

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
COMMERCIAL COURT

S ECI 2014 000425

BETWEEN

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

Plaintiff

and

MORAG LOWE

Defendant

REPLY

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Date of document: 23 July 2015  
Filed on behalf of: The Plaintiff  
Prepared by:  
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To the Defence filed 12 May 2015 (**Defence**), the Plaintiff says as follows:

1. The Defendant is precluded from raising the pleaded defences by reason that she 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 paragraph 241 of the Defence, it:
  - (a) says that in or about October 2008 the Defendant represented to the Plaintiff that Spencer Broad (**Broad**) was her financial adviser;

**PARTICULARS**

The representation is express and contained at part 5 of  
**L0027409 Loan Application Form.**

- (b) says that Broad was not a representative of the Plaintiff, was not authorised to act and did not act, as the Plaintiff's agent;

(c) says that it never represented to the Defendant that Broad was the Plaintiff's agent;

and otherwise denies the allegations therein.

3. As to paragraphs 243 to 250 of the Defence, it says that it did not authorise the making of the representations (as defined in the Defence) and otherwise denies the allegations therein.

Save as aforesaid and save as to the admissions contained therein, the Plaintiff joins issue with the whole of the Defence and says further that at trial it will rely upon the full terms and effect of Loan Agreement L0026664, Loan Agreement L0026036 and Loan Agreement L0027409 (as such documents are defined in the Statement of Claim).

**DATED:** 23 July 2015

*Mills Oakley Lawyers*  
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**Mills Oakley Lawyers**  
Solicitors for the Plaintiff