



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

Case: S ECI 2020 03365
S ECI 2020 03365
Filed on: 16/09/2024 02:04 PM

B E T W E E N

DANIEL CHRISTIAN O'BRIEN

Plaintiff

and

**AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD (ACN 005 357 522)
(and others according to the Schedule attached)**

Defendants

REPLY

Pursuant to order 4 made by Dixon J on 30 August 2024

Date of Document:	16 September 2024	Solicitors Code:	564
Filed on behalf of:	The Plaintiff	DX:	N/A
Prepared by:	Maurice Blackburn Lawyers	Telephone:	(03) 9605 2700
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As to the Defence to the Second Further Amended Statement of Claim of the Second Defendant dated 11 September 2024, the Plaintiff joins issue with the whole of the Defence and says further:

1. As to paragraph 101(j)-(k), in respect of any Group Member whose cause of action:
 - (a) is governed by the law of New South Wales, Victoria, Queensland, Tasmania or the Australian Capital Territory and accrued more than six years prior to the commencement of this proceeding; or
 - (b) is governed by the law of the Northern Territory and accrued more than three years prior to the commencement of this proceeding,

the limitation period applicable to the action for relief from the consequences of mistake is postponed until the Group Member first discovered the mistake/s, or could with reasonable diligence have discovered the mistake/s, in accordance with the following (as applicable):

- (c) section 56(1) of the *Limitation Act 1969* (NSW);

- (d) section 27(c) of the *Limitation of Actions Act 1958* (Vic);
- (e) section 38(1)(c) of the *Limitation of Actions Act 1974* (Qld);
- (f) section 32(1)(c) of the *Limitation Act 1974* (Tas);
- (g) section 34(1) of the *Limitation Act 1985* (ACT);
- (h) section 43(1) of the *Limitation Act 1981* (NT).

Dated: 16 September 2024

J STOLJAR

D J FAHEY

L COLEMAN

S HOGAN

Maurice Blackburn Lawyers

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Maurice Blackburn Lawyers
Solicitors for the Plaintiff

SCHEDULE OF PARTIES

DANIEL CHRISTIAN O'BRIEN

Plaintiff

-and-

AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED (ACN 005 357 522)

First Defendant

MACQUARIE BANK LIMITED (ACN 008 583 542)

Second Defendant