

**FOURTH FURTHER AMENDED SUMMONS**

**(filed pursuant to leave granted by The Honourable Justice Einstein on 6 May 2009)**

**COURT DETAILS**

Court	Supreme Court of New South Wales
Division	Equity Division
List	Commercial List
Registry	Sydney Registry
Case number	50092 of 2005

**TITLE OF PROCEEDINGS**

Plaintiff	Jeffrey Alan Kernahan
First defendant	ACN 003 135 475 Pty Ltd (formerly known as LifeTrack Management Ltd (ACN 003 135 475)) (in its own capacity and as trustee of the LifeTrack Superannuation Fund, the AM Pooled Superannuation Trust, the AM Pooled Superannuation Trust No 1, the AM Pooled Superannuation Trust No 5)
Number of defendants	4

**FILING DETAILS**

Filed for	Plaintiff
Legal representative	C/- <b>Maurice Blackburn</b> ABN: 21 105 657 949 Level 10, 456 Lonsdale Street, Melbourne VIC 3000 PO Box 13167, Law Courts, Melbourne VIC 8010 Telephone: (03) 9605 2700 Facsimile: (03) 9258 9610  Level 20, 201 Elizabeth Street, Sydney NSW 2000 PO Box A266, Sydney NSW 1235 DX 13002, Sydney Market Street Telephone: (02) 9261 1488 Facsimile: (02) 9261 3318

**HEARING DETAILS**

This summons is listed on 16 October 2009.

## TYPE OF CLAIM

Mercantile Law – Consumer Protection & Trade Practices

## RELIEF CLAIMED

### THE PLAINTIFF CLAIMS

#### AGAINST THE FIRST DEFENDANT

1. A declaration that by reason of the matters pleaded in paragraph 60 of the further amended commercial list statement, the first defendant engaged in conduct in contravention of section 52 of the *Trade Practices Act 1974* (Cth).
2. A declaration that by reason of the matters pleaded in paragraph 60 of the further amended commercial list statement, the first defendant engaged in conduct in contravention of section 12DA of the *Australian Securities & Investments Commission Act 2001* (Cth).
- ~~2A. A declaration that by reason of the matters pleaded in paragraph 60 of the further amended commercial list statement, the first defendant engaged in conduct in contravention of section 42 of the *Fair Trading Act 1987* (NSW).~~
- ~~2B. A declaration that by reason of the matters pleaded in paragraph 60 of the further amended commercial list statement, the first defendant engaged in conduct in contravention of section 55A of the *Trade Practices Act 1974* (Cth).~~
- ~~2C. A declaration that by reason of the matters pleaded in paragraph 60C of the further amended commercial list statement, the first defendant engaged in conduct in contravention of section 50 of the *Fair Trading Act 1987* (NSW).~~
3. A declaration that by reason of the matters pleaded in paragraph 61 of the further amended commercial list statement, the first defendant has contravened section 162 of the *Superannuation Industry (Supervision) Act 1993* (Cth).
4. Compensation pursuant to:
  - (a) section 82 of the *Trade Practices Act 1974* (Cth); and/or
  - (b) section 12GF of the *Australian Securities & Investments Commission Act 2001* (Cth); and/or
  - (ba) section 68 of the *Fair Trading Act 1987* (NSW); and/or
  - (c) section 162 of the *Superannuation Industry (Supervision) Act 1993* (Cth).

#### AGAINST THE SECOND DEFENDANT

5. A declaration that by reason of the matters pleaded in paragraph 60 of the further amended commercial list statement, the second defendant engaged in conduct in contravention of section 52 of the *Trade Practices Act 1974* (Cth).

