

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 4/02/2021 1:55:58 PM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Fast Track Cross-Claim
File Number: NSD1446/2019
File Title: LYNELLE BOUCHERE v CAR FESTIVALS PTY LTD ABN 70 603 505
728 & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



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

Dated: 4/02/2021 1:56:03 PM AEDT

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.



Statement of Third Cross Claim

No. NSD1446 of 2019

Federal Court of Australia
District Registry: Sydney
Division: General

Lynelle Bouchere

Applicant

Car Festivals Pty Ltd and others named in the Schedule
Respondents

Car Festivals Pty Ltd and others named in the Schedule
Cross Claimants

Northern Territory Major Events Company Pty Ltd
Cross Respondent

- 1 If, contrary to the denials and non-admissions pleaded by the Second Respondent (**Car Festivals**) and Third Respondent (**Summernats**) in their Defence (**Defence**) to the Second Further Amended Statement of Claim filed 27 August 2020 (**SFASOC**), Car Festivals and/or Summernats are found liable as alleged in the SFASOC then, for the purposes of this Cross Claim only, Car Festivals and Summernats plead as follows below.
- 2 Without admission and for the purposes of this Cross Claim only, Car Festivals and Summernats refer to and repeat paragraphs 3 to 41 of the SFASOC (which paragraphs remain denied or not admitted as set out in their Defence).
- 3 Without admission and for the purposes of this Cross Claim only, if the Applicant and/or Group Members suffered loss or damage as alleged in the SFASOC or at all, then such injury, loss or damage was caused and/or contributed to by:
 - (a) NTMEC's breach of the statutory guarantee provided by s 60 of the Australian Consumer Law, being Schedule 2 to the *Competition and Consumer Act 2010* (Cth) (**ACL**);
 - (b) NTMEC's breach of the statutory guarantee provided by s 61 of the ACL.
 - (c) the negligence of NTMEC.

Filed on behalf of	Car Festivals Pty Ltd and Summernats Pty Ltd, Cross Claimants
Prepared by	Rachael Arnold, Partner
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Particulars

- (i) Paragraphs 3 to 41 of the SFASOC (which paragraphs remain denied or not admitted as set out in their Defence).
- 4 In the event that Car Festivals and/or Summernats is found liable to the Applicant and/or Group Members, Car Festivals and/or Summernats are entitled to contribution and/or indemnity from NTMEC:
- (a) as joint tortfeasors pursuant to ss 12(4) and 13 of the *Law Reform (Miscellaneous Provisions) Act 1956* (NT);
 - (b) under the principles of equitable contribution.
- 5 Car Festivals and Summernats seek the relief set out in the accompanying notice of Cross Claim.

Date: 4 February 2021



Signed on behalf of Rachael Arnold, by
her employed solicitor Catherine Blair,
Lawyer for First Respondent/Second Cross
Claimant and Third Respondent/Third Cross
Claimant

This pleading was prepared by Rachael Arnold, Lawyer for the First Respondent and Third Respondent and Naomi Oreb of counsel, and settled by Ruth C A Higgins SC.

Certificate of lawyer

I, Rachael Arnold, certify to the Court that, in relation to the defence filed on behalf of the First Respondent, the factual and legal material available to me at present provides a proper basis for:

- (a) each allegation in the pleading; and
- (b) each denial in the pleading; and
- (c) each non admission in the pleading.

Date: 4 February 2021



Signed on behalf of Rachael Arnold, by
her employed solicitor Catherine Blair,
Lawyer for First Respondent/Second Cross
Claimant and Third Respondent/Third Cross
Claimant