orbea
238	Frances Rita Borg
239	David Barrie Brown
240	David Sherwin McClosley
241	Philip Walter Teale
242	Jan Hein Alexander Alpert
243	Katherine Anne Milesi
244	Kevin Kiazm Nevrous
245	Andrew Paul Annand
246	Carl Richard Harris
247	Philip Malcolm Moore Hardy
248	Derek Rodney Bryan
249	Gregory Gyorgy Janky
250	David John Redhill
251	Guillaume Johannes Swiegers
252	Peter Ronald Ryan
253	Brennan Ursula
254	Fiona Dawn Craig
255	Sarah Lane
256	George Stathos
257	Richard Adam Young

258	Marc Hofmann
259	Brad Joel Pollock
260	Mark Justin Kuzma
261	Warren Green
262	Stuart Osborne
263	Garry Lance Bourke
264	Andrew Vaughn Griffiths
265	Adam Powick
266	Margaret Dreyer
267	Timothy Bryce Norman
268	David McCarthy
269	Neil Pereira
270	Michael Robert Gastevich
271	Elizabeth Ann Brown
272	Lakshman Kumar Gunaratnam
273	Monish Paul
274	Alexander Collinson
275	Bruce John Williamson
276	Luke Bramwell Houghton
277	Aldrin Anthony De Zilva
278	Neil McLeod
279	Gerard Lucien Belleville
280	Michael Kaplan
281	Mark David Irving
282	Alison Lorna White
283	Haiderali Hussein Hussein
284	Martyn Charles Barrett Strickland
285	Caroline Jane Bennet
286	Christopher Robert Campbell
287	Gary Peter Doran
288	Mark Steven Wright
289	Peter Matruglio
290	John Koutsogiannis
291	Selvvyn Peter D'Souza
292	Keith William Skinner
293	Clive Charles Alan Mottershead
294	Karen Lynette Green

295	Jason Mark Thorne
296	Andrew Stuart Christopher Reid
297	Mark Richard Weaver
298	Matthew Robert Broadfoot
299	Michael Mauro De Palo
300	Peter Arthur Caldwell
301	Tracey Con Dous
302	Shelley Rae Nolan
303	Ian Grant Levi
304	Grant Arthur Hyde
305	Timothy Francis Nugent
306	Andrea Csontos
307	Geoffrey Colin Lamont
308	Christopher John Nicoloff
309	Craig Maxwell Bryan
310	Peter Madden
311	Jeremy Jurriaan Wlaton Cooper
312	Neil Robert Cussen
313	Robert Southern
314	Andy Peck
315	Colin Radford
316	Hendri Mentz
317	Robert Nguyen
318	Shinji Tsutsui
319	Philippa Simone Dexter
320	Timothy Fleming
321	Cynthia Hook
322	James Campbell Down
323	Kate McDonald
324	Stephen John Coakley
325	Keith Francis Jones
326	Serg Duchini
327	Stephen James Reid
328	Max Andreas Persson
329	Graham Mott
330	Anthony John Viel
331	David Joseph Murray

332	Richard Antony Jamieson
333	Bradley James Burt
334	Anthony Goroslav Buntic
335	Paul Gerard Fogarty
336	Jamie Christopher Gatt
337	Geoffrey Ian Roberts
338	Melissa Jayne Cabban
339	Matthew Fraser
340	Thomas Fredrick Viljoen
341	Julie Christine Crisp
342	Paul Bernard Riley
343	Salvatore Algeri
344	Ross Ian Jerrard
345	Avi Sharabi
346	Ian Geoffrey Sanders
347	Dale McCauley
348	Iain Maxwell Gerrard
349	David Hobbis
350	Scott Conrad Bailey
351	Stephen Gregory Brown
352	Ian Ross Harper
353	Shashi Vicknekumeran Sivayoganathan
354	Jowita Gartlan
355	Mark Ingham
356	Viswa Phani Kumar Padiseti
357	Ian Charles Thatcher
358	Ian Andrew Trevorah
359	Dennis Leslie Moth
360	Jacques Louis Van Rhyn
361	Paul Swinhoe
362	Greg Fitzgerald
363	Steven Alexander Hallam
364	Stuart Lynn Black
365	Stephen Woosnam
366	Andrew John Culley
367	Stephen James Ferris
368	Timothy Arbuckie

369	David Arnis Rumbens
370	Matthew James Williams
371	Jason Frederick Bender
372	Patrick Lane
373	Martin Paul Langridge
374	Caithlin Mary McCabe
375	Simon Alexander Wallace-Smith
376	Adrian Clyde Batty
377	Tapan Parekh
378	Masaaki Mark Nakamura
379	Roger Geoffrey McBain
380	Graeme John Hodge
381	Rick Shaw
382	Marina Ruth Stuart
383	Tom Christopher Imbesi
384	Eric Angelucci
385	Harvey Christophers
386	John Kingsley Rawson
387	Mark Richard Sercombe
388	Phillip Kravaritis
389	Gary Christie
390	Wayne Edward Walker
391	John Womack
392	Peter Grainger
393	Samantha Louise Lewis
394	Ashley Jonathon King
395	Peter Francis Williams
396	Alexander Aitken
397	Timothy Gordon Biggs
398	Ian McCall
399	Johannes Laubscher Venter
400	Roberto Dimonte
401	Alan Gordon Weeks
402	Ian John Breedon
403	Peter Michael Roberson
404	Michael David Nelson
405	Lindsay James Stanton

406	Craig Paul Johnson
407	Timothy Riordan
408	Anthony James Cipriano
409	Phil Hopwood
410	Dai-Trang Le Duncanson
411	David Jonathan Graham
412	Andre Spnovic
413	William Harold Wardrop
414	David Erskine Thompson
415	David Kyffin Willington
416	Stephen Mark Holdstock
417	Dean John Grandy
418	Harold Scott Payne
419	Jean-Marie Ab-Ghanem
420	Fraser Ross
421	Roberto Krizman
422	Caroline McGlashan
423	William Robert McAinsh
424	Osamu Uchimura
425	Glendon Moss Sanford
426	Simon James Lester
427	Stephen James Jones
428	Kristen Jay Wydell
429	John Guthrie Hood
430	Paul Martin Radici
431	Frank Klasic
432	Mark John Pittorino
433	David Anthony Cooper
434	Matthew Sheerin
435	Tony Brain
436	Henry John Kidd
437	Matt Gerald Tengu Whitesky Kuperholz
438	Gordon Pattison
439	Branko Panich
440	Julian Christopher Cheng
441	David William Pring
442	Peter Andre Jovic



443	Craig Goldberg
444	Bruce Robert Dungey
445	Dean Robert Edward Kingsley
446	David Alan Watson
447	Bernard Spencer Gild
448	Graham John Newton
449	Dwight Murray Hooper
450	Michael Rosendorfer
451	Richard Roy Porter
452	John George Azarias
453	Donna Maree Carey
454	Christopher Paul Cass