

NOTICE OF FILING

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Details of Filing

Document Lodged: Reply - Form 34 - Rule 16.33
File Number: VID9/2021
File Title: IAN EDO JANSSEN & ANOR v ONEPATH CUSTODIANS PTY LTD & ORS
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Dated: 23/07/2021 12:22:50 PM AEST

A handwritten signature in blue ink that reads 'Sia Lagos'.

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Form 34
Rule 16.33

REPLY TO DEFENCE OF FIRST RESPONDENT

VID 9 of 2021

Federal Court of Australia
District Registry: Victoria
Division: General

IAN EDO JANSSEN and another

Applicants

ONEPATH CUSTODIANS PTY LTD (ACN 008 508 496) and others

Respondents

Note: Terms defined in the Statement of Claim have the same meaning in this Reply to the Defence of the First Respondent.

The Applicants say as follows by way of reply to the Defence of the First Respondent filed 18 June 2021.

1. Save for any admissions contained in the Defence of the First Respondent, the Applicants join issue with each of the matters pleaded in the Defence of the First Respondent.
2. As to paragraph 233:
 - 2.1. in respect of any claims subject to the *Limitation Act 1969* (NSW), the First Applicant and Cash Investment Group Members rely upon:
 - (a) ss 7(a) and 23 of the *Limitation Act 1969* (NSW);
 - (b) ss 48(b) and 47(1)(b), (c) and (d) of the *Limitation Act 1969* (NSW);

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- (c) ss 48(b) and 16 of the *Limitation Act 1969* (NSW); and
 - (d) s 49 of the *Limitation Act 1969* (NSW);
- 2.2. in respect of any claims subject to the *Limitation of Actions Act 1958* (Vic), the First Applicant and Cash Investments Group Members rely upon:
- (a) s 21(1)(b) of the *Limitation of Actions Act 1958* (Vic);
 - (b) s 21(2) of the *Limitation of Actions Act 1958* (Vic) and
 - (c) s 5(3) of the *Limitation of Actions Act 1958* (Vic);
- 2.3. in respect of any claims subject to the *Limitations Act 1985* (ACT), the First Applicant and Cash Investments Group Members rely upon:
- (a) s 27(1)(b), (c) and (d) of the *Limitations Act 1985* (ACT);
 - (b) s 28 of the *Limitations Act 1985* (ACT); and
 - (c) s 13 of the *Limitations Act 1985* (ACT);
- 2.4. in respect of any claims subject to the *Limitations Act 1969* (WA), the First Applicant and Cash Investments Group Members rely upon:
- (a) s 62 of the *Limitations Act 1969* (WA); and
 - (b) s 18 of the *Limitations Act 1969* (WA);
- 2.5. in respect of any claims subject to the *Limitation Act 1981* (NT), the First Applicant and Cash Investments Group Members:
- (a) rely upon s 32(1)(b), (c), (d) of the *Limitation Act 1981* (NT);
 - (b) rely upon s 34 of the *Limitation Act 1981* (NT);
 - (c) rely upon s 14(1) of the *Limitation Act 1981* (NT); and
 - (d) to the extent necessary, will seek an order for extension of time pursuant to s 44 of the *Limitation Act 1981* (NT);
- 2.6. in respect of any claims subject to the *Limitation of Actions Act 1974* (Qld), the First Applicant and the Cash Investments Group Members rely upon:

- (a) s 27(1)(b) of the *Limitation of Actions Act 1974* (Qld);
- (b) s 27(2A) of the *Limitation of Actions Act 1974* (Qld); and
- (c) s 10(3) of the *Limitation of Actions Act 1974* (Qld);

2.7. in respect of any claims subject to the *Limitation of Actions Act 1936* (SA), the First Applicant and the Cash Investments Group Members:

- (a) rely upon ss 31(b) and 32(1) of the *Limitation of Actions Act 1936* (SA);
- (b) rely upon s 34 of the *Limitation of Actions Act 1936* (SA); and
- (c) to the extent necessary, will seek an order for extension of time pursuant to s 48 of the *Limitation of Actions Act 1936* (SA);

2.8. in respect of any claims subject to the *Limitation Act 1974* (Tas), the First Applicant and the Cash Investments Group Members rely upon:

- (a) s 24(1)(b) of the *Limitation Act 1974* (Tas);
- (b) s 24(3) of the *Limitation Act 1974* (Tas); and
- (c) s 4(3) of the *Limitation Act 1974* (Tas);

2.9. further, the First Applicant and the Cash Investment Group Members will seek an order, pursuant to section 312(5)(c)(i) of the SIS Act, to the extent necessary, extending the period for instituting the proceeding.

3. As to paragraph 234, they refer to and repeat paragraph 2 above in respect of the claims of the Second Applicant and the Commissions Group Members.

DATED: 23 July 2021



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Signed by Kirsten Marie Morrison
Lawyer for the Applicants

This pleading was prepared by Alexandra Folie and Kristine Hanscombe QC of Counsel.