

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMERCIAL COURT

List B
S CI 2014 03482

BETWEEN:

TIMBERCORP FINANCE PTY LTD (IN LIQUIDATION) (ACN 054 581 190)

Plaintiff

and

PETER GRUYTERS

Defendant

AMENDED REPLY

Amended pursuant to orders made by Justice Judd on 30 August 2016

Date of document: ~~9 April 2015~~ 31 August
2016

Filed on behalf of: The Plaintiff

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By way of reply to the defendant's third further amended defence and counterclaim

dated ~~23 December 2014~~ 30 August 2016, the plaintiff joins issue and says as

follows:

1. The defendant is precluded from raising the pleaded defences by reason that he was a group member, within the meaning of Part IVA of the *Supreme Court Act* 1986 (Vic), in proceeding SCI 9807 of 2009.

Particulars

The preclusion arises as a matter of law.

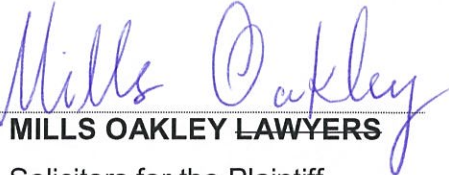
2. As to paragraphs ~~119, 131 and 219, 127 and 182~~, the alleged set off did not accrue within six years before the commencement of this action and is barred by s 21 of the *Limitations of Actions Act* 1958 (Vic).

D. J. BATT

C. PARKINSON

M. COSTELLO H.
TIPLADY

Dated: ~~9 April 2015~~ 31 August 2016


MILLS OAKLEY LAWYERS
Solicitors for the Plaintiff