

DEFENCE

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
List	General List
Registry	Sydney
Case number	2015/62086

FILED

05 MAY 2015



TITLE OF PROCEEDINGS

Plaintiff	NAVROZOGLOU STEVEN ANDREW by his tutor Alan Navrozoglou
First defendant	ICM GROUP FINANCE PTY LTD (ACN 106 665 338)
Number of defendants	3

FILING DETAILS

Filed for	ICM Group Finance Pty Ltd and ICM Group Pty Ltd and Michael James O'Shea, defendants
Legal representative	Murray Dribbus Dribbus Kovacevic Lawyers
Legal representative reference	PCN: 26621 NSW Ref: AP:RR:20150192
Contact-name and telephone	Austin Pitman Tel. (02) 4229 5822
Contact email	office@dklawyers.com.au

HEARING DETAILS

If the proceedings do not already have a listing date, they are to be listed at

PLEADING AND PARTICULARS

The Defendants say as follows in answer to the Statement of Claim:

1. The Defendants do not admit paragraph 1 of the Statement of Claim ("the SOC").
2. The Defendants do not admit paragraph 2 of the SOC.
3. The Defendants admit paragraph 3 of the SOC.
4. The Defendants admit paragraph 4 of the SOC.

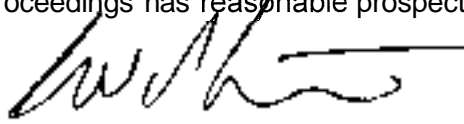
5. The Defendants admit paragraph 5 of the SOC.
6. The Defendants do not admit paragraph 6 of the SOC.
7. The Defendants do not admit paragraph 7 of the SOC.
8. The Defendants do not admit paragraph 8 of the SOC.
9. The Defendants do not admit paragraph 9 of the SOC.
10. The Defendants do not admit paragraph 10 of the SOC.
11. The Defendants do not admit paragraph 11 of the SOC.
12. The Defendants deny paragraph 12 of the SOC.
13. The Defendants do not admit paragraph 13 of the SOC.
14. The Defendants do not admit paragraph 14 of the SOC.
15. The Defendants do not admit paragraph 15 of the SOC.
16. The Defendants deny paragraph 16 of the SOC.
17. The Defendants deny paragraph 17 of the SOC.
18. The Defendants deny paragraph 18 of the SOC.
19. The Defendants deny paragraph 19 of the SOC.
20. The Defendants deny paragraph 20 of the SOC.
21. The Defendants deny paragraph 21 of the SOC.
22. The Defendants deny paragraph 22 of the SOC.
23. The Defendants deny paragraph 23 of the SOC.
24. The Defendants deny paragraph 24 of the SOC.
25. The Defendants do not admit paragraph 25 of the SOC.
26. The Defendants do not admit paragraph 26 of the SOC.
27. The Defendants do not admit paragraph 27 of the SOC.

28. The Defendants do not admit paragraph 28 of the SOC.
29. The Defendants deny paragraph 29 of the SOC.
30. The Defendants do not admit paragraph 30 of the SOC.
31. The Defendants do not admit paragraph 31 of the SOC.
32. The Defendants deny paragraph 32 of the SOC.
33. The Defendants deny paragraph 33 of the SOC.
34. The Defendants deny paragraph 34 of the SOC.
35. The Defendants deny paragraph 35 of the SOC.
36. The Defendants deny paragraph 36 of the SOC.
37. The Defendants deny paragraph 37 of the SOC.
38. The Defendants deny paragraph 38 of the SOC.
39. The Defendants do not admit paragraph 39 of the SOC.
40. The Defendants deny paragraph 40 of the SOC.
41. The Defendants do not admit paragraph 41 of the SOC.
42. The Defendants do not admit paragraph 42 of the SOC.
43. The Defendants deny paragraph 43 of the SOC.
44. The Defendants deny paragraph 44 of the SOC.
45. The Defendants deny paragraph 45 of the SOC.
46. The Defendants deny paragraph 46 of the SOC.
47. The Defendants deny paragraph 47 of the SOC.
48. The Defendants do not admit paragraph 48 of the SOC.
49. The Defendants deny paragraph 49 of the SOC.
50. The Defendants deny paragraph 50 of the SOC.

- 51. The Defendants do not admit paragraph 51 of the SOC.
- 52. The Defendants deny paragraph 52 of the SOC.
- 53. The Defendants deny paragraph 53 of the SOC.
- 54. The Defendants deny paragraph 54 of the SOC.
- 55. The Defendants do not admit paragraph 55 of the SOC.
- 56. The Defendants deny paragraph 56 of the SOC.
- 57. The Defendants deny paragraph 57 of the SOC.
- 58. The Defendants deny paragraph 58 of the SOC.
- 59. The Defendants deny paragraph 59 of the SOC.
- 60. The Defendants deny paragraph 60 of the SOC.
- 61. The Defendants deny paragraph 61 of the SOC.
- 62. The Defendants do not admit that any of paragraphs 1 to 22 commencing at page 35 of the SOC are questions of fact or law common to the Plaintiff and the "group members" as described in paragraph 2 on pages 7 to 8 of the SOC.

SIGNATURE OF LEGAL REPRESENTATIVE

I certify under section 347 of the Legal Profession Act 2004 that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that the defence to the claim for damages in these proceedings has reasonable prospects of success.

Signature 

Capacity *Contract Solicitor on record*

Date of signature *1 / 15 / 2015*

AFFIDAVIT VERIFYING BY FIRST DEFENDANT

Name Michael James O'Shea
Address: 73 Barrack Avenue Barrack Point NSW 2528
Occupation: Director
Date. 1 May 2015

I say on oath.

1. I am Director of ICM Group Finance Pty Ltd, the first defendant and am authorised to verify this defence on its behalf.
2. I believe that the allegations of fact contained in this defence are true
3. I believe that the allegations of fact that are denied in this defence are untrue.
4. After reasonable inquiry, I do not know whether or not the allegations of fact that are not admitted in this defence are true

SWORN at WOLLONGONG

Signature of deponent

Michael James O'Shea

Name of witness

AUSTIN WILLIAM PIRMAN

Address of witness

67-71 Church Street WOLLONGONG

Capacity of witness

SOLICITOR

Justice of the peace / Solicitor / Barrister / Commissioner for affidavits / Notary public

And as a witness, I certify the following matters concerning the person who made this affidavit (the deponent)

- 1 # I saw the face of the deponent ~~and the deponent is not wearing a face covering~~
I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering
- 2 # I have known the deponent for at least 12 months
I have confirmed the deponent's identity using the following identification document

Identification document relied on (may be original or certified copy) ²

Signature of witness

¹ The only "special justification" for not removing a face covering is a legitimate medical reason (at April 2012)

² "Identification documents" include current driver licence, proof of age card, Medicare card, credit card, Centrelink pension card, Veterans Affairs entitlement card, student identity card, citizenship certificate, birth certificate, passport or see Oaths Regulation 2011 or JP Ruling 003 - Confirming identity for NSW statutory declarations and affidavits, footnote 3

AFFIDAVIT VERIFYING BY SECOND DEFENDANT

Name: Michael James O'Shea
Address: 73 Barrack Avenue Barrack Point NSW 2528
Occupation: Director
Date: 1 MAY 2015

I say on oath:

1. I am Director of ICM Group Pty Ltd, the second defendant and am authorised to verify this defence on its behalf.
2. I believe that the allegations of fact contained in this defence are true.
3. I believe that the allegations of fact that are denied in this defence are untrue.
4. After reasonable inquiry, I do not know whether or not the allegations of fact that are not admitted in this defence are true.

SWORN at WOLLONGONG,

Signature of deponent

Michael James O'Shea

Name of witness

AUSTIN WILLIAM PITMAN

Address of witness

69-71 CHURCH STREET WOLLONGONG,

Capacity of witness

Justice of the peace

Justice of the peace / Solicitor / Barrister / Commissioner for affidavits / Notary public

And as a witness, I certify the following matters concerning the person who made this affidavit (the deponent)

- 1 # I saw the face of the deponent ~~not~~ ^{not on}
~~# I did not see the face of the deponent because the deponent was wearing a g, but I am satisfied that the deponent had a special justification for not removing the covering~~¹
- 2 # I have known the deponent for at least 12 months
~~# I have confirmed the deponent's identity using the following identification document~~

Identification document relied on (may be original or certified copy)²

Signature of witness

¹ The only "special justification" for not removing a face covering is a legitimate medical reason (at April 2012)

² "Identification documents" include current driver licence, proof of age card, Medicare card, credit card, Centrelink pension card, Veterans Affairs entitlement card, student identity card, citizenship certificate, birth certificate, passport or see Oaths Regulation 2011 or JP Ruling 003 - Confirming identity for NSW statutory declarations and affidavits, footnote 3

AFFIDAVIT VERIFYING BY THIRD DEFENDANT

Name: Michael James O'Shea
Address: 73 Barrack Avenue, Barrack Point NSW 2528
Occupation: Director
Date: / ffffj 2015

I say on oath.

- 1 I am the third defendant
- 2 I believe that the allegations of fact contained in this defence are true
- 3. I believe that the allegations of fact that are denied in this defence are untrue
- 4. After reasonable inquiry, I do not know whether or not the allegations of fact that are not admitted in this defence are true

SWORN at WOLLONGONG

Signature of deponent

Michael James O'Shea

Name of witness

AUSTIN WILLIAM ARMSTRONG
64-71 GARDEN STREET WOLLONGONG
SOLICITOR

Address of witness

Capacity of witness

Justice of the peace / Solicitor / Barrister / Commissioner for affidavits / Notary public

And as a witness, I certify the following matters concerning the person who made this affidavit (the deponent)

- 1 # I saw the face of the deponent ~~etc. which~~ ~~applies to~~
I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering¹
- 2 # I have known the deponent for at least 12 months
I have confirmed the deponent's identity using the following identification document²

Identification document relied on (may ~~be~~ original or certified copy)²

Signature of witness

¹ The only "special justification" for not removing a face covering is a legitimate medical reason (at April 2012)
² "Identification documents" include current driver licence, proof of age card, Medicare card, credit card, Centrelink pension card, Veterans Affairs entitlement card, student identity card, citizenship certificate, birth certificate, passport or see Oaths Regulation 2011 or JP Ruling 003 - Confirming identity for NSW statutory declarations and affidavits, footnote 3

FURTHER DETAILS ABOUT FILING PARTY

First defendant:

Name: **ICM GROUP FINANCE PTY LTD (ACN 106 665 338)**
Address: 248-250 Crown Street, Wollongong NSW 2500

Second defendant:

Name: **ICM GROUP PTY LTD (ACN 093 621 571) trading as Cash-afx**
Address: 248-250 Crown Street, Wollongong NSW 2500

Third defendant:

Name: **MICHAEL JAMES O'SHEA**
Address: 73 Barrack Avenue, Barrack Point NSW 2528

Legal representative for filing party:

Name: Murray Dribbus
Practising certificate number: 26621 NSW
Firm: Dribbus Kovacevic Lawyers
Contact solicitor: Austin Pitman
Address: Ground Floor, 69-71 Church Street, Wollongong NSW 2500
DX address: DX 27817 WOLLONGONG COURT
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