



No. S EC

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

Case: S ECI 2020 04566

Filed on: 21/10/2021 04:19 PM

BETWEEN

GREG LIEBERMAN

Plaintiff

-and-

CROWN RESORTS LIMITED (ACN 125 709 953)

Defendant

REPLY

Date of document: 21 October 2021
Filed on behalf of: The Plaintiff
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In Reply to the Defence filed on 21 September 2021 (**Defence**), the Plaintiff says (adopting the definitions used in the Further Amended Statement of Claim dated 5 July 2021 (**FASOC**)):

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 FASOC;
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 209 and 214 to 217 of the FASOC.
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 209, 214 to 217 and 282 of the FASOC.
- 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 FASOC; 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 209 and 214 to 217 of the FASOC.
- 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 FASOC; 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 209 and 214 to 217 of the FASOC.
- 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 209, 214 to 217, 285 and 291 of the FASOC.

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 FASOC;
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 209 and 214 to 217 of the FASOC.

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 FASOC;
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 209 and 214 to 217 of the FASOC.

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 FASOC;
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 209 and 214 to 217 of the FASOC.

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 209, 214 to 217, 294 and 297 of the FASOC.
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.
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.
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.
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.

Dated: 21 October 2021

W A D Edwards

R V Howe

Counsel for the plaintiff

Maurice Blackburn Lawyers

Solicitors for the plaintiff