

Carling J
FILED

3 0 APR 2018

Form 8 (version 5)

UCPR 14.4



**REPLY TO THIRD DEFENDANT'S DEFENCE TO
SECOND AMENDED STATEMENT OF CLAIM**

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
List	General
Registry	Sydney
Case number	2015/310264

TITLE OF PROCEEDINGS

Plaintiff	Laurence Kelvin Eades
First Defendant	Endeavour Energy (ABN 59 253 130 878)
Second Defendant	Asplundh Tree Expert (Australia) Pty. Ltd. (ABN 83 055 140 424)
Third Defendant	Pinnacle Career Development Pty Ltd (ABN 73 115 138 326)

FILING DETAILS

Filed for	Laurence Kelvin Eades, the plaintiff
Legal representative	Brendan Pendergast, Maddens Lawyers 219 Koroit street, Warrnambool, Victoria, 3080 DX:28001 Tel: (03) 55602000
Legal representative reference	BFP:SMM
Contact name and telephone	Brendan Pendergast, (03) 55602000
Contact email	kae@maddenslawyers.com.au

PLEADINGS AND PARTICULARS

The plaintiff pleads as follows in reply to the numbered paragraphs of the third defendant's Defence to the Second Amended Statement of Claim **(the Pinnacle Defence)**:¹

1. He admits paragraph 89(a).

¹ Capitalised expressions in this Reply have the meaning defined in the Second Amended Statement of Claim filed 20 December 2017 and/or in the Pinnacle Defence filed 23 March 2018;


2. In reply to paragraph 111:

- (a) he admits that claims made in these proceedings, other than claims in respect of personal injury, are apportionable claims within the meaning of the *Civil Liability Act 2002 (NSW)*(Act);
- (b) each of the First and Second Defendants is a concurrent wrongdoer within the meaning of s34 of the Act;
- (c) he otherwise does not admit paragraph 111.

SAVE AS AFORESAID and save as to the admissions contained therein, the plaintiff joins issue with the whole of the Pinnacle Defence.

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 reply has reasonable prospects of success.

Signature 

Capacity

Date of signature 24.04.18

KATHRYN AMY EMENY
of Maddens Lawyers 219 Koroit Street
Warrnambool An Australian legal practitioner
within the meaning of the Legal Profession
Uniform Law (Victoria)

AFFIDAVIT VERIFYING

Name Kathryn Amy Emeny
Address 219 Koroit Street, Warrnambool, Victoria 3280
Occupation Lawyer
Date 24 April 2018

I, Kathryn Amy Emeny of 219 Koroit Street, Warrnambool, Victoria, Solicitor, make oath and say as follows:

1 I believe that the allegations in this Reply are true.

SWORN at Warrnambool
Victoria

Signature of deponent



Signature of witness



Name of witness

Address of witness

Capacity of witness

JESSICA LEE WALKER
of Maddens Lawyers 219 Koroit Street
Warrnambool An Australian legal practitioner
within the meaning of the Legal Profession
Uniform Law (Victoria)