

SIXTH CROSS-CLAIM
COMMERCIAL LIST CROSS-CLAIM RESPONSE OF THE FIRST
CROSS-DEFENDANT

COURT DETAILS

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

TITLE OF PROCEEDINGS

First Plaintiff	Giabal Pty Ltd ACN 009 863 807
Second Plaintiff	Geoffry Edward Underwood
Third Defendant	Wayne Leonard Chapman
Number of defendants (if more than two)	11

TITLE OF THE CROSS-CLAIM

First cross-claimant	Robin Gray
First cross-defendant	Wayne Leonard Chapman
Number of cross-defendants	6

PREPARATION DETAILS

Prepared by	Wayne Leonard Chapman , Third Defendant / First Cross-Defendant
Legal representative	Nil
Contact name and telephone	Tel: 0417 310 077
Contact email	lenyawc@gmail.com

A NATURE OF DISPUTE

- 1 The First Cross-Defendant agrees with the general description of the nature of the dispute.
- 2 To the extent that the dispute concerns allegations made by the First Cross-Claimant against the First Cross- Defendant, the First Cross- Defendant disputes the First Cross-Claimant allegations in the Commercial List Cross-

Claim Statement (**CLCCS**) as more fully set out below in the First Cross-Defendant's responses to the First Cross-Claimant's Contentions.

B ISSUES LIKELY TO ARISE

1 The First Cross-Defendant agrees that the issues identified by the First Cross-Claimant are likely to arise in the proceeding.

2 In addition, the First Cross-Defendant considers the following issues are likely to arise:

2.1 Whether the proceeding is statute barred as not having been commenced within the time prescribed by sections 1317K and 1325(4) of the *Corporations Act 2001* (Cth), section 24(2) of the *Limitation Act 1974* (TAS), section 48 of the *Limitation Act 1969* (NSW), section 21 of the *Limitation of Actions Act 1958* (VIC), sections 31 and 32 of the *Limitation of Actions Act 1936* (SA), section 27 of the *Limitation Act 2005* (WA), section 27 of the *Limitation of Actions Act 1974* (QLD), section 11 of the *Limitation Act 1985* (ACT) or section 33 of the *Limitation Act 1981* (NT);

2.2 Whether the claim against the First Cross-Defendant is an apportionable claim within the meaning of section 43A(1) of the *Civil Liability Act 2002* (TAS) or further or alternatively section 34(1) of the *Civil Liability Act 2002* (NSW).

C. FIRST CROSS-DEFENDANT'S RESPONSES TO FIRST CROSS-CLAIMANT'S CONTENTIONS

1 The First Cross-Defendant denies the matters alleged in paragraph C 1 f. of the First Cross-Claimant's Contentions.

2. The First Cross-Defendant denies the matters alleged in paragraph C 2 of the First Cross-Claimant's Contentions.

3. The First Cross-Defendant denies the matters alleged in paragraph C 3 of the First Cross-Claimant's Contentions.

4. The First Cross-Defendant denies the matters alleged in paragraph C 4 of the First Cross-Claimant's Contentions.

5. In further answer to the whole of the First Cross-Claimant's Contentions the First Cross-Defendant repeats the Third Defendant's Further Amended Commercial List Response filed on the 19 February 2021.

D QUESTIONS APPROPRIATE FOR REFERRAL TO A REFEREE

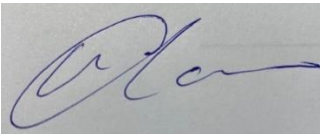
None.

E. STATEMENT AS TO WHETHER THE PARTIES HAVE ATTEMPTED MEDIATION, WHETHER THE PARTY IS WILLING TO PROCEED TO MEDATION AT AN APPROPRIATE TIME

The First Cross-Defendant is willing to attempt mediation at an appropriate time.

SIGNATURE

Signature of the First Cross-Defendant

A handwritten signature in blue ink, appearing to be 'D. Khan', written on a light-colored background.

Date of signature

19 day of July 2021

PARTY DETAILS

Cross-Claimant

Robin Gray
First Cross-Claimant

Cross-Defendants

Wayne Leonard Chapman
First Cross-Defendant

John Eugene Gay
Second Cross-Defendant

Rodney John Loone
Third Cross-Defendant

Leslie Ralph Baker
Fourth Cross-Defendant

Robert Henry Graham
Fifth Cross-Defendant

Paul Desmond Teisseire
Sixth Cross-Defendant

