



No. S EC

**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
GROUP PROCEEDINGS LIST**

Case: S ECI 2020 04566

Filed on: 07/11/2022 03:45 PM

BETWEEN

GREG LIEBERMAN

Plaintiff

-and-

CROWN RESORTS LIMITED (ACN 125 709 953)

Defendant

**REPLY TO THE DEFENCE TO SECOND FURTHER AMENDED
STATEMENT OF CLAIM**

Date of document: 7 November 2022
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In Reply to the Defence to Second Further Amended Statement of Claim filed on ~~21 September 2021~~ 10 October 2022 (**Defence**), the Plaintiff says (adopting the definitions used in the Second Further Amended Statement of Claim dated ~~5-21 July 2021-2022~~ (**2FASOC**)):

1. Save as to the admissions contained in the Defence and where otherwise specifically pleaded in this Reply, the plaintiff joins issue with each and every allegation in the Defence.
2. As to **paragraph 146(b)**, the plaintiff:
 - (a) denies the allegations contained in the paragraph;
 - (b) refers to and repeats the particulars subjoined to paragraph 146 of the 2FASOC; and
 - (c) says that if Crown's General Compliance Representations were representations of opinion (which is denied) those opinions lacked a reasonable basis by reason of the matters pleaded in paragraphs 154 to 209C, ~~and~~ 214 and 215 to 217 of the 2FASOC.

3. As to **paragraph 146A**, the plaintiff:
 - (a) denies the allegations contained in the paragraph;
 - (b) refers to and repeats paragraph 2 of this Reply; and
 - (c) says that if the representations in the terms alleged in paragraph 146A were made (which is denied) Crown's conduct in making, maintaining and/or failing to correct or qualify those representations was conduct which was misleading or deceptive, or likely to mislead or deceive, by reason of the matters pleaded in paragraphs 154 to 209C, 214, 215 to 217 and 282 of the 2FASOC.

4. As to **paragraph 147(c)(i)**, the plaintiff:
 - (a) denies the allegations contained in the paragraph;
 - (b) refers to and repeats the particulars subjoined to paragraph 147 of the 2FASOC; and
 - (c) says that if Crown's Seriousness Representations were representations of opinion (which is denied) those opinions lacked a reasonable basis by reason of the matters pleaded in paragraphs 154 to 209C, ~~and~~ 214 and 215 to 217 of the 2FASOC.

5. As to **paragraph 148(b)**, the plaintiff:
 - (a) denies the allegations contained in the paragraph (save for the admission in paragraph 148(b) of the Defence);
 - (b) refers to and repeats the particulars subjoined to paragraph 148 of the 2FASOC; and
 - (c) says that if Crown's Regulator Relationship Representations were representations of opinion (which is denied) those opinions lacked a reasonable basis by reason of the matters pleaded in paragraphs 154 to 209C, ~~and~~ 214 and 215 to 217 of the 2FASOC.

6. As to **paragraph 148A**, the plaintiff:
 - (a) denies the allegations contained in the paragraph;
 - (b) refers to and repeats paragraph 5 of this Reply; and
 - (c) says that if the representations in the terms alleged in paragraph 148A were made (which is denied) Crown's conduct in making, maintaining and/or failing to

correct or qualify those representations was conduct which was misleading or deceptive, or likely to mislead or deceive, by reason of the matters pleaded in paragraphs 154 to 209C, 214, 215 to 217, 285 and 291 of the 2FASOC.

7. As to **paragraph 149(b)**, the plaintiff:
 - (a) denies the allegations contained in the paragraph;
 - (b) refers to and repeats the particulars subjoined to paragraph 149 of the 2FASOC; and
 - (c) says that if Crown's Corporate Governance Representations were representations of opinion (which is denied) those opinions lacked a reasonable basis by reason of the matters pleaded in paragraphs 154 to 209C, ~~and 214~~ and 215 to 217 of the 2FASOC.
8. As to **paragraph 149A**, the plaintiff:
 - (a) denies the allegations contained in the paragraph; and
 - (b) refers to and repeats paragraph 7 of this Reply.
9. As to **paragraph 150(b)**, the plaintiff:
 - (a) denies the allegations contained in the paragraph;
 - (b) refers to and repeats the particulars subjoined to paragraph 150 of the 2FASOC; and
 - (c) says that if Crown's VIP International Business Compliance Representations were representations of opinion (which is denied) those opinions lacked a reasonable basis by reason of the matters pleaded in paragraphs 154 to 209C, ~~and 214~~ and 215 to 217 of the 2FASOC.
10. As to **paragraph 151(b)**, the plaintiff:
 - (a) denies the allegations contained in the paragraph;
 - (b) refers to and repeats the particulars subjoined to paragraph 151 of the 2FASOC; and
 - (c) says that if Crown's Junket Program Compliance Representations were representations of opinion (which is denied) those opinions lacked a reasonable basis by reason of the matters pleaded in paragraphs 154 to 209C, ~~and 214~~ and 215 to 217 of the 2FASOC.

11. As to **paragraph 151A**, the plaintiff:

- (a) denies the allegations contained in the paragraph;
- (b) refers to and repeats paragraph 10 of this Reply; and
- (c) says that if the representations in the terms alleged in paragraph 151A were made (which is denied) Crown's conduct in making, maintaining and/or failing to correct or qualify those representations was conduct which was misleading or deceptive, or likely to mislead or deceive, by reason of the matters pleaded in paragraphs 154 to 209C, 214, 215 to 217, 294 and 297 of the 2FASOC.

11A. As to **paragraph 153N(b)**, the plaintiff:

- (a) denies the allegations contained in the paragraph; and
- (b) refers to and repeats the particulars subjoined to paragraph 153N of the 2FASOC; and
- (c) says that if Crown's General Casino Tax Compliance Representations were representations of opinion (which is denied) those opinions lacked a reasonable basis by reason of the matters pleaded in paragraphs 209D to 209M, 214A and 299A of the 2FASOC.

11B. As to **paragraph 153NA**, the plaintiff:

- (a) denies the allegations contained in the paragraph;
- (b) refers to and repeats paragraph 11A of this Reply; and
- (c) says that if the representations in the terms alleged in paragraph 153NA were made (which is denied) Crown's conduct in making, maintaining and/or failing to correct or qualify those representations was conduct which was misleading or deceptive, or likely to mislead or deceive, by reason of the matters pleaded in paragraphs 209D to 209M, 214A, 215, 217 and 299A of the 2FASOC.

11C. As to **paragraph 153O(b)**, the plaintiff:

- (a) denies the allegations contained in the paragraph (save for the admission in paragraph 153O(b) of the Defence);
- (b) refers to and repeats the particulars subjoined to paragraph 153O of the 2FASOC; and

- (c) says that if Crown's Casino Tax Regulator Relationship Representations were representations of opinion (which is denied) those opinions lacked a reasonable basis by reason of the matters pleaded in paragraphs 209D to 209M, 214A, 215, 217 and 299D of the 2FASOC.

12. As to **paragraph 283(a)**, the plaintiff:

- (a) denies the allegations contained in the paragraph; and
- (b) to the extent paragraphs 146 and 146A of the Defence are referred to and repeated, refers to and repeats paragraphs 2 and 3 of this Reply, and to the extent paragraph 146B of the Defence is referred to, says that there is no paragraph 146B of the Defence.

13. As to **paragraph 283(b)**, the plaintiff:

- (a) denies the allegations contained in the paragraph; and
- (b) refers to and repeats paragraph 2 of this Reply.

13A. As to **paragraph 284(a)**, the plaintiff:

- (a) denies the allegations contained in the paragraph; and
- (b) to the extent paragraph 283 of the Defence is referred to and repeated, refers to and repeats paragraph 12 of this Reply.

13B. As to **paragraph 286(a)**, the plaintiff:

- (a) denies the allegations contained in the paragraph; and
- (b) to the extent paragraph 147 of the Defence is referred to and repeated, refers to and repeats paragraph 4 of this Reply, and to the extent paragraph 148B of the Defence is referred to, says that there is no paragraph 148B of the Defence.

13C. As to **paragraph 287(a)**, the plaintiff:

- (a) denies the allegations contained in the paragraph; and
- (b) to the extent paragraph 286 of the Defence is referred to and repeated, refers to and repeats paragraph 13B of this Reply.

14. As to **paragraph 289(a)**, the plaintiff:

- (a) denies the allegations contained in the paragraph; and
- (b) to the extent paragraphs 149 and 149A of the Defence are referred to and repeated, refers to and repeats paragraphs 7 and 8 of this Reply.

15. As to **paragraph 289(b)**, the plaintiff:
- (a) denies the allegations contained in the paragraph; and
 - (b) refers to and repeats paragraph 8 of this Reply.
16. As to **paragraph 290**, the plaintiff:
- (a) denies the allegations contained in the paragraph; and
 - (b) to the extent paragraph 289 of the Defence is referred to and repeated, refers to and repeats paragraphs 14 and 15 of this Reply.
17. As to **paragraph 292(a)**, the plaintiff:
- (a) denies the allegations contained in the paragraph; and
 - (b) to the extent paragraphs 148 and 148A of the Defence are referred to and repeated, refers to and repeats paragraphs 5 and 6 of this Reply, and to the extent paragraph 148B of the Defence is referred to, says that there is no paragraph 148B of the Defence.
18. As to **paragraph 292(b)**, the plaintiff:
- (a) denies the allegations contained in the paragraph; and
 - (b) refers to and repeats paragraph 5 of this Reply.
- 18A. As to **paragraph 293(a)**, the plaintiff:
- (a) denies the allegations contained in the paragraph; and
 - (b) to the extent paragraph 292 of the Defence is referred to and repeated, refers to and repeats paragraphs 17 and 18 of this Reply.
19. As to **paragraph 295(a)**, the plaintiff:
- (a) denies the allegations contained in the paragraph; and
 - (b) to the extent paragraphs 150 and 151A of the Defence are referred to and repeated, refers to and repeats paragraphs 9 and 11 of this Reply, and to the extent paragraph 151B of the Defence is referred to, says that there is no paragraph 151B of the Defence.
20. As to **paragraph 295(b)**, the plaintiff:
- (a) denies the allegations contained in the paragraph; and
 - (b) refers to and repeats paragraphs 9 and 10 of this Reply.

20A. As to paragraph 296(a), the plaintiff:

- (a) denies the allegations contained in the paragraph; and
- (b) to the extent paragraph 295 of the Defence is referred to and repeated, refers to and repeats paragraphs 19 and 20 of this Reply.

21. As to **paragraph 298(a)**, the plaintiff:

- (a) denies the allegations contained in the paragraph; and
- (b) to the extent paragraphs 151 and 151A of the Defence are referred to and repeated, refers to and repeats paragraphs 10 and 11 of this Reply.

22. As to **paragraph 298(b)**, the plaintiff:

- (a) denies the allegations contained in the paragraph; and
- (b) refers to and repeats paragraphs 9 and 10 of this Reply.

23. As to paragraph 299(a), the plaintiff:

- (a) denies the allegations contained in the paragraph; and
- (b) to the extent paragraph 298 of the Defence is referred to and repeated, refers to and repeats paragraphs 21 and 22 of this Reply.

24. As to paragraph 299B(a), the plaintiff:

- (a) denies the allegations contained in the paragraph; and
- (b) to the extent paragraphs 153N and 153NA of the Defence are referred to and repeated, refers to and repeats paragraphs 11A and 11B of this Reply.

25. As to paragraph 299B(b), the plaintiff

- (a) denies the allegations contained in the paragraph; and
- (b) refers to and repeats paragraph 11A of this Reply.

26. As to paragraph 299C(a), the plaintiff:

- (a) denies the allegations contained in the paragraph; and
- (b) to the extent paragraph 299B of the Defence is referred to and repeated, refers to and repeats paragraphs 24 and 25 of this Reply.

27. As to **paragraph 299CA**, the plaintiff:
- (a) denies the allegations contained in the paragraph; and
 - (b) says that the question of the running of any limitations period applicable to the claims of the plaintiff and group members is a matter to be determined at the initial trial of the proceeding.
28. As to **paragraph 299E(a)**, the plaintiff:
- (a) denies the allegations contained in the paragraph; and
 - (b) to the extent paragraphs 153NA and 153O of the Defence are referred to and repeated, refers to and repeats paragraphs 11B and 11C of this Reply.
29. As to **paragraph 299E(b)**, the plaintiff:
- (a) denies the allegations contained in the paragraph; and
 - (b) refers to and repeats paragraph 11C of this Reply.
30. As to **paragraph 299F(a)**, the plaintiff:
- (a) denies the allegations contained in the paragraph; and
 - (b) to the extent paragraph 299E of the Defence is referred to and repeated, refers to and repeats paragraphs 28 and 29 of this Reply.
31. As to **paragraph 299FA**, the plaintiff:
- (a) denies the allegations contained in the paragraph; and
 - (b) says that the question of the running of any limitations period applicable to the claims of the plaintiff and group members is a matter to be determined at the initial trial of the proceeding.
32. As to **paragraph 314DA**, the plaintiff:
- (a) denies the allegations contained in the paragraph; and
 - (b) says that the question of the running of any limitations period applicable to the claims of the plaintiff and group members is a matter to be determined at the initial trial of the proceeding.

Dated: 7 November 2022

W A D EDWARDS

R V HOWE

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Solicitors for the plaintiff