



Principal Registrar &
Chief Executive Officer



Form 8 (version 5)
UCPR 14.4

REPLY TO FURTHER AMENDED COMMERCIAL LIST RESPONSES

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Equity Division
List	Commercial List
Registry	Sydney
Case number	2019/193556

TITLE OF PROCEEDINGS

Plaintiff	Kerry Michael Quirk
First Defendant	Suncorp Portfolio Services Limited in its capacity as trustee for the Suncorp Master Trust
Second Defendant	Geoffrey Edward Summerhayes
Third Defendant	Sean Carroll

FILING DETAILS

Filed for	Kerry Michael Quirk, Plaintiff
Legal representative	Bill Petrovski, William Roberts Lawyers
Legal representative reference	701900167
Contact name and telephone	Ding Pan (02) 9552 2111
Contact email	WR-Suncorp@williamroberts.com.au

PLEADINGS AND PARTICULARS

This Reply is to each of the Further Amended Commercial List Responses filed by the First, Second and Third Defendants:

- 1 With respect to paragraphs 1 to 4 of the Nature of Dispute section and paragraphs 46 to 52A of the Responses to Contentions Section in the First Defendant, Second Defendant and Third Defendant's Further Amended Commercial List Responses (**CLRs**), the Plaintiff says that:
 - a. the Excess Fees that the Plaintiff and Group Members were charged to fund the payment of Conflicted Remuneration were not charged in accordance with or authorised by:
 - i. the terms of the Trust Deed as pleaded in paragraph 11B, and particularly 11B(c), of the Further Amended Commercial List Statement (**FACTS**); nor

- ii. the terms otherwise applicable to the Plaintiff and Group Members' account in the Master Trust; and/or
- b. the charging of those Excess Fees was not authorised, expressly or otherwise, by the terms of the Master Trust and constituted both a contravention of the SIS Act and a breach of the terms of the Trust Deed.

Particulars

Paragraphs 11B and 46 to 56C of the FACLS are repeated.

Further, the Plaintiff repeats paragraphs 1 and 2 of the Replies to the Points of Defence of the First, Second and Third Defendants to the Points of Claim of Ms Thompson and Mr Mibus respectively.

2 The Plaintiff otherwise:

- a. joins issue (within the meaning of UCPR r 14.27) with each of the CLRs filed by the First, Second and Third Defendants; and
- b. relies upon UCPR r 14.27 for its full force and effect.

SIGNATURE OF LEGAL REPRESENTATIVE

Signature



Capacity

Solicitor employed by William Roberts Lawyers, the firm of solicitors of which the solicitor on record for the Plaintiff is a Principal

Date of signature

29 April 2022