

**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION
GROUP PROCEEDING LIST**

No S ECI



Case: S ECI 2023 00969

Filed on: 24/04/2026 11:06 AM

Between

JARAD MAXWELL ROOKE

Plaintiff

and

AUSTRALIAN FOOTBALL LEAGUE (ACN 004 155 211)

First Defendant

and

GEELONG FOOTBALL CLUB (ACN 005 150 818)

Second Defendant

and

HUGH SEWARD and others according to the schedule

First Third Party

**DEFENCE OF THE FOURTH AND FIFTH THIRD PARTIES TO
THE SECOND FURTHER AMENDED STATEMENT OF
CLAIM AS PLEADED AGAINST THEM IN THE THIRD PARTY
NOTICE**

Date of document: 24 April 2026
Filed on behalf of: The fourth third party and
fifth third party
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The fourth third party (**Bradshaw**) and the fifth third party (**Allen**) plead the following allegations by way of defence to the plaintiff's Second Further Amended Statement of Claim dated 9 February 2026 (**2FASOC**) to the extent those allegations are pleaded against Bradshaw and Allen by the second defendant (the **GFC**) in the Statement of Claim to the Third Party Notice dated 18 September 2025 (**TPN**):

1. Save for the matters pleaded below, each of Bradshaw and Allen joins issue with allegations in the 2FASOC to the extent those allegations are pleaded against them in the TPN.
2. Bradshaw and Allen do not plead to the allegations in paragraphs 1 to 5 of the 2FASOC as those paragraphs make no allegation of material fact against them.

3. To paragraph 6 of the 2FASOC:
 - (a) They say that, in 2007, Football Victoria Ltd (ACN 004 246 253) was the sole operator of the Victorian Football League competition.
 - (b) Otherwise, they do not admit the allegations.
4. Bradshaw and Allen do not plead to the allegations in paragraphs 7 to 15, 18 to 20, 25 and 29 of the 2FASOC as those paragraphs make no allegation of material fact against them.
5. To paragraphs 16 to 17, 20A to 24A, 25A to 28, 30 (including to the “reasonable precautions” pleaded and defined in paragraph 30) and 31 to 39 of the 2FASOC to the extent those allegations are pleaded against them in paragraph 4(c) or otherwise of the TPN:
 - (a) They say those paragraphs make no allegation of material fact against them.
 - (b) Further or alternatively, to the extent that the allegations relate to them in relation to the procedures and/or steps taken in respect of each alleged incident on which the plaintiff relies in paragraphs 50 and 51 of the 2FASOC (to the extent those allegations are pleaded against them in paragraph 5(a) or otherwise in the TPN):
 - (A) They say the plaintiff has failed to properly particularise:
 - (1) the system for the monitoring of symptoms of concussion as alleged in paragraph 30(a);
 - (2) what steps or measures that the AFL and/or the GFC should have taken in respect of monitoring as alleged in paragraph 30(a);
 - (3) the details of each of the risks as alleged in paragraph 30(h);
 - (4) what steps or measures that the AFL and/or the GFC should have taken in respect of assessing the alleged risks as alleged in paragraph 30(h);
 - (5) the studying and monitoring of the effect of head knocks and concussions as alleged in paragraph 30(i)

(6) the advice, the warnings and the education that should have been given to players as alleged in paragraph 30(j);

such that the allegations as to “reasonable precautions” in the above paragraphs are vague and embarrassing;

(B) Under cover the objection in paragraph (A) above, they refer to and repeat the matters pleaded in sections A to D of Schedule 1.

(c) Otherwise, they deny the allegations.

6. Bradshaw and Allen do not plead to the allegations in paragraph 40 of the 2FASOC as that paragraph makes no allegation of material fact against them.

7. To paragraph 40A of the 2FASOC to the extent those allegations are pleaded against them in paragraph 4(d) or otherwise in the TPN:

(a) They say that paragraph makes no allegation of material fact against them.

(b) Further or alternatively, to the extent that the allegations relate to them, in relation to the procedures followed in respect of each alleged incident on which the plaintiff relies in paragraphs 50 and 51 of the 2FASOC (to the extent those allegations are pleaded against them in paragraph 5(a) or otherwise in the TPN):

(A) They say the plaintiff has failed to properly particularise:

(1) the system for the monitoring of symptoms of concussion as alleged in paragraph 40A(a);

(2) what steps or measures that the AFL and/or the GFC should have taken in respect of monitoring as alleged in paragraph 40A(a);

(3) the details of each of the risks as alleged in paragraph 40A(h);

(4) what steps or measures that the AFL and/or the GFC should have taken in respect of assessing the alleged risks as alleged in paragraph 40A(h);

(5) the studying and monitoring of the effect of head knocks and concussions as alleged in paragraph 40A(i)

(6) the advice, the warnings and the education that should have been given to players as alleged in paragraph 40A(j),

such that it is not possible to plead to these allegations because the standard required to meet the alleged omissions has not been stated.

(B) Under cover of the objections in paragraphs 5(b)(A) and 7(A) above, they refer to and repeat the matters pleaded in sections A to D of Schedule 1.

(c) Otherwise, they deny the allegations.

8. To paragraph 41 of the 2FASOC to the extent those allegations are pleaded against them in paragraph 4(d) or otherwise in the TPN:

(a) They say that paragraph makes no allegation of material fact against them.

(b) Further or alternatively, and under cover of the objections in paragraphs 5(b)(A) and 7(b)(A) above, to the extent that the allegations relate to them, in relation to the procedures and/or steps taken in respect of each alleged incident on which the plaintiff relies in paragraphs 50 and 51 of the 2FASOC (to the extent those allegations are pleaded against them in paragraph 5(a) or otherwise in the TPN), they refer to and repeat the matters pleaded in sections A to D of Schedule 1.

(c) Otherwise they deny the allegations.

9. To paragraph 50 of the 2FASOC to the extent those allegations are pleaded against them in paragraph 5(a) or otherwise in the TPN, and under cover of the objections in paragraphs 5(b)(A) and 7(b)(A) above:

(a) Bradshaw and Allen do not plead to the allegations in paragraphs 50(a) to (h) of the 2FASOC as those paragraphs make no allegation of material fact against them.

(b) As to the allegations in relation to the GFC v North Melbourne AFL Home & Away game, round 2, held on 8 April 2006 in paragraph 50(i) of the 2FASOC, they refer to and repeat the matters pleaded in Section A.3 of Schedule 1.

- (c) As to the allegations in relation to the GFC v Hawthorn AFL Home & Away game, round 3, held on 15 April 2006 in paragraph 50(j) of the 2FASOC, they refer to and repeat the matters pleaded in Section A.4 of Schedule 1.
- (d) As to the allegations in relation to the GFC v Melbourne AFL Home & Away game, round 6, held on 5 May 2006 in paragraph 50(k) of the 2FASOC, they refer to and repeat the matters pleaded in Section A.5 of Schedule 1.
- (e) As to the allegations in relation to the GFC v Western Bulldogs AFL Home & Away game, round 16, held on 23 July 2006 (incorrectly pleaded by the plaintiff as having been held on 26 July 2006) in paragraph 50(l) of the 2FASOC, they refer to and repeat the matters pleaded in Section A.6 of Schedule 1.
- (f) As to the allegations in relation to the GFC v Hawthorn AFL Home & Away game, round 22, held on 3 September 2006 in paragraph 50(m) of the 2FASOC, they refer to and repeat the matters pleaded in Section A.7 of Schedule 1.
- (g) As to the allegations in relation to the GFC v Tasmanian Devils, VFL Home & Away game, round 2, held on 14 April 2007 (incorrectly pleaded by the plaintiff as having been held on 15 April 2007) in paragraph 50(n) of the 2FASOC, they refer to and repeat the matters pleaded in Section B.1 of Schedule 1.
- (h) As to the allegations in relation to the GFC v Port Adelaide AFL Home & Away game, round 9, held on 27 May 2007 in paragraph 50(o) of the 2FASOC, they refer to and repeat the matters pleaded in Section B.2 of Schedule 1.
- (i) As to the allegations in relation to the GFC v Collingwood AFL Preliminary Final game held on 21 September 2007 in paragraph 50(p) of the 2FASOC, they refer to and repeat the matters pleaded in Section B.3 of Schedule 1.
- (j) As to the allegations in relation to the GFC v Brisbane AFL Home & Away game, round 7, held on 3 May 2008 in paragraph 50(q) of the 2FASOC, they refer to and repeat the matters pleaded in Section C.2 of Schedule 1.
- (k) As to the allegations in relation to the GFC v Western Bulldogs AFL Preliminary Final held on 19 September 2008 in paragraph 50(r) of the

2FASOC, they refer to and repeat the matters pleaded in Section C.3 of Schedule 1.

- (l) As to the allegations in relation to the GFC v Adelaide AFL Home & Away game, round 4, held on 18 April 2009 in paragraph 50(s) of the 2FASOC, they refer to and repeat the matters pleaded in Section D.2 of Schedule 1.
- (m) As to the allegations in relation to the GFC v North Melbourne AFL Home & Away game, round 8, held on 16 May 2009 in paragraph 50(t) of the 2FASOC, they refer to and repeat the matters pleaded in Section D.3 of Schedule 1.
- (n) As to the allegations in relation to the GFC v Essendon AFL Home & Away game, round 10, held on 31 May 2009 in paragraph 50(u) of the 2FASOC, they refer to and repeat the matters pleaded in Section D.4 of Schedule 1.
- (o) As to the allegations in relation to the GFC v Hawthorn AFL Home & Away game, round 17, held on 25 July 2009 in paragraph 50(v) of the 2FASOC, they refer to and repeat the matters pleaded in Section D.5 of Schedule 1.
- (p) As to the allegations in relation to the GFC v Adelaide AFL Home & Away game, round 18, held on 1 August 2009 in paragraph 50(w) of the 2FASOC, they refer to and repeat the matters pleaded in Section D.6 of Schedule 1.
- (q) In the premises of the matters pleaded in this paragraph above and in sections A.3 to A.7, B, C.2, C.3, and D.2 to D.6 (being those sections that are pleaded in respect of “Rooke’s head knocks and concussions” alleged in paragraph 50(i) to (w) of the 2FASOC, as they relate to Bradshaw and Allen) of Schedule 1:
 - (i) The GFC or, further or alternatively, Bradshaw or Allen did not fail to take “reasonable precautions”;
 - (ii) The GFC or, further or alternatively, Bradshaw or Allen were not reasonably required to take any other “reasonable precautions” over and above the “reasonable precautions” undertaken;
 - (iii) The GFC or, further or alternatively, Bradshaw or Allen did not act negligently or breach any duty of care they owed to the plaintiff.

- (r) Otherwise, they deny the allegations.
10. To paragraph 51 of the 2FASOC to the extent those allegations are pleaded against them in paragraph 5(a) or otherwise in the TPN, and under cover of the objections in paragraphs 5(b)(A) and 7(b)(A) above:
- (a) Bradshaw and Allen do not plead to the allegations in relation to alleged head knocks and concussions on or about 2 August 2001 and 2 April 2002 in the particulars to paragraph 51 of the 2FASOC as those paragraphs make no allegation of material fact against them;
 - (b) As to the allegations in relation to the GFC v Carlton NAB Cup Game, round 1, held on 25 February 2006 in the particulars to paragraph 51 of the 2FASOC, they refer to and repeat the matters pleaded in Section A.1 of Schedule 1.
 - (c) As to the allegations in relation to the GFC v North Melbourne NAB Cup Game, round 2, held on 4 March 2006 in the particulars to paragraph 51 of the 2FASOC, they refer to and repeat the matters pleaded in Section A.2 of Schedule 1.
 - (d) As to the allegations in relation to the GFC v St Kilda NAB Cup Game, round 2, held on 23 February 2008 in the particulars to paragraph 51 of the 2FASOC, they refer to and repeat the matters pleaded in Section C.1 of Schedule 1.
 - (e) As to the allegations in relation to the GFC v Collingwood NAB Cup Grand Final game held on 13 March 2009 in the particulars to paragraph 51 of the 2FASOC, they refer to and repeat the matters pleaded in Section D.1 of Schedule 1.
 - (f) In the premises of the matters pleaded in this paragraph above and in sections A.1, A.2, C.1 and D.1 (being those sections that are pleaded in respect of the matters alleged in paragraph 51 of the 2FASOC, as they relate to Bradshaw and Allen) of Schedule 1:
 - (i) The GFC or, further or alternatively, Bradshaw or Allen did not fail to take “reasonable precautions”;

- (ii) The GFC or, further or alternatively, Bradshaw or Allen were not reasonably required to take any other “reasonable precautions” over and above the “reasonable precautions” undertaken;
 - (iii) The GFC or, further or alternatively, Bradshaw or Allen did not act negligently or breach any duty of care they owed to the plaintiff.
 - (g) Otherwise, they deny the allegations.
11. To paragraph 52 of the 2FASOC to the extent those allegations are pleaded against them in the TPN:
- (a) Under cover of the objections in paragraphs 5(b)(A) and 7(b)(A) above , Bradshaw and Allen refer to and repeat the matters pleaded in sections A, B, C and D of Schedule 1 and paragraphs 9 and 10 above.
 - (b) Otherwise, they deny the allegations.
12. To paragraph 53 of the 2FASOC to the extent those allegations are pleaded against them in paragraph 5(b) or otherwise inf the TPN:
- (a) Under cover of the objections in paragraphs 5(b)(A) and 7(b)(A) above, Bradshaw and Allen refer to and repeat the matters pleaded in sections A, B, C and D of Schedule 1 and paragraphs 9 to 11 above.
 - (b) Otherwise, they deny the allegations.
13. To paragraph 54 of the 2FASOC to the extent those allegations are pleaded against them in paragraph 5(c) or otherwise in the TPN:
- (a) Under cover of the objections in paragraphs 5(b)(A) and 7(b)(A) above, Bradshaw and Allen refer to and repeat the matters pleaded in sections A, B, C and D of Schedule 1 and paragraphs 9 to 12 above.
 - (b) Otherwise, they deny the allegations.
14. To paragraph 55 of the 2FASOC to the extent those allegations are pleaded against them in paragraph 5(d) or otherwise in the TPN:
- (a) Under cover of the objections in paragraphs 5(b)(A) and 7(b)(A) above, Bradshaw and Allen say that:

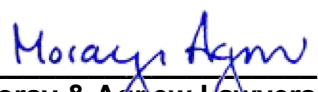
- (i) On a date prior to 22 February 2006, the GFC commenced using a computerised neurocognitive testing battery known as the CogSport test battery (**CogSport**), to assess GFC players, including the plaintiff's, cognitive function and status to establish baseline results against which future CogSport test results could be compared;
 - (ii) The GFC explained to GFC players, including the plaintiff, that the purpose of CogSport tests were to assess cognitive function and status to establish baseline results against which future CogSport test results could be compared, to seek to identify, monitor and manage:
 - (i) any impacts on cognitive function; and
 - (ii) concussion or symptoms of concussion or suspected concussion;
 - (iii) Bradshaw and Allen otherwise refer to and repeat the matters pleaded in sections A, B, C and D of Schedule 1 and paragraphs 9 to 13 above.
 - (b) Otherwise, they deny the allegations.
15. To paragraph 56 of the 2FASOC to the extent those allegations are pleaded against them in paragraph 5(e) or otherwise in the TPN, and under cover of the objections in paragraphs 5(b)(A) and 7(b)(A) above:
- (a) Bradshaw and Allen refer to and repeat the matters pleaded in sections A, B, C and D of Schedule 1 and paragraphs 9 to 14 above.
 - (b) In the premises:
 - (i) The GFC or, further or alternatively, Bradshaw or Allen did not fail to take "reasonable precautions";
 - (ii) The GFC or, further or alternatively, Bradshaw or Allen were not reasonably required to take any other "reasonable precautions" over and above the "reasonable precautions" undertaken; and
 - (iii) The GFC or, further or alternatively, Bradshaw or Allen did not act negligently or breach any duty of care they owed to the plaintiff.

- (c) Otherwise, they deny the allegations.
16. To paragraph 58 of the 2FASOC to the extent those allegations are pleaded against them in paragraph 5(g) or otherwise in the TPN, and under cover of the objections in paragraphs 5(b)(A) and 7(b)(A) above:
- (a) Bradshaw and Allen deny the plaintiff has suffered the injury or injuries alleged.
 - (b) Further or alternatively, if, which is denied, the GFC failed to take “reasonable precautions” or acted negligently or breached any duty of care it owed to the plaintiff in respect of any allegation made by the plaintiff, any such matter or matters did not cause the injury or injuries alleged by the plaintiff.
 - (c) Further or alternatively, if, which is denied, Bradshaw or Allen failed to take “reasonable precautions” or acted negligently or breached any duty of care they owed to the plaintiff in respect of any allegation made by the plaintiff or by the GFC, any such matter or matters did not cause the injury or injuries alleged by the plaintiff.
 - (d) Otherwise, they deny the allegations.
17. To paragraph 59 of the 2FASOC to the extent those allegations are pleaded against them in paragraph 4(e), 5(g) or otherwise in the TPN, and under cover of the objections in paragraphs 5(b)(A) and 7(b)(A) above:
- (a) Bradshaw and Allen refer to and repeat the matters pleaded in paragraphs 16 above.
 - (b) Further or alternatively, if, which is denied, the GFC failed to comply with “reasonable precautions” in respect of any allegation made by the plaintiff, the plaintiff would have suffered the injury alleged and/or the extent of injury alleged, in any event.
 - (c) Further or alternatively, if, which is denied, Bradshaw or Allen failed to comply with “reasonable precautions” in respect of any allegation made by the plaintiff or by the GFC, the plaintiff would have suffered the injury alleged and/or the extent of injury alleged, in any event.
 - (d) Otherwise, they deny the allegations.

18. To paragraph 60 of the 2FASOC to the extent those allegations are pleaded against them in paragraph 4(e), 5(g) or otherwise in the TPN:
 - (a) Bradshaw and Allen refer to and repeat the matters pleaded in paragraphs 16 and 17 above.
 - (b) Otherwise, they deny the allegations.
19. To paragraph 61 of the 2FASOC to the extent those allegations are pleaded against them in paragraph 4(e), 5(g) or otherwise in the TPN:
 - (a) Bradshaw and Allen refer to and repeat the matters pleaded in paragraphs 16 to 18 above.
 - (b) Otherwise, they deny the allegations.
20. To paragraph 62 of the 2FASOC to the extent those allegations are pleaded against them in paragraph 4(e), 5(g) or otherwise in the TPN:
 - (a) Bradshaw and Allen refer to and repeat the matters pleaded in paragraphs 16 to 19 above.
 - (b) Otherwise they deny the allegations.
21. In further answer to the allegations in paragraphs 50 to 56 of the 2FASOC to the extent those allegations are pleaded against them in the TPN, and under cover of the objections in paragraphs 5(b)(A) and 7(b)(A) above, Bradshaw and Allen advance the allegations in sections A to D of Schedule 1.
22. In further answer to the plaintiff's claims against the AFL and the GFC, Bradshaw and Allen say that his alleged causes of action are barred by operation of section 27D of the *Limitations of Actions Act* 1958 (Vic).

Dated: 24 April 2026

Robert Heath
Tom Barry
Lucy Dawson


Moray & Agnew Lawyers

Solicitors for the fourth third party and the fifth third party

SCHEDULE 1

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A The 2006 season

1. On 22 February 2006, using the CogSport test battery, the GFC assessed the plaintiff's cognitive function and status to establish baseline results against which future CogSport test results could be compared.

Particulars

As to GFC's administration of this baseline test to the plaintiff on this date, this is to be inferred from the following: (1) the letter from GFC's solicitors to the solicitors for Bradshaw and Allen dated 12 March 2026 (see **GEE.937.937.0001**); and (2) the CogSport Baseline Report dated 22 February 2006, which document refers to "Ben" as the administrator of the test (see **GEE.937.937.0005**). This is a reference to Ben Waller, who assisted Steven Hocking at this time (**CXB.001.002.0012** at p. 18). Generally, in the period between 2006 and 2009, Ben Waller administered CogSport tests to players, he received and/or accessed the CogSport test results.

2. The CogSport Baseline Report dated 22 February 2006 showed that the plaintiff's test performance was within or above normal limits.

A.1 Geelong v Carlton – NAB Cup game (round 1) – 25 February 2006

3. In further answer to the allegations relating to the GFC v Carlton NAB Cup Game, round 1, held on 25 February 2006 (see paragraph 51 of the 2FASOC and the particulars thereunder), Bradshaw and Allen advance the allegations in paragraphs 4 to 10 below.
4. As to the period in which Bradshaw provided consultancy medical services to the GFC's registered players, that period commenced in around the middle of May 2006, and, accordingly, Bradshaw does not plead to the allegation relating to this game.
5. Subject to the reservation identified below, Allen does not admit he served as a Club Medical Officer at this NAB Cup game.

Particulars

Allen reserves the right to amend this plea following the disclosure of the relevant Official Team Sheet, a critical document within the meaning of the *Civil Procedure Act 2010* (Vic) (**CPA**).

6. At this game:
 - (a) the GFC relied upon Trainers (as defined in the applicable AFL Regulations), Team Runners (as defined in the applicable AFL Regulations), Physiotherapists (as defined in the applicable AFL Regulations), the Senior Coach (as defined in the applicable AFL Regulations), Coaches (as defined in the applicable AFL Regulations), and other members of its football department to monitor players and report any injuries or suspected injuries, including concussions and suspected concussions;
 - (b) where the GFC suspected or had reasonable grounds to suspect that a player may not be responsible for his actions or was not in a fit state to play or continue to play (having due regard to his health and safety), the GFC could not permit or allow that player to play or continue to play; and
 - (c) where the GFC had reasonable grounds to suspect that a player was not in a fit state to continue to play, or where the GFC had reasonable grounds to suspect that a player had suffered an injury which may cause him not to be

responsible for his actions, the GFC was required immediately to bring about the examination of that player by its Club Medical Officer to assess whether the player was cognisant of and responsible for his actions or in a fit state to play having regard for his health and safety.

Particulars

As to the allegation in subparagraph (a), Allen refers to the following: (1) the in-game role and function of each person occupying one of these (defined) positions; (2) the fact that members of the GFC football department performed an injury-spotting role in the games in 2006 to 2009 on which the plaintiff relies, including pre-season games; and (3) in relation to injuries or suspected injuries that members of the GFC football department observed, it was common-place for such persons to communicate their observations to other GFC personnel positioned on the bench, including the Club Medical Officers.

By way of further example, at this game:

- the Trainers were permitted to enter onto the Playing Surface (as defined in the AFL Regulations) to provide water to players and check on the condition of players. At this time, and at all relevant times thereafter, in relation to the condition of players, Trainers were expected to report any concerns or observations to others.
- Some assistant Coaches sat in the Coaches box and, from this elevated position, they monitored players. The assistant Coaches were also expected to report any player-related concerns or observations to others.
- Players also reported and were expected to report any concerns or observations they had in respect of themselves or any other player to GFC personnel, including the Club Medical Officers.

As to the allegation in subparagraphs (b) and (c), Allen refers to rules 26.1 and 26.2 of the AFL Player Rules applicable at this time.

Allen may provide further particulars following discovery.

7. As to the broadcast footage on which the plaintiff relies (**MOR.002.001.0088** at and from 00:38:55:00), and as to the alleged head knock in the fourth quarter of this game, this footage shows that:

	Event (JMR = the plaintiff; KD = Kris Davis, Carlton #14)	Timestamp(s)
(a)	KD tackles the plaintiff	00:39:05:19
(b)	JMR begins to fall over	00:39:06:02
(c)	JMR's left shoulder made contact with the ground, causing a change in his momentum	00:39:05:09
(d)	The back of JMR's head made contact with the ground	00:39:06:11
(e)	JMR begins to lift his head up	00:39:06:13

(f)	JMR keeps lifting his head, before propping up on his right elbow and right side	00:39:06:16 – 00:39:06:15
(g)	Umpire starts to blow whistle and signal the award of a free kick to JMR	00:39:07:00 – 00:39:08:19
(h)	JMR propped up on right elbow, looking at the umpire	00:39:09:07
(i)	JMR begins to stand up	00:39:09:17 – 00:39:10:02
(j)	JMR gets onto his right knee, and continues to get up, getting onto his feet	00:39:10:04 – 00:39:11:18
(k)	JMR starts to lift ball up, and spots an unmarked player downfield (Jimmy Bartel (GFC))	00:39:11:22 – 00:39:12:00
(l)	JMR executes an effective kick	00:39:12:10 – 00:39:13:00
(m)	Running downfield, Jimmy Bartel (GFC) marks JMR's kick	00:39:14:10

8. Following this passage of play:

- (a) As to the GFC's employees, servants and/or agents who were permitted to enter the Playing Surface during this game (that is, the persons listed on the GFC's Official Team Sheet as submitted to the AFL in advance of this game, **Official Team Sheet Persons**), no such person attended on the plaintiff to check his condition, and no other employee, agent or representative of the GFC asked a Club Medical Officer to check his condition, as:
- (i) he did not experience a significant head knock as alleged;
 - (ii) he did not lose consciousness as alleged;
 - (iii) he did not exhibit any symptoms of concussion or suspected concussion as alleged;
 - (iv) he did not suffer from a concussion or suspected concussion as alleged; and
 - (v) in the circumstances, his condition did not warrant the attention of these persons.
- (b) In the balance of the game, the plaintiff was oriented, he was aware of his surroundings, and he demonstrated his ability to execute his football skills at an elite level (that is, at a level consistent with his occupation as an elite player in the Australian Football League, **Elite player**).

Particulars

As to the allegation in subparagraph (a), Allen refers to and repeats paragraphs 6 and 7 above.

As to the allegation in subparagraph (b), by way of example only, Allen refers to the following: (1) **MOR.002.001.0088** at 00:39:43:00 to 00:39:51:00; and (2) **MOR.002.001.0088** at 01:05:01:00 to 01:05:14:00.

Allen may provide further particulars following discovery.

9. In the week following this game:
- (a) in the hour or two after this game, the GFC monitored and/or assessed the condition of each player;
 - (b) a day or two after this game, depending on the matters observed or reported in respect of the plaintiff at and after the game, he attended an injury clinic at Kardinia Park (at which the plaintiff was observed and assessed by members of the GFC football department) or a recovery session at Jan Juc, Point Lonsdale or some other place;
 - (c) the GFC continued to monitor players, including the plaintiff, and the nature / level of monitoring depended upon the observations and assessments of the players; and
 - (d) the plaintiff was selected to play in the NAB Cup round 2 game between the GFC and North Melbourne on 4 March 2006.

Particulars

As to the allegations in subparagraphs (a), (b) and (c), Allen refers to: (1) the GFC's general system for monitoring and assessing players in the period from one game to the next in 2006 to 2009; and (2) the absence of any contemporaneous documents indicating that the plaintiff had experienced a concussion or suspected concussion, the plaintiff had showed signs or symptoms of a concussion or suspected concussion, or the plaintiff was showing signs or symptoms of a concussion or suspected concussion.

As to the allegation in subparagraph (d), see **PUB.937.937.0056** and Section A.2 below.

Allen may provide further particulars following discovery.

10. In the premises:
- (a) The relevant passage of play did not involve a head knock of the sort alleged – that is one that caused the plaintiff to:
 - (i) suffer injury as alleged (or at all);
 - (ii) lose consciousness as alleged (or at all);

- (iii) experience and/or exhibit any concussion, or symptoms of concussion or suspected concussion as alleged (or at all).
- (b) As to the “reasonable precautions” alleged in paragraph 30 of the 2FASOC (assuming without accepting that such precautions were reasonable or necessary at the time of this game having regard to the standard of knowledge and peer professional opinion at the time):
 - (i) In this game, and in the weeks following this game, the GFC did monitor the plaintiff, and it took steps to assess the plaintiff’s condition and fitness to train and/or play.
 - (ii) No symptoms of concussion, symptoms of suspected concussion or symptoms that the plaintiff had not recovered or had not fully recovered from concussion or suspected concussion were drawn to Allen’s attention or the attention of another Club Medical Officer or another medical practitioner for the purposes of the GFC, Allen, another Club Medical Officer or another medical practitioner undertaking any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion.
 - (iii) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Allen (assuming without accepting that Allen served as a Club Medical Officer at this game), to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion over and above the evaluation or management undertaken.
 - (iv) The GFC or, further or alternatively, Allen (assuming without accepting that Allen served as a Club Medical Officer at this game) did not fail to take “reasonable precautions”.
 - (v) The alleged incident was not one that required the GFC or, further or alternatively, Allen (assuming without accepting that Allen served as a Club Medical Officer at this game) to take any other “reasonable precautions” over and above the “reasonable precautions” undertaken.

- (vi) The GFC or, further or alternatively, Allen (assuming without accepting that Allen served as a Club Medical Officer at this game) did not act negligently or breach any duty of care they owed to the plaintiff.

A.2 Geelong v North Melbourne – NAB Cup game (round 2) – 4 March 2006

- 11. In further answer to the allegations relating to the GFC v North Melbourne NAB Cup Game, round 2, held on 4 March 2006 (see paragraph 51 of the 2FASOC and the particulars thereunder), Bradshaw and Allen advance the allegations in paragraphs 12 to 26 below.
- 12. As to the period in which Bradshaw provided consultancy medical services to the GFC's registered players, that period commenced in around the middle of May 2006, and, accordingly, Bradshaw does not plead to the allegation relating to this game.
- 13. Allen admits he served as a Club Medical Officer at this NAB Cup game.
- 14. Allen refers to and repeats the matters pleaded in paragraph 6 in section A.1 above.
- 15. As to the broadcast footage on which the plaintiff relies (**MOR.002.001.0090**, at and from 01:02:00:00), and as to the alleged head knock in the fourth quarter of this game, this footage shows that:
 - (a) the plaintiff did experience a significant head knock as alleged; and
 - (b) as a result of this head knock, the plaintiff experienced a loss of consciousness.
- 16. The broadcast footage also shows that:
 - (a) shortly after the plaintiff experienced this head knock, Allen came onto the ground to check and help the plaintiff;
 - (b) Allen assessed the plaintiff's condition in the course of which assessment he (Allen) determined that the plaintiff should be removed safely from the ground; and
 - (c) once Allen had stabilised the plaintiff's neck, a stretcher was used to remove the plaintiff from the ground; and
 - (d) the plaintiff did not return to the game.

Particulars

As to the relevant broadcast footage, Allen refers to the following parts of **MOR.002.001.0090**: (1) 01:02:00 to 01:02:20 (live broadcast footage); and (2) 01:02:31 to 01:02:43 (replay footage).

As to the specific matters pleaded above:

[16](a)	MOR.002.001.0090 at 01:02:10:00 to 01:02:30:00
[16](b)	MOR.002.001.0090 at 01:02:19:00 to 01:02:31:00 and 01:02:44:00 to 01:03:26:00
[16](c)	MOR.002.001.0090 at and from 01:04:13:00
[16](d)	MOR.002.001.0090 at and from 01:04:17:08

Allen may provide further particulars following discovery.

17. Further:

- (a) Allen made the call to send the plaintiff to a hospital emergency department;
- (b) Allen travelled to the Cairns Base Hospital with the plaintiff, and monitored him on that journey; and
- (c) Allen advised the GFC in relation to the plaintiff's condition and the timing of the return to Geelong.

Particulars

Allen refers to **JMR.001.001.0012** at p. 6.

He may provide further particulars following discovery.

18. The plaintiff did not train or play football on 5 and 6 March 2006.

Particulars

As to these matters, Allen refers to p. 1 of the CogSport Baseline Report dated 6 March 2006 (**GEE.937.937.0006**).

As to the fact that this report relates to the plaintiff, this is to be inferred from the following: (1) the letter from GFC's solicitors to the solicitors for Bradshaw and Allen dated 12 March 2006 (see **GEE.937.937.0001**); and (2) the CogSport Report dated 6 March 2006 (see **GEE.937.937.0006**).

19. On 6 March 2006, using CogSport, the GFC assessed the plaintiff's cognitive function and status to obtain results for comparison against his baseline results.

Particulars

As to GFC's administration of this test to the plaintiff on this date, Allen refers to and repeats the particulars under paragraph 18 above.

As to the other parts of this allegation, Allen refers to pp. 1 to 3 of the CogSport Baseline Report dated 6 March 2006 (**GEE.937.937.0006**).

20. The plaintiff's results in this test showed a decline compared with the results arising from an earlier baseline test.

Particulars

As to GFC's administration of this test to the plaintiff on this date, Allen refers to and repeats the particulars under paragraph 18 above.

As to the other parts of this allegation, Allen refers to pp. 1 to 3 of the CogSport Baseline Report dated 6 March 2006 (**GEE.937.937.0006**).

21. The GFC did not select the plaintiff to play in the round 3 NAB Cup game against Freemantle Football Club on 11 March 2006, and this selection decision was based on his condition.

Particulars

As to the non-selection decision, Allen refers to **PUB.937.937.0055**.

As to the reason for this non-selection, this is to be inferred from the matters pleaded in paragraphs 15 to 20 above.

22. On 14 March 2006, using CogSport, the GFC assessed the plaintiff's cognitive function and status to obtain results for comparison against his baseline results.

Particulars

As to GFC's administration of this test to the plaintiff on this date, Allen refers to and repeats the particulars under paragraph 18 above.

As to the other parts of this allegation, Allen refers to pp. 1 to 4 of the CogState Baseline Report dated 14 March 2006 (**GEE.937.937.0003**).

23. When compared against the results of an earlier baseline test, the plaintiff's performance in this test was considered normal.

Particulars

As to the fact that the GFC administered this test to the plaintiff on this date, Allen refers to and repeats the particulars under paragraph 19 above.

As to the other parts of this allegation, Allen refers to pp. 1 to 4 of the CogState Baseline Report dated 14 March 2006 (**GEE.937.937.0003**).

24. Subsequently, in light of the matters pleaded in paragraphs 22 and 23 above, it was decided that the plaintiff could return to play in the NAB Cup grand final in Adelaide on 18 March 2006.
25. On 18 March 2006, around fourteen days after he had received the head knock pleaded in paragraph 15(a) above, the plaintiff played in the NAB Cup grand final in Adelaide.
26. In the premises and as to the “reasonable precautions” alleged in paragraph 30 of the 2FASOC (assuming without accepting that such precautions were reasonable or necessary at the time of this game having regard to the standard of knowledge and peer professional opinion at the time):
 - (a) In and after this game:
 - (i) the GFC monitored the plaintiff;
 - (ii) the GFC identified the plaintiff’s symptoms of concussion, and did so by its employees, servants, and/or agents who were present at this game;
 - (iii) a Club Medical Officer stabilised the plaintiff and promptly withdrew him from the game;
 - (iv) a Club Medical Officer arranged for the plaintiff to receive prompt treatment at an emergency medical department in a major hospital;
 - (v) the plaintiff was not allowed to play or train until his clinical symptoms and cognitive function had normalised;
 - (vi) the plaintiff did not return to play until fourteen days after the head knock in question; and
 - (vii) the results of three CogSport tests informed an ongoing post-concussion evaluation of the plaintiff’s condition, and such results were used to guide decisions on return to training and play.

- (b) The alleged incident on which the plaintiff relies was not one that reasonably required the GFC or, further or alternatively, Allen, to undertake any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion over and above the evaluation or management undertaken.
- (c) The GFC or, further or alternatively, Allen did not fail to take “reasonable precautions”;
- (d) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Allen to take any other “reasonable precautions” over and above the “reasonable precautions” undertaken.
- (e) The GFC or, further or alternatively, Allen did not act negligently or breach any duty of care they owed to the plaintiff.

A.3 Geelong v North Melbourne – AFL Home & Away game (round 2) – 8 April 2006

- 27. In further answer to the allegations relating to the GFC v North Melbourne AFL Home & Away game, round 2, held on 8 April 2006 (see paragraph 50(i) of the 2FASOC), Bradshaw and Allen advance the allegations in paragraphs 28 to 0 below.
- 28. As to the period in which Bradshaw provided consultancy medical services to the GFC’s registered players, that period commenced in around the middle of May 2006, and, accordingly, Bradshaw does not plead to the allegation relating to this game.
- 29. Subject to the reservation identified below, Allen does not admit that he served as a Club Medical Officer at this game.

Particulars

Allen reserves the right to amend this plea following the disclosure of the relevant Official Team Sheet.

- 30. Allen refers to and repeats the matters pleaded in paragraph 6 in section A.1 above.

A.3.1 The first incident on which the plaintiff relies

- 31. As to the broadcast footage on which the plaintiff relies (**MOR.002.001.0031** at and from 00:16:32:00), and as to the alleged head knock in the third quarter of this game, this footage shows that:

	Event (JMR = the plaintiff; DP = Drew Petrie, NM #20)	Timestamp(s)
(a)	JMR jumps from the ground to mark the ball	00:16:32:24
(b)	JMR marks the ball	00:16:32:02 – 00:16:33:04
(c)	JMR's head makes appears to contact with the back of DP's elbow	00:16:33:06
(d)	JMR and DP fall to the ground	00:16:33:10 – 00:16:34:05
(e)	JMR's body, elbow, shoulder and head make contact with the ground (in that order), after which JMR rolls to his left, ending up on his elbows and knees	00:16:33:19 – 00:16:35:02
(f)	JMR begins to stand up	00:16:35:05
(g)	JMR has both hands on the ball, and he looks for team mates to whom he might pass the ball	00:16:35:18
(h)	JMR moves up and away with the ball	00:16:35:21 – 00:16:36:08
(i)	JMR runs away from DP, wheeling left, looking at downfield passing options	00:16:36:08 – 00:16:37:04
(j)	JMR considers downfield passing options and then he looks to his right (i.e. towards the Barwon River end / Reg Hickey stand)	00:16:37:05 – 00:16:38:03
(k)	JMR executes an effective handpasses to Ablett (GFC)	00:16:38:12 – 00:16:39:14
(l)	JMR moves immediately to block Nathan Thompson (NM) from reaching Ablett (GFC)	00:16:39:03 – 00:16:40:07

32. As to the replay footage depicting this alleged head knock (**MOR.002.001.0031** at and from 00:16:51:00), this footage shows that:

	Event	Timestamp(s)
(a)	JMR jumps from the ground to mark the ball	00:16:51:04
(b)	JMR marks the ball	00:16:51:13
(c)	JMR's head makes appears to contact with the back of DP's elbow	00:16:52:00
(d)	JMR and DP fall to the ground	00:16:51:20
(e)	JMR's body, elbow, shoulder and head make contact with the ground (in that order), after which JMR rolls to his left	00:16:52:23 – 00:16:55:18

33. Following this passage of play:

- (a) None of the GFC's Official Team Sheet Persons attended on the plaintiff to check his condition, and no other employee, agent or representative of the GFC asked Allen to check his condition, as:
- (i) he did not experience a significant head knock as alleged;
 - (ii) he did not lose consciousness as alleged;

- (iii) he did not exhibit any symptoms of concussion or suspected concussion as alleged;
 - (iv) he did not suffer from a concussion or suspected concussion as alleged; and
 - (v) in the circumstances, his condition did not warrant the attention of these persons.
- (b) In the balance of the game, the plaintiff was oriented, he was aware of his surroundings, and he demonstrated his ability to execute his football skills at a level consistent with his occupation as an Elite player.

Particulars

As to the allegation in subparagraph (a), Allen relies on the broadcast footage relating to the alleged incident, including the replay footage, and paragraph 30 above.

As to the allegation in subparagraph (b), by way of example only, Allen refers to the following: (1) **MOR.002.001.0031** at 00:23:16:00 to 00:23:30:00.

Allen may provide further particulars following discovery.

A.3.2 The second incident on which the plaintiff relies

34. As to the broadcast footage on which the plaintiff relies (**MOR.002.001.0031** at and from 00:51:52:00), and as to the alleged head knock in the fourth quarter of this game, this footage shows that:

	Event (JMR = the plaintiff; LH = Leigh Harding, NM #39)	Timestamp(s)
(a)	Nth Melb. kicks ball towards the city end of Kardinia Park	00:51:48:01
(b)	JMR standing a few metres in front of a pack of players	00:51:50:01
(c)	LH jumps up, putting his left knee / lower leg into JMR's upper back	00:51:50:19
(d)	JMR is pushed forwards	00:51:50:22
(e)	JMR falls down, putting his arms down to brace his fall	00:51:51:06
(f)	JMR's hands touch the ground	00:51:51:10
(g)	JMR falls onto his right forearm and elbow	00:51:51:13
(h)	JMR is lying on his right-hand side, and his head did not make contact with the ground	00:51:51:17 – 51:52:00
(i)	JMR begins to life his head up	00:51:52:02
(j)	JMR holds his head well above the ground	00:51:52:23
(k)	JMR continues to hold his head well above the ground	00:51:52:23 – 51:54:04
(l)	JMR uses his right elbow and arm to lift himself off the ground	00:51:55:02

(m)	JMR lies on the ground, propped up on his right elbow and arm, watching the contest and stoppage	00:51:55:22 – 51:56:14
(n)	JMR begins to sit up	00:51:56:15
(o)	JMR props on his left arm / hand, using his right arm / hand to stretch his left leg / calf	00:51:58:00 – 51:58:12
(p)	JMR continues to rest on his left hand, using his right arm / hand to stretch his leg / calf	00:52:00:16
(q)	A GFC Trainer runs towards JMR as he stretches his leg / calf	00:52:00:22 – 52:02:07
(r)	The GFC Trainer crouches down to check JMR	00:52:02:16 – 52:02:22
(s)	The GFC Trainer and a GFC Runner check JMR as another GFC Runner (Peter Metcalfe) runs to JMR	00:52:06:11
(t)	Peter Metcalfe uses a “thumbs up” gesture to signal that JMR’s condition is not serious	00:52:06:14 – 52:06:18
(u)	The crouching GFC Trainer stretches JMR’s left leg / calf	00:52:08:18
(v)	JMR stands up without assistance	00:52:09:20 – 52:11:22
(w)	Peter Metcalfe uses another “thumbs up” gesture to signal that JMR’s condition is not serious	00:52:12:08 – 52:14:02
(x)	JMR continues to run towards the bench without assistance	00:52:14:03
(y)	Running towards Peter Metcalf and the GFC Trainer, another GFC person acknowledges Peter Metcalfe’s “thumbs up” gesture	00:52:14:12 – 00:52:14: 14

35. Following the alleged head knock:

- (a) Having attended on the plaintiff to check his condition, the GFC Trainers and the GFC Runner observed that the plaintiff was suffering from a cramp in his left leg / calf.
- (b) Neither the GFC Trainers nor the GFC Runner indicated that the plaintiff’s condition required the immediate attention of a Club Medical Officer.
- (c) After the plaintiff reached the bench, Seward assessed his condition, and Peter Lloyd massaged the plaintiff’s calf.
- (d) The plaintiff did not return to the game.

Particulars

As to the allegation in subparagraphs (a) and (b), these matters are to be inferred from the relevant parts of the broadcast footage identified in paragraph 34 above.

As to the allegation in subparagraphs (c), Allen refers to **MOR.002.001.0031** at 00:53:10:00 to 00:53:14:00. Peter Lloyd was a VFL Trainer in 2006; and he was an Official Team Sheet Person for this game.

Allen may provide further particulars following discovery.

36. In the week following this game:
- (a) in the hour or two after this game, the GFC monitored and/or assessed the condition of each player;
 - (b) a day or two after this game, depending on the matters observed or reported in respect of the plaintiff at and after the game, he attended an injury clinic at Kardinia Park (at which the plaintiff was observed and assessed by members of the GFC football department) or a recovery session at Jan Juc, Point Lonsdale or some other place;
 - (c) the GFC continued to monitor players, including the plaintiff, and the nature / level of monitoring depended upon the observations and assessments of the players;
 - (d) on 10 April 2006, using CogSport, the GFC assessed the plaintiff's cognitive function and status to obtain results for comparison against his baseline results;
 - (e) the plaintiff's performance in this CogSport test showed no significant change from the results of earlier baseline tests; and
 - (f) the plaintiff was selected to play in the AFL Home & Away round 3 game between the GFC and Hawthorn on 15 April 2006.

Particulars

As to the allegations in subparagraphs (a), (b) and (c), Allen refers to and repeats the particulars of paragraph 9(a), (b) and (c) above, and paragraph 30 above.

As to the allegations in subparagraphs (d) and (e), Allen refers to the following:

- (1) As to the fact that the GFC administered this test to the plaintiff on this date, Allen refers to the following: the letter from GFC's solicitors to the solicitors for Bradshaw and Allen dated 12 March 2026 (see **GEE.937.937.0001**); and the CogState Report dated 10 July 2006 (**GEE.937.937.0002**).
- (2) As to the results of this test, and as to the results of the earlier baseline tests, Allen refers to the CogState Report dated 10 July 2006 at pp. 3 and 4 (**GEE.937.937.0002**).

As to the allegations in subparagraph (f), Allen refers to **PUB.937.937.0083**.

As to each of these allegations, Allen may provide further particulars following discovery.

37. In the circumstances pleaded in paragraphs 34 to 36 above:
- (a) the plaintiff did not experience a head knock as alleged (or any head knock);
 - (b) he did not lose consciousness as alleged;
 - (c) he did not exhibit any symptoms of concussion or suspected concussion as alleged; and
 - (d) he did not suffer from a concussion or suspected concussion as alleged.
38. In that next game, publicly available records show that the plaintiff:
- (a) played 90% of game time;
 - (b) had 10 kicks;
 - (c) had 2 handballs; and
 - (d) had 3 marks.

Particulars

Allen refers to **PUB.937.937.0037**.

Allen may provide further particulars following discovery.

A.3.3 The GFC's conduct in relation to the above incidents

39. In the premises:
- (a) Neither one of the two relevant passages of play involved a head knock of the sort alleged – that is one that caused the plaintiff to:
 - (i) suffer an injury as alleged (or at all);
 - (ii) lose consciousness as alleged (or at all);
 - (iii) experience and/or exhibit any concussion, or symptoms of concussion or suspected concussion as alleged (or at all).
 - (b) As to the “reasonable precautions” alleged in paragraph 30 of the 2FASOC (assuming without accepting that such precautions were reasonable or

necessary at the time of this game having regard to the standard of knowledge and peer professional opinion at the time):

- (i) In this game, and in the weeks following this game, the GFC monitored the plaintiff, and it took steps to assess his condition and fitness to train and/or play.
- (ii) No symptoms of concussion, symptoms of suspected concussion or symptoms that the plaintiff had not recovered or had not fully recovered from concussion or suspected concussion were drawn to Allen's attention or the attention of another Club Medical Officer or another medical practitioner for the purposes of the GFC, Bradshaw or Allen, another Club Medical Officer or another medical practitioner undertaking any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion.
- (iii) The alleged incidents on which the plaintiff relies were not ones that reasonably required the GFC or, further or alternatively, Allen (assuming without accepting that Allen served as a Club Medical Officer at this game), to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion over and above the evaluation or management undertaken.
- (iv) The GFC or, further or alternatively, Allen (assuming without accepting that Allen served as a Club Medical Officer at this game) did not fail to take "reasonable precautions";
- (v) The alleged incidents were not ones that reasonably required the GFC or, further or alternatively, Allen (assuming without accepting that Allen served as a Club Medical Officer at this game) to take any other "reasonable precautions" over and above the "reasonable precautions" undertaken.
- (vi) The GFC or, further or alternatively, Allen (assuming without accepting that Allen served as a Club Medical Officer at this game) did not act negligently or breach any duty of care they owed to the plaintiff.

A.4 Geelong v Hawthorn – AFL Home & Away game (round 3) – 15 April 2006

40. In further answer the allegations relating to the GFC v Hawthorn AFL Home & Away game, round 3, held on 15 April 2006 (see paragraph 50(j) of the 2FASOC), Bradshaw and Allen advance the allegations set out in paragraphs 41 to 49 below.
41. As to the period in which Bradshaw provided consultancy medical services to the GFC's registered players, that period commenced in late May or early June 2006, and, accordingly, Bradshaw does not plead to the allegation relating to this game.
42. Subject to the reservation identified below, Allen does not admit that he served as a Club Medical Officer at this AFL Home & Away Game.

Particulars

Allen reserves the right to amend this plea following the disclosure of the relevant Official Team Sheet.

43. As to the live broadcast footage on which the plaintiff relies (**MOR.002.001.0033** at and from 00:54:09), and as to the alleged head knock in the second quarter of this game, this footage shows that:

	Event (JMR = the plaintiff; RV = Richie Vandenberg, HFC #21)	Timestamp(s)
(a)	RV collects the ball; and JMR is just inside the 50 metre arc, facing RV	00:54:13:13
(b)	RV moves to kick the ball; and JMR moves in to smother this kick	00:54:14:12
(c)	JMR raises his right arm – RV has not yet kicked the ball	00:54:14:16
(d)	RV kicks the ball, and the ball goes past JMR	00:54:14:17 – 00:54:14:19
(e)	JMR's left side and shoulder is closest to RV	00:54:14:21
(f)	The camera cuts away without showing the collision	00:54:14:22
(g)	JMR and RV begin to fall down	00:54:15:08
(h)	JMR falls towards the ground	00:54:15:21
(i)	JMR lies on the ground with three GFC personnel looking at him	00:54:33:06 – 00:54:33:09
(j)	One of the GFC trainers makes a "thumbs up" gesture to indicate that JMR's condition was not serious	00:54:33:10 – 00:54:33:14
(k)	The same GFC trainer makes a second "thumbs up" gesture to indicate that JMR's condition was not serious	00:54:35:07 – 00:54:33:15
(m)	JMR runs towards a marking contest	00:55:17:14 – 00:55:20:02
(n)	JMR jumps into the contest, seeking to mark the ball	00:55:20:08 – 00:55:20:15
(o)	JMR lands on his feet, spins to his right, and follows the ball	00:55:21:05 – 00:55:22:19
(p)	As a Hawthorn player prepares to kick the ball into play, JMR runs towards an opponent	00:55:30:07 – 00:55:33:18

44. As to the replay footage depicting this alleged head knock (**MOR.002.001.0035** at and from 00:39:01:00), this footage shows that:

	Event	Timestamp(s)
(a)	RV prepares to kick the ball	00:39:05:12
(b)	JMR lifts his arm, preparing to smother RV's kick	00:39:05:18 – 00:39:05:21
(c)	RV kicks the ball, and it goes past JMR	00:39:05:23
(d)	RV's raised left knee strikes JMR in the middle of his back / ribs, after which RV's left arm / elbow also strikes JMR in his back	00:39:06:03 – 00:39:06:13
(e)	JMR begins to fall, as does RV	00:39:06:14 – 00:39:07:09
(f)	JMR's left arm and shoulder make contact with the ground	00:39:07:15 – 00:39:07:21
(g)	JMR puts his right hand into the ground	00:39:07:22 – 00:39:08:00
(h)	JMR's head makes contact with the ground	00:39:08:08

45. Further to the matters pleaded in paragraphs 43 and 44 above, and 43(i) to (k) in particular, no other employee, agent or representative of the GFC (including those watching from the coaches' box, the stands or the GFC bench, whether Official Team Sheet Persons or others) indicated that the plaintiff's condition required the immediate attention of a Club Medical Officer.
46. In the balance of the game, the plaintiff was oriented, he was aware of his surroundings, and he demonstrated his ability to execute his football skills at a level consistent with his occupation as an Elite player.

Particulars

By way of example only, Allen refers to the following: (1) **MOR.002.001.0033** at 00:55:30:07 – 00:55:33:18; (2) **MOR.002.001.0035** at 00:32:45:00 to 00:33:06:00; (3) **MOR.002.001.0035** at 00:33:30:00 to 00:33:40:00; and (4) **MOR.002.001.0035** at 00:47:38:00 to 00:47:50:00.

Allen may provide further particulars following discovery.

47. In the week following this game:
- (a) in the hour or two after this game, the GFC monitored and/or assessed the condition of each player;
 - (b) a day or two after this game, depending on the matters observed or reported in respect of the plaintiff at and after the game, he attended an injury clinic at Kardinia Park (at which the plaintiff was observed and assessed by members

of the GFC football department) or a recovery session at Jan Juc, Point Lonsdale or some other place;

- (c) the GFC continued to monitor players, including the plaintiff, and the nature / level of monitoring depended upon the observations and assessments of the players; and
- (d) the plaintiff was selected to play in the AFL Home & Away round 4 game between the GFC and the Western Bulldogs on 22 April 2006.

Particulars

As to the allegations in subparagraphs (a), (b) and (c), Allen refers to and repeats the particulars of paragraph 9(a), (b) and (c) above.

As to the allegations in subparagraph (d), Allen refers to the following:

- (1) as to the GFC's administration / non-administration test to the plaintiff on this date, Allen refers to the following: the letter from GFC's solicitors to the solicitors for Bradshaw and Allen dated 12 March 2026 (see **GEE.937.937.0001**); and
- (2) as to the balance of the allegation, the matters pleaded in paragraphs 43 to 47 above, excluding the matters pleaded in paragraph 47(c).

As to the allegations in subparagraph (d), Allen refers to **PUB.937.937.0088**.

As to each of these allegations, Allen may provide further particulars following discovery.

48. In that next game, publicly available records show that the plaintiff:

- (a) played 89% of game time;
- (b) had 6 kicks;
- (c) took 3 marks;
- (d) had 8 handballs; and
- (e) kicked 1 goal.

Particulars

Allen refers to **PUB.937.937.0038**.

Allen may provide further particulars following discovery.

49. In the premises:

- (a) As to the passage of play on which the plaintiff relies, it did not involve a head knock of the sort alleged – that is one that caused the plaintiff to:
- (i) suffer an injury as alleged (or at all);
 - (ii) lose consciousness as alleged (or at all); or
 - (iii) experience and/or exhibit any concussion, or symptoms of concussion or suspected concussion as alleged (or at all).
- (b) As to the “reasonable precautions” alleged in paragraph 30 of the 2FASOC (assuming without accepting that such precautions were reasonable or necessary at the time of this game having regard to the standard of knowledge and peer professional opinion at the time):
- (i) In this game, and in the weeks following this game, the GFC did monitor the plaintiff, and it took steps to assess the plaintiff’s condition and fitness to train and/or play.
 - (ii) No symptoms of concussion, symptoms of suspected concussion or symptoms that the plaintiff had not recovered or had not fully recovered from concussion or suspected concussion were drawn to Allen’s attention or the attention of another Club Medical Officer or another medical practitioner for the purposes of the GFC, Allen, another Club Medical Officer or another medical practitioner undertaking any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected.
 - (iii) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Allen (assuming without accepting that Allen served as a Club Medical Officer at this game), to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion over and above the evaluation or management undertaken.
 - (iv) The GFC or, further or alternatively, Allen (assuming without accepting that Allen served as a Club Medical Officer at this game) did not fail to take “reasonable precautions”;

- (v) The alleged incident was not one that required the GFC or, further or alternatively, Allen (assuming without accepting that Allen served as a Club Medical Officer at this game) to take any other “reasonable precautions” over and above the “reasonable precautions” undertaken.
- (vi) The GFC or, further or alternatively, Allen (assuming without accepting that Allen served as a Club Medical Officer at this game) did not act negligently or breach any duty of care they owed to the plaintiff.

A.5 Geelong v Melbourne – AFL Home & Away game (round 6) – 5 May 2006

- 50. In further answer to the allegations relating to the GFC v Melbourne AFL Home & Away game, round 6, held on 5 May 2006 (see paragraph 50(k) of the 2FASOC), Bradshaw and Allen advance the allegations in paragraphs 51 to 59 below.
- 51. As to the period in which Bradshaw provided consultancy medical services to the GFC’s registered players, that period commenced in around the middle of May 2006 , and, accordingly, Bradshaw does not plead to the allegation relating to this game.
- 52. Subject to the reservation identified below, Allen does not admit he served as a Club Medical Officer at this AFL Home & Away game.

Particulars

Allen reserves the right to amend this plea following the disclosure of the relevant Official Team Sheet.

- 53. Allen refers to and repeats the matters pleaded in paragraph 6 in section A.1 above.
- 54. As to the live broadcast footage on which the plaintiff relies (**MOR.002.001.0039** at and from 01:05:01:00), and as to the alleged head knock in the fourth quarter of this game, this footage shows that:

	Event (JMR = the plaintiff; BP = Byron Pickett, MFC #33)	Timestamp(s)
(a)	Joel Corey (GFC) kicks out of defence	01:05:09:18
(b)	JMR jumps from the ground to mark the ball	01:05:11:20
(c)	JMR marks the ball	01:05:12:00
(d)	BP moves towards JMR, raising his left arm	01:05:12:04
(e)	JMR’s head makes contact with BPs arm and chest	01:05:12:08
(f)	JMR begins to fall down	01:05:12:08

(g)	JMR's elbows make contact with the ground, breaking the fall	01:05:12:18
(h)	BP falls across JMR's legs	01:05:12:21 – 01:05:13:03
(i)	JMR twists to his right, and his head does not make contact with the ground	01:05:13:03 – 01:05:13:08
(j)	JMR gets up, using his arms and knees	01:05:13:22 – 01:05:14:15
(k)	JMR pushes BP	01:05:14:15
(l)	JMR begins to stand up	01:05:15:19
(m)	JMR looks behind himself, and sprints away in that direction	01:05:15:21 – 01:05:17:08

55. As to the replay footage depicting this alleged head knock (**MOR.002.001.0039** at and from 01:05:23:00), this footage shows that:

	Event	Timestamp(s)
(a)	JMR makes contact with BP's cheek and chest	01:05:23:17 – 01:05:23:19
(b)	JMR begins to fall down	01:05:23:24
(c)	JMR falls onto his lower back and elbows, and his head does not make contact with the ground	01:05:24:17 – 01:05:25:13

56. Following this passage of play:

- (a) None of the GFC's Official Team Sheet Persons attended on the plaintiff to check his condition, and no other employee, agent or representative of the GFC asked a Club Medical Officer to check his condition, as:
 - (i) he did not experience a significant head knock as alleged;
 - (ii) he did not lose consciousness as alleged;
 - (iii) he did not exhibit any symptoms of concussion or suspected concussion as alleged;
 - (iv) he did not suffer from a concussion or suspected concussion as alleged; and
 - (v) in the circumstances, his condition did not warrant the attention of these persons.
- (b) In the balance of the game, the plaintiff was oriented, he was aware of his surroundings, and he demonstrated his ability to execute his football skills at a level consistent with his occupation as an Elite player.

Particulars

As to the allegation in subparagraph (a), Allen relies on the broadcast footage relating to the alleged incident, including the replay footage, and paragraph 53 above.

As to the allegation in subparagraph (b), by way of example only, Allen refers to the following: (1) **MOR.002.001.0039** at 01:05:30:00 to 01:05:36:00; and (2) **MOR.002.001.0039** at 01:09:25:00 to 01:09:33:00.

Allen may provide further particulars following discovery.

57. In the week following this game:
- (a) in the hour or two after this game, the GFC monitored and/or assessed the condition of each player;
 - (b) a day or two after this game, depending on the matters observed or reported in respect of the plaintiff at and after the game, he attended an injury clinic at Kardinia Park (at which the plaintiff was observed and assessed by members of the GFC football department) or a recovery session at Jan Juc, Point Lonsdale or some other place;
 - (c) the GFC continued to monitor players, including the plaintiff, and the nature / level of monitoring depended upon the observations and assessments of the players; and
 - (d) the plaintiff was selected to play in the AFL Home & Away round 7 game between the GFC and St. Kilda on 12 May 2006.

Particulars

As to the allegations in subparagraphs (a), (b) and (c), Allen refers to and repeats the particulars of paragraph 9(a), (b) and (c) above.

As to the allegations in subparagraph (d), Allen refers to **PUB.937.937.0098**.

As to each of these allegations, Allen may provide further particulars following discovery.

58. In that next game, publicly available records show that the plaintiff:
- (a) played 89% of game time;
 - (b) had 3 kicks;

- (c) had 2 handballs; and
- (d) took 5 marks.

Particulars

Allen refers to **PUB.937.937.0094**.

Allen may provide further particulars following discovery.

59. In the premises:

- (a) As to the incident on which the plaintiff relies, it did not involve a head knock of the sort alleged – that is one that caused the plaintiff to:
 - (i) suffer an injury as alleged (or at all);
 - (ii) lose consciousness as alleged (or at all);
 - (iii) experience and/or exhibit any concussion, or symptoms of concussion or suspected concussion as alleged (or at all).
- (b) As to the “reasonable precautions” alleged in paragraph 30 of the 2FASOC (assuming without accepting that such precautions were reasonable or necessary at the time of this game having regard to the standard of knowledge and peer professional opinion at the time):
 - (i) In this game, and in the weeks following this game, the GFC did monitor the plaintiff, and it took steps to assess the plaintiff’s condition and fitness to train and/or play.
 - (ii) No symptoms of concussion, symptoms of suspected concussion or symptoms that the plaintiff had not recovered or had not fully recovered from concussion or suspected concussion were drawn to Allen’s attention or the attention of another Club Medical Officer or another medical practitioner for the purposes of the GFC, Allen, another Club Medical Officer or another medical practitioner undertaking any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion.

- (iii) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Allen (assuming without accepting that Allen served as a Club Medical Officer at this game), to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion over and above the evaluation or management undertaken.
- (iv) The GFC or, further or alternatively, Allen (assuming without accepting that Allen served as a Club Medical Officer at this game) did not fail to take “reasonable precautions”;
- (v) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Allen (assuming without accepting that Allen served as a Club Medical Officer at this game) to take any other “reasonable precautions” over and above the “reasonable precautions” undertaken.
- (vi) The GFC or, further or alternatively, Allen (assuming without accepting that Allen served as a Club Medical Officer at this game) did not act negligently or breach any duty of care they owed to the plaintiff.

A.6 Geelong v Western Bulldogs – AFL Home & Away game (round 16) – 23 July 2006

- 60. In further answer to the allegations relating to the GFC v Western Bulldogs, AFL Home & Away game, round 16, held on 23 July 2006 (see paragraph 50(I) of the 2FASOC), Bradshaw and Allen advance the allegations set out in paragraphs 61 to 68 below.
- 61. Subject to the reservation identified below, Bradshaw and Allen do not admit they served as the Club Medical Officers for the GFC at this AFL Home & Away game.

Particulars

They reserve the right to amend this plea following the disclosure of the relevant Official Team Sheet.

- 62. Bradshaw and Allen refer to and repeats the matters pleaded in paragraph 6 in section A.1 above.

63. As to the live broadcast footage on which the plaintiff relies (**MOR.002.001.0043** at and from 00:49:50:00), and as to the alleged head knock in the fourth quarter of this game, this footage shows that:

	Event (JMR = the plaintiff, AC = Adam Cooney, WB #17)	Timestamp(s)
(a)	AC sprints away from the tackler and JMR	00:49:50:13 – 00:49:50:20
(b)	JMR pursues AC	00:49:50:21 – 00:49:51:09
(c)	JMR starts to tackle AC	00:49:51:10
(d)	JMR loses his footing as he holds AC	00:49:51:21
(e)	JMR falls down, landing on his chest, and does a full roll over	00:49:52:01 – 00:49:52:11
(f)	JMR rolls onto his stomach, propping on his right elbow, and rolling over and then lifts his head up	00:49:52:03 – 00:49:52:24
(g)	The umpire calls “play on”, and JMR watches the ball go to Cameron Ling (GFC)	00:49:53:01 – 00:49:53:20
(h)	JMR puts his head down, and he continues to lie on the ground	00:49:54:12 – 00:49:55:14
(j)	After JMR had got back onto his feet, the GFC Trainer walks with JMR and checks on his condition	00:50:03:12 – 00:50:04:18
(k)	JMR resumes play and picks up his opponent (as the GFC Trainer observes him and others from the boundary line)	00:50:12:24 – 00:50:14:04
(l)	The GFC Trainer continues to observe JMR (and others) from the boundary line	00:50:17:00 – 00:50:18:14

64. As to the replay footage depicting this alleged head knock (**MOR.002.001.0043** at and from 00:50:05:00), this footage shows that:

	Event	Timestamp(s)
(a)	JMR starts his pursuit of AC	00:50:05:15
(b)	JMR uses his left hand to grab AC’s torso	00:50:06:12
(c)	JMR uses his right hand to grab AC’s left thigh	00:50:07:22
(d)	JMR’s forehead / right cheek makes contact with the back of AC’s right calf	00:50:08:12
(e)	JMR begins to roll to his right	00:50:08:21
(f)	JMR finishes a full roll-over in which his head does not make contact with the ground	00:50:10:19
(g)	JMR lifts his head and begins to look in the direction of the ball	00:50:10:23
(h)	JMR attacks the ball	00:50:13:02

65. Following this passage of play:

- (a) Having attended on the plaintiff to check on his condition, and having continued to observe the plaintiff from the boundary line after play resumed,

the GFC Trainer did not indicate that the plaintiff's condition required the immediate attention of a Club Medical Officer;

- (b) No employee, agent or representative of the GFC (including those watching from the coaches' box, the stands or the GFC bench, whether Official Team Sheet Persons or others) indicated that the plaintiff's condition required the immediate attention of a Club Medical Officer;
- (c) As a result, the GFC did not cause the plaintiff's medical condition to be assessed by a Club Medical Officer in the immediate aftermath of the incident;
- (d) The plaintiff continued to play in the balance of the game, during which he was oriented, he was aware of his surroundings, and he demonstrated his ability to execute his football skills at a level consistent with his occupation as an Elite player.

Particulars

As to the allegation in subparagraph (a) to (c), Bradshaw and Allen rely on the broadcast footage relating to the alleged incident, including the replay footage, and paragraph 62 above.

As to the allegation in subparagraph (d), by way of example only, Bradshaw and Allen refer to the following: (1) **MOR.002.001.0043** at 00:51:27 to 00:51:31; (2) **MOR.002.001.0043** at 00:58:18 to 00:58:35; (3) **MOR.002.001.0043** at 01:08:50 to 01:09:05.

Bradshaw and Allen may provide further particulars following discovery.

66. In the week following this game:

- (a) in the hour or two after this game, the GFC monitored and/or assessed the condition of each player;
- (b) a day or two after this game, depending on the matters observed or reported in respect of the plaintiff at and after the game, he attended an injury clinic at Kardinia Park (at which the plaintiff was observed and assessed by members of the GFC football department) or a recovery session at Jan Juc, Point Lonsdale or some other place;
- (c) the GFC continued to monitor players, including the plaintiff, and the nature / level of monitoring depended upon the observations and assessments of the players;

- (d) the plaintiff was initially selected to play in the next AFL Home & Away game, being the game between the GFC and North Melbourne on 30 July 2006; and
- (e) the plaintiff did not play in the next AFL Home & Away game due to a shoulder injury.

Particulars

As to the allegations in subparagraphs (a) to (c), Bradshaw and Allen refer to and repeats the particulars under paragraph 9 above.

As to the allegations in subparagraph (d), Bradshaw and Allen refer to **PUB.937.937.0043**.

As to the allegations in subparagraph (e), Bradshaw and Allen refer to **PUB.937.937.0247** and **PUB.937.937.0043**.

Allen may provide further particulars following discovery.

67. The plaintiff did not play in another AFL Home & Away game until the game between the GFC and the Sydney Football Club on 19 August 2006.

Particulars

Allen refers to the following documents: (1) **PUB.937.937.0043**; (2) **PUB.937.937.0040**; (3) **PUB.937.937.0041**; and (4) **PUB.937.937.0042**.

68. In the premises:

- (a) As to the incident on which the plaintiff relies, it did not involve a head knock of the sort alleged – that is one that caused the plaintiff to:
 - (i) suffer an injury as alleged (or at all);
 - (ii) lose consciousness as alleged (or at all);
 - (iii) experience and/or exhibit any concussion, or symptoms of concussion or suspected concussion as alleged (or at all).
- (b) As to the “reasonable precautions” alleged in paragraph 30 of the 2FASOC (assuming without accepting that such precautions were reasonable or necessary at the time of this game having regard to the standard of knowledge and peer professional opinion at the time):

- (i) In this game, and in the weeks following this game, the GFC did monitor the plaintiff, and it took steps to assess the plaintiff's condition and fitness to train and/or play.
- (ii) No symptoms of concussion, symptoms of suspected concussion or symptoms that the plaintiff had not recovered or had not fully recovered from concussion or suspected concussion were drawn to Bradshaw or Allen's attention or the attention of another Club Medical Officer or another medical practitioner for the purposes of GFC, Bradshaw or Allen, another Club Medical Officer or another medical practitioner undertaking any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion.
- (iii) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game), to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion over and above the evaluation or management undertaken.
- (iv) The GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game) did not fail to take "reasonable precautions".
- (v) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game) to take any other "reasonable precautions" over and above the "reasonable precautions" undertaken.
- (vi) The GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game) did not act negligently or breach any duty of care they owed to the plaintiff.

A.7 Geelong v Hawthorn – AFL Home & Away game (round 22) – 3 September 2006

69. In further answer to the allegations relating to the GFC v Hawthorn AFL Home & Away game, round 22, held on 3 September 2006 (see paragraph 50(m) of the 2FASOC), Bradshaw and Allen advance the allegations set out in paragraphs 70 to 82 below.
70. Subject to the reservation identified below:
- (a) Bradshaw does not admit that he served as the Club Medical Officers at this game; and
 - (b) Allen did not serve as a Club Medical Officer at this game.

Particulars

Bradshaw and Allen reserve the right to amend this plea following the disclosure of the relevant Official Team Sheet.

71. Bradshaw and Allen refer to and repeat the matters pleaded in paragraph 6 in Section A.1 above.

A.7.1 The first incident on which the plaintiff relies

72. As to the broadcast footage on which the plaintiff relies (**MOR.002.001.0045** at and from 00:51:28:00), and as to the alleged head knock in the second quarter of this game, this footage shows that:
- (a) the plaintiff experienced a head knock in a contest for the ball (see 00:51:30:06; and 00:52:26:03);
 - (b) the plaintiff did not lose consciousness; and
 - (c) following this head knock, the plaintiff exhibited signs and/or symptoms of concussion or suspected concussion (see 00:51:36:23 to 00:51:40:00).
73. The broadcast footage also shows that:
- (a) Shortly after this incident, a GFC Physiotherapist (Nick Ames) and a GFC Trainer (Peter Metcalfe) attended on the plaintiff to assess his condition (**MOR.002.001.0045** at 00:51:56:10 to 00:51:57:17).

- (b) Nick Ames and another GFC Trainer (David King) helped the plaintiff walk towards the bench (**MOR.002.001.0045** at 00:52:11:22 to 00:52:15:04).
- (c) Bradshaw joined Nick Ames and David King as they helped the plaintiff walk towards the bench (**MOR.002.001.0045** at 00:52:15:12 to 00:52:16:09).
- (d) Nick Ames and David King took the plaintiff off the ground and down the race leading to the GFC's dressing room (**MOR.002.001.0045** at 00:52:44:16 to 00:52:47:02).
- (e) Prior to the start of the second half of the game, the plaintiff underwent exertion testing on or near the boundary line on the ground (**MOR.002.001.0045** at 01:18:44 to 01:18:47:00).
- (f) The plaintiff took an intercept mark in the third quarter of the game (**MOR.002.001.0047** at 00:31:38:05).

74. At the time of the plaintiff's return to play in the third quarter of the game, in relation to cases of concussion or suspected concussion, it was Bradshaw's practice to clear the player's return to play or training only if:

- (a) the player was not suffering from serious head injury or spinal injury;
- (b) the player's clinical symptoms had returned to normal; and
- (c) the player's cognitive function had returned to normal.

A.7.2 The second incident on which the plaintiff relies

75. As to the live broadcast footage on which the plaintiff relies (see **MOR.002.001.0047** at and from 00:44:54:00), and as to the alleged head knock in the fourth quarter of this game, this footage shows that:

	Event (JMR = the plaintiff; BD = Ben Dixon, #19, HFC)	Timestamp(s)
(a)	Grant Birchall (HFC) kicks the ball toward Hawthorn's forward line	00:44:51:17
(b)	JMR runs back with the flight of the ball	00:44:52:11 – 00:44:54:03
(c)	Both JMR and BD prepare to mark the ball	00:44:54:09
(d)	JMR's head goes under BD's left arm	00:44:54:17
(e)	JMR begins to fall down	00:44:54:21
(f)	JMR uses his forearms to brace his fall, and his head makes contact with the ground	00:44:55:10 – 00:44:55:13
(g)	JMR lifts up his head up and body	00:44:55:16 – 00:44:55:23

(h)	JMR gets up and launches himself at the ball	00:44:56:03 – 00:44:56:14
(i)	JMR's head strikes the lower left leg of Shane Crawford (HFC)	00:44:56:21
(h)	JMR begins to get up	00:44:57:06

76. As to the replay footage (see **MOR.002.001.0047** at and from 00:45:25:11), and as to the same alleged head knock, this footage shows that:

	Event	Timestamp(s)
(a)	JMR's head goes under BD's left arm	00:45:26:05 – 00:45:26:07
(b)	JMR begins to fall down	00:45:26:18
(c)	JMR uses his left hand and arm to break his fall, and his head does not make any significant contact with the ground	00:45:26:24 – 00:45:27:05
(d)	JMR gets up quickly, keeping his eyes on the loose ball	00:45:27:07 – 00:45:27:20
(e)	JMR launches himself at the ball	00:45:28:02
(f)	JMR's head appears to strike the lower left leg of Shane Crawford	00:45:28:10
(g)	JMR begins to get up	00:45:28:23

77. Following the alleged incident:

- (a) None of the GFC's Official Team Sheet Persons attended on the plaintiff to check his condition and no other employee, agent or representative of the GFC asked a Club Medical Officer to check his condition, as:
 - (i) he did not experience a significant head knock as alleged;
 - (ii) he did not lose consciousness as alleged;
 - (iii) he did not exhibit any symptoms of concussion or suspected concussion as alleged;
 - (iv) he did not suffer from a concussion or suspected concussion as alleged; and
 - (v) in the circumstances, his condition did not warrant the attention of these persons.
- (b) Following this incident, the plaintiff was oriented, he was aware of his surroundings, and he demonstrated his ability to execute his football skills at a level consistent with his occupation as an Elite player.

Particulars

As to the allegation in subparagraph (a), Bradshaw and Allen rely on the broadcast footage relating to the alleged incident, including the replay footage, and paragraph 71 above.

As to the allegation in subparagraph (b), by way of example only, Bradshaw and Allen refers to the following: (1) **MOR.002.001.0047** at 00:48:21:22 to 00:45:37:21 (2) **MOR.002.001.0047** at 00:52:07:00 to 00:52:12:23; and (3) **MOR.002.001.0047** at 00:57:58:00 to 00:58:05:00..

Bradshaw and Allen may provide further particulars following discovery.

78. Following this game, the plaintiff's season came to an end.

A.7.3 The GFC's conduct in relation to the above incidents

79. In the premises pleaded in section A.7.1 above, as to the first incident on which the plaintiff relies, there was a system pursuant to which:

- (a) the GFC identified the plaintiff's symptoms of concussion, and did so by through its employees, servants, and/or agents;
- (b) a Club Medical Officer withdrew the plaintiff from this game; and
- (c) the plaintiff was assessed as being fit to return to play.

80. As to the first incident, and as to the "reasonable precautions" alleged in paragraph 30 of the 2FASOC (assuming without accepting that such precautions were reasonable or necessary at the time of this game having regard to the standard of knowledge and peer professional opinion at the time):

- (a) In this game, the GFC did monitor the plaintiff, and it took steps to assess his condition and fitness to play;
- (b) The alleged incident on which the plaintiff relies was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw served as a Club Medical Officer at this game and maintaining that Allen did not serve as a Club Medical Officer at this game), to undertake any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion over and above the evaluation or management undertaken.

- (c) The GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw served as a Club Medical Officer at this game and maintaining that Allen did not serve as a as a Club Medical Officer at this game) did not fail to take "reasonable precautions";
 - (d) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw served as a Club Medical Officer at this game and maintaining that Allen did not serve as a as a Club Medical Officer at this game) to take any other "reasonable precautions" over and above the "reasonable precautions" undertaken.
 - (e) The GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw served as a Club Medical Officer at this game and maintaining that Allen did not serve as a as a Club Medical Officer at this game) did not act negligently or breach any duty of care they owed to the plaintiff.
81. In the premises pleaded in section A.7.2 above, as to the second incident on which the plaintiff relies, it did not involve a head knock of the sort alleged, and it did not involve a head knock that caused the plaintiff to:
- (a) suffer an injury as alleged (or at all);
 - (b) lose consciousness as alleged (or at all);
 - (c) experience and/or exhibit any concussion, or symptoms of concussion or suspected concussion as alleged (or at all).
82. As to the second incident, and as to the "reasonable precautions" alleged in paragraph 30 of the 2FASOC (assuming without accepting that such precautions were reasonable or necessary at the time of this game having regard to the standard of knowledge and peer professional opinion at the time):
- (a) In this game, the GFC did monitor the plaintiff, and it took steps to assess his condition and fitness to play.
 - (b) The alleged incident on which the plaintiff relies was not one that reasonably required GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw served as a Club Medical Officer at this game and

maintaining that Allen did not serve as a as a Club Medical Officer at this game), to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion over and above the evaluation or management undertaken.

- (c) The GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw served as a Club Medical Officer at this game and maintaining that Allen did not serve as a as a Club Medical Officer at this game) did not fail to take "reasonable precautions".
- (d) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw served as a Club Medical Officer at this game and maintaining that Allen did not serve as a as a Club Medical Officer at this game) to take any other "reasonable precautions" over and above the "reasonable precautions" undertaken.
- (e) The GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw served as a Club Medical Officer at this game and maintaining that Allen did not serve as a as a Club Medical Officer at this game) did not act negligently or breach any duty of care they owed to the plaintiff.

B The 2007 season

B.1 Geelong v Tasmanian Devils – VFL Home & Away game (round 2) – 14 April 2007

- 83. In further answer to the allegations relating to the GFC v Tasmanian Devils, VFL Home & Away game, round 2, held on 14 April 2007 (see paragraph 50(n) of the 2FASOC), Bradshaw and Allen advance the allegations in paragraphs 84 to 94 below.
- 84. Bradshaw did not attend this game.
- 85. Allen admits he served as the Club Medical Officer for the GFC at this VFL Home & Away game.
- 86. Bradshaw and Allen refer to and repeat the matters pleaded in paragraph 6 in section A.1 above.

87. As to the live broadcast footage on which the plaintiff relies (**MOR.002.001.0048** at and from 00:27:18:00), and as to the alleged head knock in the first quarter of this game, this footage shows that:

- (a) the plaintiff tackled another player, rolled to his right, and the plaintiff's head made contact with the ground;
- (b) the plaintiff did not lose consciousness;
- (c) following this head knock, the plaintiff exhibited signs and/or symptoms of concussion or suspected concussion;
- (d) three GFC Trainers / personnel ran to the plaintiff and began to check his condition;
- (e) a GFC Runner, a GFC Physiotherapist and Allen joined the three GFC Trainers to attend to the plaintiff;
- (f) Allen checked to see whether the plaintiff had suffered a neck or spinal injury;
- (g) Allen cleared the plaintiff to leave the field of play, and the plaintiff began to get up; and
- (h) the GFC personnel helped the plaintiff to leave the field of play.

Particulars

As to the matters pleaded in this paragraph:

[86](a)	MOR.002.001.0048 at 00:27:18:00 to 27:20:01 and 00:27:40:10
[86](b)	MOR.002.001.0048 at 00:27:20:11 to 00:28:20:16
[86](c)	MOR.002.001.0048 at 00:27:24:22 to 00:27:32:02
[86](d)	MOR.002.001.0048 at 00:27:32:03 to 00:27:37:01
[86](e)	MOR.002.001.0048 at 00:27:59:09
[86](f)	MOR.002.001.0048 at 00:27:59:03
[86](g)	MOR.002.001.0048 at 00:27:59:22 to 00:28:01:04
[86](h)	MOR.002.001.0048 at 00:28:17:23

88. The broadcast footage also shows that:

- (a) Allen examined the plaintiff as he sat on the bench;

- (b) through the use of an eye-tracking assessment, Allen evaluated the plaintiff's cognitive and oculomotor functions, including to check for signs of nystagmus;
- (c) in this eye-tracking assessment, the plaintiff's eyes followed the moving target;
- (d) the plaintiff rested on the bench for the balance of the first quarter and most of the second quarter;
- (e) towards the end of the second quarter, the plaintiff and Allen move away from the bench to go the GFC's dressing rooms;
- (f) prior to the start of the third quarter, the plaintiff ran alongside a GFC Runner, which running was a physical exertion test;
- (g) the plaintiff returned to the bench at the start of the third quarter, and he was examined by Allen, after which the plaintiff sat down;
- (h) the plaintiff continued to rest on the bench in the early part of the third quarter;
- (i) the plaintiff returned to play during the third quarter; and
- (j) in the balance of the game, the plaintiff was oriented, he was aware of his surroundings, and he demonstrated his ability to execute his football skills at a level consistent with his occupation as an Elite player.

Particulars

As to the matters pleaded in this paragraph, Allen relies on the following parts of the broadcast footage:

[88](a)	MOR.002.001.0048 at 00:29:39:12
[88](b)	MOR.002.001.0048 at 00:29:41:20 to 00:29:43:06
[88](c)	MOR.002.001.0048 at 00:29:41:20 to 00:29:43:06
[88](d)	MOR.002.001.0048 at 00:41:46:13, 00:47:52:16 and 00:54:43:12
[88](e)	MOR.002.001.0048 at 00:55:56:11 to 00:55:59:21
[88](f)	MOR.002.001.0048 at 01:20:00:15 to 01:26:06:19
[88](g)	MOR.002.001.0048 at 01:27:30:24 to 01:27:45:16 (examination)
[88](h)	MOR.002.001.0048 at 01:31:15:12 to 01:31:16:21

As to the allegation in (c), the footage showing that Allen used a piece of moving cord to test the plaintiff's tracking eye movement (that is, the eye movement used to maintain a moving object of interest on the fovea). In April 2007, this test was a recognised

method for evaluating cognitive and oculomotor functions, including to check for signs of nystagmus.

As to the allegation in (j), for example, Allen refers to the following parts of the broadcast footage: (1) 01:36:19:10 to 01:36:21:24; (2) 01:38:54:16 to 01:38:59:00; (3) 01:45:42:12 to 01:45:49:24; (4) 01:56:29:19 to 01:56:42:23; and (5) 01:57:27:21 to 01:57:36:00.

Allen may provide further particulars following discovery.

89. At the time of the plaintiff's return to play in the third quarter of the game:
- (a) In relation to cases of concussion or suspected concussion, it was Allen's practice to clear the player's return to play or training only if:
 - (i) the player was not suffering from structural head injury or spinal injury;
 - (ii) the player's clinical symptoms had returned to normal; and
 - (iii) the player's cognitive function had returned to normal.
 - (b) When conducting his clinical evaluations of the plaintiff at this game, to assist him in making informed decisions Allen was not given access to the broadcast footage of the alleged incident, and the CogSport test was not made available to test the plaintiff's condition during this game.
90. In the week following this game:
- (a) in the hour or two after this game, the GFC monitored and/or assessed the condition of each player;
 - (b) a day or two after this game, depending on the matters observed or reported in respect of the plaintiff at and after the game, he attended an injury clinic at Kardinia Park (at which the plaintiff was observed and assessed by members of the GFC football department) or a recovery session; and
 - (c) the GFC continued to monitor players, including the plaintiff, and the nature / level of monitoring depended upon the observations and assessments of the players.

Particulars

As to the allegations in subparagraphs (a) and (b), Allen refers to and repeats the particulars under paragraph 9(a), (b) and (c) above.

As to the allegations in subparagraph (c), Allen refers to the following:

- **JMR.001.001.0013**, p. 243 of 1254, a physiotherapy report dated 15 April 2007 (“*Rooke – Concussion – Assess Concussion COG SPORT*”); and
- **JMR.001.001.0012**, pp. 51 and 52 of 265, spreadsheet attached to an email dated 16 April 2007 (“*33. Rooke, Max – Concussion – Cog sport and check – ok*”).

Allen may provide further particulars following discovery.

91. On 18 April 2007, using CogSport, the GFC assessed the plaintiff’s cognitive function and status to obtain results for comparison against his baseline results.

Particulars

As to the fact that this report relates to the plaintiff, this is to be inferred from the following: (1) the letter from GFC’s solicitors to the solicitors for Bradshaw and Allen dated 12 March 2006 (see **GEE.937.937.0001**); and (2) the CogSport Report dated 6 March 2006 (see **GEE.937.937.0006**).

As to the other parts of this allegation, Allen refers to CogState report dated 18 April 2007 (**GEE.937.937.0004**).

92. The plaintiff’s cognitive test results fell within the normal range.

Particulars

As to the fact that the GFC administered this test to the plaintiff on this date, Bradshaw and Allen refer to and repeat the particulars under paragraph 91 above.

As to the other parts of this allegation, Bradshaw and Allen refers to CogState report dated 18 April 2007 (**GEE.937.937.0004**).

93. Subsequently, it was decided that the plaintiff could return to play in the VFL Home & Away game on 21 April 2007 between the GFC and Frankston.

Particulars

Bradshaw and Allen refer to **PUB.937.937.0046**.

94. In the premises and as to the “reasonable precautions” alleged in paragraph 30 of the 2FASOC (assuming without accepting that such precautions were reasonable or necessary at the time of this game having regard to the standard of knowledge and peer professional opinion at the time):

- (a) In this game in Hobart, the GFC did monitor the plaintiff, and it took reasonable steps to assess the plaintiff’s condition and fitness to train and/or play.

- (b) In the week following this game, the GFC did monitor the plaintiff, and it took reasonable steps to assess the plaintiff's condition and fitness to train and/or play.
- (c) The alleged incident on which the plaintiff relies was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen (maintaining that Bradshaw did not serve as a as a Club Medical Officer at this game), to undertake any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion over and above the evaluation or management undertaken.
- (d) The GFC or, further or alternatively, Bradshaw or Allen (maintaining that Bradshaw did not serve as a as a Club Medical Officer at this game) did not fail to take "reasonable precautions";
- (e) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen (maintaining that Bradshaw did not serve as a as a Club Medical Officer at this game) to take any other "reasonable precautions" over and above the "reasonable precautions" undertaken.
- (f) The GFC or, further or alternatively, Bradshaw or Allen (maintaining that Bradshaw did not serve as a as a Club Medical Officer at this game) did not act negligently or breach any duty of care they owed to the plaintiff.

B.2 Geelong v Port Adelaide – AFL Home & Away game (round 9) – 27 May 2007

- 95. In further answer to the allegations relating to the GFC v Port Adelaide AFL Premiership game, round 9, held on 27 May 2007 (see paragraph 50(o) of the 2FASOC), Bradshaw and Allen advance the allegations in paragraphs 96 to 102 below.
- 96. Subject to the reservation identified below, Bradshaw and Allen do not admit they served as the Club Medical Officers for the GFC at this AFL Home & Away game.

Particulars

They reserve the right to amend this plea following the disclosure of the relevant Official Team Sheet.

97. Bradshaw and Allen refer to and repeat the matters pleaded in paragraph 6 in section A.1 above.
98. As to the live broadcast footage on which the plaintiff relies (**MOR.002.001.0049** at and from 01:08:50:00), and as to the alleged head knock in the first quarter of this game, this footage shows that:

	Event (JMR = the plaintiff; and MT = Matt Thomas, PAFC, #37)	Timestamp(s)
(a)	David Wojcinski (GFC) kicks the ball long into the GFC's forward line, honouring JMR's lead into an empty part of the ground inside the forward fifty metre arc	01:08:50:18
(b)	JMR runs into space to mark the ball – with MT behind him	01:08:52:02
(c)	JMR prepares to mark the ball, and MT prepares to spoil the mark	01:08:52:15
(d)	MT pushes into JMR as he jumps to mark the ball	01:08:52:23
(e)	JMR begins to fall forwards	01:08:53:05
(f)	JMR breaks the fall with his elbows and forearms	01:08:53:11
(g)	JMR's head made contact with the ground	01:08:53:13
(h)	JMR lifts his head up and back	01:08:53:16 – 01:08:53:19
(i)	JMR begins to lift himself off the ground	01:08:54:09
(j)	JMR has both feet on the ground, and he prepares to run forwards	01:08:54:22
(k)	JMR takes four or five steps, and turns his head	01:08:55:10 – 01:08:56:08
(l)	JMR looks back towards the field umpire as he signals a free kick in JMR's favour	01:08:56:13 – 01:08:56:21
(m)	MT holds the ball, preparing to take the free kick and checking his passing options	01:08:59:06 – 01:09:06:14
(n)	JMR prepares to take his free kick, and he continues to assess his passing options	01:09:15:16 – 01:09:19:17
(o)	JMR decides to kick a goal, and he kicks the goal from a distance of 50 metres	01:09:19:21 – 01:09:26:05
(p)	JMR begins to celebrate his successful goal kick	01:09:26:09
(q)	JMR continues to celebrate his successful goal kick, and he hugs Jimmy Bartel (GFC)	01:09:27:03 – 01:09:29:24
(r)	JMR walks to join MT, talking with Steve Johnson (GFC)	01:09:31:00 – 01:09:37:17
(s)	JMR waits for play to resume	01:09:57:05

99. As to the replay footage (see **MOR.002.001.0049** at and from 01:09:07:10), and as to the same alleged head knock, this footage shows that:

	Event	Timestamp(s)
(a)	JMR begins to fall forwards	01:09:10:22
(b)	JMR uses his arms to break the fall	01:09:11:17 – 01:09:11:24
(c)	JMR's head makes (brief) contact with the ground	01:09:12:00 – 01:09:04
(d)	JMR's head moves back and then forward	01:09:12:17 – 01:09:13:09

(e)	JMR keeps his eyes on the ball	01:09:47:20 – 01:09:48:13
(f)	Using his arms, JMR starts to lift his head and body up	01:09:14:00 – 01:09:15:01

100. Following this passage of play:

- (a) None of the GFC's Official Team Sheet Persons attended on the plaintiff to check his condition, and no other employee, agent or representative of the GFC asked a Club Medical Officer to check on his condition, as:
 - (i) he did not experience a significant head knock as alleged;
 - (ii) he did not lose consciousness as alleged;
 - (iii) he did not exhibit any symptoms of concussion or suspected concussion as alleged;
 - (iv) he did not suffer from a concussion or suspected concussion as alleged;
 - (v) in the circumstances, his condition did not warrant the attention of these persons.
- (b) In the balance of the game, the plaintiff was oriented, he was aware of his surroundings, and he demonstrated his ability to execute his football skills at a level consistent with his occupation as an Elite player.

Particulars

As to the allegation in subparagraph (a), Bradshaw and Allen rely on the broadcast footage relating to the alleged incident, including the replay footage, and paragraph 97 above.

As to the allegation in subparagraph (b), by way of example only, Bradshaw and Allen refer to the following: (1) **MOR.002.001.0049** at 01:31:02:00 to 01:31:07:00; (2) **MOR.002.001.0050** at 00:15:23:00 to 00:15:30:00; (3) **MOR.002.001.0050** at 00:26:28:00 to 00:26:40:00; and (4) **MOR.002.001.0050** at 00:47:00:00 to 00:47:20:00.

Bradshaw and Allen will provide further particulars following discovery.

101. In the week following this game:

- (a) in the hour or two after this game, the GFC monitored and/or assessed the condition of each player;

- (b) a day or two after this game, depending on the matters observed or reported in respect of the plaintiff at and after the game, he attended an injury clinic at Kardinia Park (at which the plaintiff was observed and assessed by members of the GFC football department) or a recovery session;
- (c) the GFC continued to monitor players, including the plaintiff, and the nature / level of monitoring depended upon the observations and assessments of the players; and
- (d) the plaintiff was selected to play in the AFL Home & Away round 10 game between the GFC and St. Kilda Football Club on 3 June 2007.

Particulars

As to the allegations in subparagraphs (a) to (c), Bradshaw and Allen refer to and repeats the particulars of paragraph 9(a), (b) and (c) above.

As to the allegations in subparagraph (d), Bradshaw and Allen refer to **PUB.937.937.0127**.

Bradshaw and Allen may provide further particulars following discovery.

- 102. The plaintiff played in the AFL Home & Away game between the GFC and St. Kilda Football Club on 3 June 2007.
- 103. Subject to the GFC's production of documents recording the plaintiff's statistics for the game identified in the preceding paragraph, publicly available match statistics show that the plaintiff:
 - (a) played 65% of game time;
 - (b) had 7 kicks;
 - (c) took 5 marks;;
 - (d) had 8 handballs; and
 - (e) kicked 1 goal.

Particulars

Bradshaw and Allen refer to **PUB.937.937.0047**.

Bradshaw and Allen may provide further particulars following discovery.

104. In the premises:

- (a) As to the incident on which the plaintiff relies, it did not involve a head knock of the sort alleged – that is one that caused the plaintiff to:
 - (i) suffer an injury as alleged (or at all);
 - (ii) lose consciousness as alleged (or at all);
 - (iii) experience and/or exhibit any concussion, or symptoms of concussion or suspected concussion as alleged (or at all).

- (b) As to the “reasonable precautions” alleged in paragraph 30 of the 2FASOC (assuming without accepting that such precautions were reasonable or necessary at the time of this game having regard to the standard of knowledge and peer professional opinion at the time):
 - (i) In this game, and in the weeks following this game, the GFC did monitor the plaintiff, and it took steps to assess the plaintiff’s condition and fitness to train and/or play.
 - (ii) No symptoms of concussion, symptoms of suspected concussion or symptoms that the plaintiff had not recovered or had not fully recovered from concussion or suspected concussion were drawn to Allen or Bradshaw’s attention or the attention of another Club Medical Officer or another medical practitioner for the purposes of GFC, Allen, Bradshaw, another Club Medical Officer or another medical practitioner undertaking any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion.
 - (iii) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game), to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion over and above the evaluation or management undertaken.

- (iv) The GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game) did not fail to take "reasonable precautions".
- (v) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game) to take any other "reasonable precautions" over and above the "reasonable precautions" undertaken.
- (vi) The GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game) did not act negligently or breach any duty of care they owed to the plaintiff.

B.3 Geelong v Collingwood – AFL Preliminary Final – 21 September 2007

- 105. In further answer to the allegations relating to the GFC v Collingwood AFL Preliminary Final game held on 21 September 2007 (see paragraph 50(p) of the 2FASOC), Bradshaw and Allen advance the allegations in paragraphs 106 to 116 below.
- 106. Bradshaw and Allen served as the Club Medical Officers for the GFC at this AFL Preliminary Final.
- 107. Bradshaw and Allen refer to and repeat the matters pleaded in paragraph 6 in Section A.1 above.

B.3.1 The first incident on which the plaintiff relies

- 108. As to the live broadcast footage on which the plaintiff relies (**MOR.002.001.0052** at and from 00:26:38:00), and as to the alleged head knock in the first quarter of this game, this footage shows that:

	Event (JMR = the plaintiff; and TG = Tyson Goldsack, CFC, #38)	Timestamp(s)
(a)	JMR prepared to mark a ball coming towards him	00:26:39:10
(b)	TG runs towards JMR	00:26:39:16
(c)	JMR marks the ball	00:26:39:19
(d)	TG tackles JMR, putting his arms around JMR's right arm and upper body	00:26:39:24

(e)	TG holds JMR, and JMR begins to fall to his left	00:26:40:07
(f)	TG falls on top of JMR	00:26:40:10 – 00:26:40:14
(g)	JMR uses his left arm and left shoulder to break the fall	00:26:40:16
(h)	JMR's head makes contact with the ground	00:26:40:22
(i)	JMR begins to lift a leg off the ground	00:26:42:12
(j)	As Alan Didak (CFC) kicks the ball, JMR is on his knees and watching the ball	00:26:43:09
(k)	JMR starts to get up, putting one foot on the ground	00:26:43:17

109. Following this passage of play:

- (a) None of the GFC's Official Team Sheet Persons attended on the plaintiff to check his condition, and no other employee, agent or representative of the GFC asked a Club Medical Officer to check his condition, as:
- (i) he did not experience a significant head knock as alleged;
 - (ii) he did not lose consciousness as alleged;
 - (iii) he did not exhibit any symptoms of concussion or suspected concussion as alleged;
 - (iv) he did not suffer from a concussion or suspected concussion as alleged;
 - (v) in the circumstances, his condition did not warrant the attention of these persons.
- (b) In the period leading to the second incident, and in the balance of the game, the plaintiff was oriented, he was aware of his surroundings, and he demonstrated his ability to execute his football skills at a level consistent with his occupation as an Elite player.

Particulars

As to the allegation in subparagraph (a), Bradshaw and Allen rely on the broadcast footage relating to the alleged incident, and paragraph 107 above. .

As to the allegation in subparagraph (b), by way of example only, Bradshaw and Allen refer to the following: (1) **MOR.002.001.0052** at 00:28:15:13 to 00:28:16:13; (2) **MOR.002.001.0052** at 00:48:00:16 to 00:48:33:19; (3) **MOR.002.001.0052** at 00:57:14:22 to 00:57:16:23; (4) **MOR.002.001.0052** at 01:10:07:02 to 01:10:43:13; (5) **MOR.002.001.0054**, commencing at 00:16:50:00.

Bradshaw and Allen may provide further particulars following discovery.

B.3.2 The second incident on which the plaintiff relies

110. As to the live broadcast footage on which the plaintiff relies (**MOR.002.001.0052** at and from 00:26:58:00), and as to the alleged head knock in the first quarter of this game, this footage shows that:

	Event (JMR = the plaintiff; and NM = Nick Maxwell, CFC, #27)	Timestamp(s)
(a)	Trent West (GFC) handballs to JMR	00:26:58:20
(b)	JMR receives the ball and looks downfield	00:27:00:02 – 00:27:00:10
(c)	JMR starts to run downfield and, after a few steps, he changes direction to evade the oncoming NM	00:27:01:11 – 00:27:01:04
(d)	NM tackles JMR, putting his left arm around JMR's right arm and shoulder, and bumping into JMR's body	00:27:01:08
(e)	NM's left shoulder appears to hit JMR's chin	00:27:01:07
(f)	NM drags JMR to the ground	00:27:01:12 – 00:27:02:02
(g)	JMR breaks the fall with his left elbow and forearm	00:27:02:04
(h)	JMR's head <i>appears</i> to make contact with the ground	00:27:02:08
(i)	JMR lifts up his head	00:27:02:19 – 00:27:03:03
(j)	NM lies on top of JMR, and JMR fights to push NM away	00:27:03:15 – 00:27:05:11
(k)	The field umpire awards a free kick against JMR who holds his head up	00:27:05:17 – 00:27:06:14
(l)	JMR stands up and he engages with the field umpire, indicating that NM's tackle was too high	00:27:08:05 – 00:27:10:05
(m)	JMR sprints towards the CFC's forward line	00:27:16:16 – 00:27:17:10

111. As to the replay footage (see **MOR.002.001.0052** at and from 00:27:10:15), and as to the same alleged head knock, this footage shows that:

	Event	Timestamp(s)
(a)	JMR attempts to evade NM	00:27:11:00
(b)	NM's left arm strikes JMR's left shoulder	00:27:11:22
(c)	NM's left shoulder makes contact with JMR's mouth and nose	00:27:11:24
(d)	JMR begins to fall down	00:27:12:09
(e)	NM pushes JMR down; NM lies on top of JMR; and JMR's head does not touch the ground (c.f. paragraph 110(h) above)	00:27:14:18 – 00:27:15:07
(f)	JMR holds his head up	00:27:15:07 – 00:27:16:00

112. Following this passage of play:

- (a) None of the GFC's Official Team Sheet Persons attended on the plaintiff to check his condition, and no other employee, agent or representative of the GFC asked a Club Medical Officer to check his condition, as:

- (i) he did not experience a significant head knock as alleged;
 - (ii) he did not lose consciousness as alleged;
 - (iii) he did not exhibit any symptoms of concussion or suspected concussion as alleged;
 - (iv) he did not suffer from a concussion or suspected concussion as alleged;
 - (v) in the circumstances, his condition did not warrant the attention of these persons.
- (b) In the balance of the game, the plaintiff was oriented, he was aware of his surroundings, and he demonstrated his ability to execute his football skills at a level consistent with his occupation as an Elite player.

Particulars

Bradshaw and Allen refer to and repeat the second paragraph of the particulars under paragraph 109 above.

113. In the week following this game:

- (a) in the hour or two after this game, the GFC monitored and/or assessed the condition of each player;
- (b) a day or two after this game, depending on the matters observed or reported in respect of the plaintiff at and after the game, he attended an injury clinic at Kardinia Park (at which the plaintiff was observed and assessed by members of the GFC football department) or a recovery session at Jan Juc, Point Lonsdale or some other place;
- (c) the GFC continued to monitor players, including the plaintiff, and the nature / level of monitoring depended upon the observations and assessments of the players; and
- (d) the plaintiff was selected to play in the AFL Grand Final between the GFC and the Port Adelaide Football Club on 29 September 2007.

Particulars

As to the allegations in subparagraphs (a) to (c), Bradshaw and Allen refer to and repeats the particulars of paragraph 9(a), (b) and (c) above.

As to the allegations in subparagraph (d), Bradshaw and Allen refer to **PUB.937.937.0048**.

Bradshaw and Allen may provide further particulars following discovery.

114. The plaintiff played in the Grand Final on 29 September 2007.
115. In that next game, publicly available records show that the plaintiff:
 - (a) played 68% of game time;
 - (b) had 7 kicks;
 - (c) took 3 marks;
 - (d) had 2 handballs;
 - (e) kicked 1 goal; and
 - (f) kicked 1 behind.

Particulars

Bradshaw and Allen refer to **PUB.937.937.0048**.

Bradshaw and Allen may provide further particulars following discovery.

B.3.3 The GFC's conduct in relation to the above incidents

116. In the premises pleaded in sections B.3.1 and B.3.2 above:
 - (a) As to each incident on which the plaintiff relies, it did not involve a head knock of the sort alleged – that is one that caused the plaintiff to:
 - (i) suffer an injury as alleged (or at all);
 - (ii) lose consciousness as alleged (or at all);
 - (iii) experience and/or exhibit any concussion, or symptoms of concussion or suspected concussion as alleged (or at all).
 - (b) As to the “reasonable precautions” alleged in paragraph 30 of the 2FASOC (assuming without accepting that such precautions were reasonable or necessary at the time of this game having regard to the standard of knowledge and peer professional opinion at the time):

- (i) In this game, and in the weeks following this game, the GFC did monitor the plaintiff, and it took steps to assess the plaintiff's condition and fitness to train and/or play.
- (ii) No symptoms of concussion, symptoms of suspected concussion or symptoms that the plaintiff had not recovered or had not fully recovered from concussion or suspected concussion were drawn to Bradshaw or Allen's attention or the attention of another Club Medical Officer or another medical practitioner for the purposes of the GFC, Bradshaw or Allen, another Club Medical Officer or another medical practitioner undertaking any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion.
- (iii) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen, to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion over and above the evaluation or management undertaken.
- (iv) The GFC or, further or alternatively, Bradshaw or Allen did not fail to take "reasonable precautions";
- (v) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen to take any other "reasonable precautions" over and above the "reasonable precautions" undertaken.
- (vi) The GFC or, further or alternatively, Bradshaw or Allen did not act negligently or breach any duty of care they owed to the plaintiff.

C The 2008 season

C.1 Geelong v St Kilda – NAB Cup game (round 2) – 23 February 2008

117. In further answer to the allegations relating to the GFC v St Kilda NAB Cup game, round 2, held on 23 February 2008 (see paragraph 51 of the 2FASOC and the

particulars thereunder), Bradshaw and Allen advance the allegations in paragraphs 118 to 123 below.

118. Subject to the reservation identified below, Bradshaw and Allen do not admit they served as the Club Medical Officers for the GFC at this NAB Cup game.

Particulars

Bradshaw and Allen reserve the right to amend this plea following the disclosure of the relevant Official Team Sheet.

119. Bradshaw and Allen refer to and repeat the matters pleaded in paragraph 6 in section A.1 above.
120. As to the broadcast footage on which the plaintiff relies (**MOR.002.001.0086** at and from 00:05:52:00), and as to the alleged head knock in the third quarter of this game, this footage shows that:

	Event (JMR = the plaintiff; and JG = Jarryn Geary, STKFC, #42)	Timestamp(s)
(a)	JMR runs to the ball and gathers it to his right shoulder	00:05:53:12
(b)	JMR takes possession of the ball	00:05:53:22
(c)	JMR uses his left arm to fend off JG	00:05:54:10
(d)	JG tackles JMR	00:05:54:13
(e)	JG holds JMR and pulls him towards the ground	00:05:54:14 – 00:05:54:23
(f)	JMR falls forwards	00:05:55:01 – 00:05:55:13
(g)	JMR's left elbow and left shoulder make contact with the ground, breaking his fall	00:05:55:13 – 00:05:55:15
(h)	JMR's head makes brief contact with the ground	00:05:55:16
(i)	JMR lifts his head from the ground and swings his body to his right	00:05:55:17 – 00:05:56:02
(j)	JMR grabs JG with both hands	00:05:56:11 – 00:05:56:19
(k)	JMR pulls JG down	00:05:56:20 – 00:05:57:04
(l)	JMR wrestles with JG on the ground as play continues, and JMR holds his head off the ground	00:05:57:05 – 00:05:58:12
(m)	JMR continues to wrestle JG on the ground	00:05:59:14 – 00:06:00:22
(n)	JMR pushes up, lifting JG's legs and body up	00:06:01:00 – 00:06:01:16
(o)	JMR gets onto his knees	00:06:01:22 – 00:06:02:09
(p)	JMR is pushed down, and he rests on his elbows	00:06:02:19 – 00:06:03:01
(q)	Selwood and JG push each other as JMR looks upfield	00:06:07:05
(r)	JMR begins to run towards the ball	00:06:07:08 – 00:06:08:02

121. Following this passage of play:

- (a) None of the GFC's Official Team Sheet Persons attended on the plaintiff to check his condition, and no other employee, agent or representative of the GFC asked a Club Medical Officer to check his condition, as:
 - (i) he did not experience a significant head knock as alleged;
 - (ii) he did not lose consciousness as alleged;
 - (iii) he did not exhibit any symptoms of concussion or suspected concussion as alleged;
 - (iv) he did not suffer from a concussion or suspected concussion as alleged; and
 - (v) in the circumstances, his condition did not warrant the attention of those persons.
- (b) In the balance of the game, the plaintiff was oriented, he was aware of his surroundings, and he demonstrated his ability to execute his football skills at a level consistent with his occupation as an Elite player.

Particulars

As to the allegation in subparagraph (a), Bradshaw and Allen rely on the broadcast footage relating to the alleged incident, and paragraph 119 above.

As to the allegation in subparagraph (b), by way of example only, Bradshaw and Allen refer to the following: (1) **MOR.002.001.0086** at 00:14:10 to 00:14:43; and (2) **MOR.002.001.0086** at 00:44:10 to 00:44:21.

Bradshaw and Allen may provide further particulars following discovery.

122. In the week following this game:

- (a) in the hour or two after this game, the GFC monitored and/or assessed the condition of each player;
- (b) a day or two after this game, depending on the matters observed or reported in respect of the plaintiff at and after the game, he attended an injury clinic at Kardinia Park (at which the plaintiff was observed and assessed by members of the GFC football department) or a recovery session;

- (c) the GFC continued to monitor players, including the plaintiff, and the nature / level of monitoring depended upon the observations and assessments of the players;
- (d) as a result of a calf injury, the GFC did not select the plaintiff to play in another AFL Home & Away game until 6 April 2008.

Particulars

As to the allegations in subparagraphs (a) to (c), Bradshaw and Allen refer to and repeats the particulars of paragraph 9(a), (b) and (c) above. They also refer to **CXB.001.002.0005** at p.3.

As to the allegations in subparagraph (d), Bradshaw and Allen refer the following: (1) **CXB.001.002.0005** at p.4; (2) **CXB.001.002.0005** at p.10; (3) **CXB.001.002.0005** at p.12; and (4) **PUB.937.937.0250**.

Bradshaw and Allen may provide further particulars following discovery.

123. In the premises:

- (a) The relevant passage of play did not involve a head knock of the sort alleged – that is, one that caused the plaintiff to:
 - (i) suffer an injury as alleged (or at all);
 - (ii) lose consciousness as alleged (or at all); and
 - (iii) experience and/or exhibit any concussion, or symptoms of concussion or suspected concussion as alleged (or at all).
- (b) As to the “reasonable precautions” alleged in paragraph 30 of the 2FASOC (assuming without accepting that any such precautions were reasonable or necessary at the time of this game having regard to the standard of knowledge and peer professional opinion at the time):
 - (i) In this game, and in the weeks following this game, the GFC did monitor the plaintiff, and it took steps to assess the plaintiff’s condition and fitness to train and/or play.
 - (ii) No symptoms of concussion, symptoms of suspected concussion or symptoms that the plaintiff had not recovered or had not fully recovered from concussion or suspected concussion were drawn to Bradshaw or Allen’s attention or the attention of another Club Medical Officer or

another medical practitioner for the purposes of the GFC, Bradshaw or Allen, another Club Medical Officer or another medical practitioner undertaking any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion.

- (iii) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game), to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion over and above the evaluation or management undertaken.
- (iv) The GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game) did not fail to take "reasonable precautions".
- (v) The alleged incident was not one that required the GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game) to take any other "reasonable precautions" over and above the "reasonable precautions" undertaken.
- (vi) The GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game) did not act negligently or breach any duty of care they owed to the plaintiff.

C.2 Geelong v Brisbane Lions – AFL Home & Away game (round 7) – 3 May 2008

- 124. In further answer to the allegations relating to the GFC v Brisbane AFL Home & Away game, round 7, held on 3 May 2008 (see paragraph 50(q) of the 2FASOC), Bradshaw and Allen advance the allegations in paragraphs 125 to 131 below.
- 125. Subject to the reservation identified below, Bradshaw and Allen do not admit that they served as the Club Medical Officers for the GFC at this AFL Home & Away game.

Particulars

They reserve the right to amend this plea following the disclosure of the relevant Official Team Sheet.

126. Bradshaw and Allen refer to and repeat the matters pleaded in paragraph 6 in section A.1 above.
127. As to the live broadcast footage on which the plaintiff relies (**MOR.002.001.0056** at and from 01:06:48:00), and as to the alleged head knock in the second quarter of this game, this footage shows that:

	Event (JMR = the plaintiff; and SH = Scott Harding, BFC, #5)	Timestamp(s)
(a)	JMR takes possession of the ball	01:06:48:22
(b)	JMR moves to his left, extending his left arm to fend off SH	01:06:49:00 – 01:06:49:13
(c)	SH puts his arms around JMR's torso	01:06:49:21
(d)	JMR begins to fall down	01:06:49:21
(e)	JMR uses his right leg and left arm to break this fall	01:06:50:20
(f)	JMR's head, right shoulder, torso and left hand make contact with the ground	01:06:50:21
(g)	JMR lift his head up and rolls onto his back	01:06:50:24 – 01:06:51:11
(h)	JMR brings his head up further and he attempts to sit up	01:06:51:13 – 01:06:51:19
(i)	Joel Patfull (BFC, no. 24) pushes JMR and SH back down, and JMR holds his head off the ground	01:06:51:20 – 01:06:52:05
(j)	JMR rests his head on the ground, and the ball spills out	01:06:52:08 – 01:06:52:23
(k)	JMR's eyes track the movement of the ball, and he uses his left arm to get or knock the ball	01:06:52:23 – 01:06:53:07
(l)	JMR plants a hand on the ground, watching the contest	01:06:55:00
(m)	JMR uses his right forearm to get up	01:06:56:03 – 01:06:56:21
(n)	JMR rests on his hands and knees, and the umpire comes in to take the ball	01:06:57:21 – 01:06:58:12
(o)	JMR begins to stand up	01:06:58:19
(p)	JMR marks his opponent as the umpire throws up the ball	01:07:00:15
(q)	JMR attempts to help Cameron Stokes (GFC) who is lying underneath opposition players	01:07:06:15 – 1:07:13:07

128. Following this passage of play:
- (a) None of the GFC's Official Team Sheet Persons attended on the plaintiff to check his condition, and no other employee, agent or representative of the GFC asked a Club Medical Officer to check his condition, as:
- (i) he did not experience a significant head knock as alleged;

- (ii) he did not lose consciousness as alleged;
 - (iii) he did not exhibit any symptoms of concussion or suspected concussion as alleged;
 - (iv) he did not suffer from a concussion or suspected concussion as alleged; and
 - (v) in the circumstances, his condition did not warrant the attention of those persons.
- (b) In the balance of the game, the plaintiff was oriented, he was aware of his surroundings, and he demonstrated his ability to execute his football skills at a level consistent with his occupation as an Elite player.

Particulars

As to the allegation in subparagraph (a), Bradshaw and Allen rely on the broadcast footage relating to the alleged incident, and paragraph 126 above.

As to the allegation in subparagraph (b), by way of example only, Bradshaw and Allen refer to the following: (1) **MOR.002.001.0056** at 01:17:06:00 to 01:17:13:01; (2) **MOR.002.001.0058** at 00:30:20:00 to 00:30:30:00; (3) **MOR.002.001.0058** at 00:33:13:00 to 00:33:23:00; and (4) **MOR.002.001.0058** at 00:42:21:00 to 00:41:31:00.

Bradshaw and Allen may provide further particulars following discovery.

129. In the week following this game:
- (a) in the hour or two after this game, the GFC monitored and/or assessed the condition of each player;
 - (b) a day or two after this game, depending on the matters observed or reported in respect of the plaintiff at and after the game, he attended an injury clinic at Kardinia Park (at which the plaintiff was observed and assessed by members of the GFC football department) or a recovery session at Jan Juc, Point Lonsdale or some other place;
 - (c) the GFC continued to monitor players, including the plaintiff, and the nature / level of monitoring depended upon the observations and assessments of the players; and
 - (d) the plaintiff was selected to play in the round 8 AFL Home & Away game, between the GFC and Richmond Football Club on 17 May 2008.

Particulars

As to the allegations in subparagraphs (a) to (c), Bradshaw and Allen refer to and repeats the particulars under paragraph 9(a), (b) and (c) above. They also refer to **CXB.001.002.0005** at p.26.

As to the allegation in subparagraph (d), Bradshaw and Allen refer to **PUB.937.937.0049**.

Bradshaw and Allen may provide further particulars following discovery.

130. In that next game, publicly available records show that:

- (a) played 80% of game time;
- (b) had 7 kicks;
- (c) took 4 marks; and
- (d) had 5 handballs.

Particulars

Bradshaw and Allen refer to **PUB.937.937.0049**.

Bradshaw and Allen may provide further particulars following discovery.

131. In the premises:

- (a) The relevant passage of play did not involve a head knock of the sort alleged – that is, one that caused the plaintiff to:
 - (i) suffer an injury as alleged (or at all);
 - (ii) lose consciousness as alleged (or at all); and
 - (iii) experience and/or exhibit any concussion, or symptoms of concussion or suspected concussion as alleged (or at all).
- (b) As to the “reasonable precautions” alleged in paragraph 30 of the 2FASOC (assuming without accepting that any such precautions were reasonable or necessary at the time of this game having regard to the standard of knowledge and peer professional opinion at the time):

- (i) In this game, and in the weeks following this game, the GFC did monitor the plaintiff, and it took steps to assess the plaintiff's condition and fitness to train and/or play.
- (ii) No symptoms of concussion, symptoms of suspected concussion or symptoms that the plaintiff had not recovered or had not fully recovered from concussion or suspected concussion were drawn to Bradshaw or Allen's attention or the attention of another Club Medical Officer or another medical practitioner for the purposes of the GFC, Bradshaw or Allen, another Club Medical Officer or another medical practitioner undertaking any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion.
- (iii) The alleged incident was not one that reasonably required GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game), to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion over and above the evaluation or management undertaken.
- (iv) The GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game) did not fail to take "reasonable precautions".
- (v) The alleged incident was not one that required GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game) to take any other "reasonable precautions" over and above the "reasonable precautions" undertaken.
- (vi) The GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game) did not act negligently or breach any duty of care they owed to the plaintiff.

C.3 Geelong v Western Bulldogs – AFL Preliminary Final – 19 September 2008

132. In further answer to the allegations relating to the GFC v Western Bulldogs AFL Preliminary Final held on 19 September 2008 (see paragraph 50(r) of the 2FASOC), Bradshaw and Allen advance the allegations in paragraphs 133 to 142 below.
133. Subject to the reservation identified below, Bradshaw and Allen do not admit they served as the Club Medical Officers for the GFC at this AFL Preliminary Final.

Particulars

Bradshaw and Allen the right to amend their plea following the disclosure of the relevant Official Team Sheet.

134. Bradshaw and Allen refer to and repeats the matters pleaded in paragraph 6 in section A.1 above.

C.3.1 The first incident on which the plaintiff relies

135. As to the footage on which the plaintiff relies (see **MOR.002.001.0060** at and from 00:29:58:00), and as to the alleged head knock in the first quarter of this game, this footage shows that:

	Event (JMR = the plaintiff; and RH = Ryan Hargrave, FFC, #25)	Timestamp(s)
(a)	JMR reaches into the pack and takes the ball	00:30:00:07
(b)	JMR pushes back and up, hugging the ball into his stomach	00:30:00:08 – 00:30:00:19
(c)	JMR starts to spin to his left and away from the pack	00:30:00:22 – 00:30:01:04
(d)	RH places his arms around JMR's torso	00:30:01:03 – 00:30:01:13
(e)	JMR turns to his left to escape from RH	00:30:01:17 – 00:30:02:04
(f)	RH sets up to drag JMR around his body	00:30:02:09 – 00:30:02:15
(g)	JMR loses his footing, and RH falls backwards	00:30:03:02
(h)	JMR falls forwards	00:30:03:05
(i)	JMR uses his left elbow to break the fall, and he falls onto the ball	00:30:03:09
(j)	JMR's head makes contact with the ground	00:30:03:09
(k)	JMR lifts his head up and keeps it up	00:30:03:19 – 00:30:04:04
(l)	JMR looks at the umpire as he signals a stoppage	00:30:04:06 – 00:30:05:16
(m)	JMR gets onto his knees and RH pushes him down	00:30:05:18 – 00:30:07:07
(n)	JMR gets up with the ball	00:30:07:20 – 00:30:08:23
(o)	JMR throws the ball to the umpire	00:30:09:00 – 00:30:09:18

136. Following this passage of play:

- (a) None of the GFC's Official Team Sheet Persons attended on the plaintiff to check his condition, and no other employee, agent or representative of the GFC asked a Club Medical Officer, as;
- (i) he did not experience a significant head knock as alleged;
 - (ii) he did not lose consciousness as alleged;
 - (iii) he did not exhibit any symptoms of concussion or suspected concussion as alleged;
 - (iv) he did not suffer from a concussion or suspected concussion as alleged; and
 - (v) in the circumstances, his condition did not warrant the attention of those persons.
- (b) In the balance of the game, the plaintiff was oriented, he was aware of his surroundings, and he demonstrated his ability to execute his football skills at a level consistent with his occupation as an Elite player.

Particulars

As to the allegation in subparagraph (a), Bradshaw and Allen rely on the broadcast footage relating to the alleged incident, and paragraph 134 above.

As to the allegation in subparagraph (b), by way of example only, Bradshaw and Allen refer to the following: (1) **MOR.002.001.0060** at 00:36:40:00 to 00:36:21:00; and (2) **MOR.002.001.0060** at 01:02:15:00 to 01:02:25:00.

They may provide further particulars following discovery.

C.3.2 The second incident on which the plaintiff relies

137. As to the broadcast footage on which the plaintiff relies (**MOR.002.001.0062** at 00:45:23:00), and as to the alleged head knock in the fourth quarter of this game, this footage shows that:

	Event (JMR = the plaintiff; and BJ = Brad Johnson, FFC, #6)	Timestamp(s)
(a)	The ball is kicked to BJ in the GFC's forward line	00:45:23:00 – 00:45:26:18
(b)	JMR runs with the flight of the ball, watching the ball and preparing to spoil BJ's attempt to mark the ball	00:45:26:18 – 00:45:27:18
(c)	JMR swings his left arm to effect the spoil	00:45:27:22 – 00:45:28:00

(d)	As his left arm swings around BJ, JMR's right shoulder and upper chest make contact with BJ's left shoulder	00:45:28:01
(e)	JMR bounces off BJ, and JMR's head moves backwards	00:45:28:02 – 00:45:28:06
(f)	JMR falls down to his right, extending his right arm, and landing on his left foot	00:45:28:07 – 00:45:28:12
(g)	JMR plants his right hand on the ground, breaking his fall	00:45:28:14
(h)	JMR's right elbow makes contact with the ground	00:45:28:16
(i)	JMR's right shoulder makes contact with the ground, JMR holds his head above the ground	00:45:28:18 – 00:45:28:21
(j)	JMR watches the ball as he gets onto his hands and knees	00:45:28:22 – 00:45:29:09
(k)	JMR stands up and runs alongside Tom Lonergan (GFC, #13)	00:45:29:10 – 00:45:30:24
(l)	Tom Lonergan handballs to JMR, over the outstretched arm of a defender, and JMR collects the ball on the run	00:45:31:05 – 00:45:32:10
(m)	Running at speed, JMR kicks a goal	00:45:32:11 – 00:45:34:14
(n)	JMR celebrates with Josh Hunt (GFC, #8)	00:45:36:08 – 00:45:37:09
(o)	BJ continues to experience pain as he rests on the ground	00:45:39:00 – 00:45:42:09
(p)	JMR prepares for the umpire to re-start the game	00:45:45:04 – 00:45:46:19

138. As to the replay footage depicting this alleged head knock (**MOR.002.001.0062** at 00:45:52:00 to 00:46:17:12), this footage shows that:

	Event	Timestamp(s)
(a)	JMR leaps towards BJ with his left leg extended	00:45:56:18
(b)	JMR's right shoulder makes contact with BJ's left shoulder	00:45:57:03
(c)	JMR's chin, right cheek and neck make contact with BJ's left shoulder blade / upper back	00:45:57:06 – 00:45:57:09
(d)	JMR's head moves back, and he falls down with his right arm extended	00:45:57:10 – 00:45:58:17
(e)	JMR uses his right forearm, arm and shoulder to break his fall	00:45:58:23 – 00:45:59:06
(f)	JMR holds his head well above the ground	00:45:59:07 – 00:46:00:02
(g)	JMR gets onto his hands and knees, keeping his eyes on the ball	00:46:00:02 – 00:46:00:17

139. Following this passage of play:

- (a) None of the GFC's Official Team Sheet Persons attended on the plaintiff to check his condition, and no other employee, agent or representative of the GFC asked a Club Medical Officer to check his condition, as:
 - (i) he did not experience a significant head knock as alleged;
 - (ii) he did not lose consciousness as alleged;

- (iii) he did not exhibit any symptoms of concussion or suspected concussion as alleged;
 - (iv) he did not suffer from a concussion or suspected concussion as alleged; and
 - (v) in the circumstances, his condition did not warrant the attention of those persons.
- (b) In the balance of the game, the plaintiff was oriented, he was aware of his surroundings, and he demonstrated his ability to execute his football skills at a level consistent with his occupation as an Elite player.

Particulars

As to the allegation in subparagraph (a), Bradshaw and Allen rely on the broadcast footage relating to the alleged incident, and paragraph 134 above.

As to the allegation in subparagraph (b), by way of example only, Bradshaw and Allen refer to the following: (1) **MOR.002.001.0062** at 00:46:45:00 to 00:46:55:00; and (2) **MOR.002.001.0058** at 00:59:15:00 to 00:50:30:00.

They may further particulars following discovery.

140. In the week following this game:
- (a) in the hour or two after this game, the GFC monitored and/or assessed the condition of each player;
 - (b) a day or two after this game, depending on the matters observed or reported in respect of the plaintiff at and after the game, he attended an injury clinic at Kardinia Park (at which the plaintiff was observed and assessed by members of the GFC football department) or a recovery session at Jan Juc, Point Lonsdale or some other place;
 - (c) the GFC continued to monitor players, including the plaintiff, and the nature / level of monitoring depended upon the observations and assessments of the players; and
 - (d) the GFC selected the plaintiff to play in the AFL Grand Final between the GFC and Hawthorn on 27 September 2008.

Particulars

As to the allegations in subparagraph (a),(b) and (c), Bradshaw and Allen refer to the following: (1) the particulars of paragraph 9(a), (b) and (c) above; and (2) **CXB.001.002.0005** at p.104.

As to the allegations in subparagraph (d), Bradshaw and Allen refer to **PUB.937.937.0249**.

Bradshaw and Allen may provide further particulars following discovery.

141. In the Grand Final on 27 September 2008, publicly available records show that the plaintiff:
- (a) played 75% of game time;
 - (b) had 5 kicks;
 - (c) took 3 marks;
 - (d) had 8 handballs; and
 - (e) kicked 2 goals

Particulars

Bradshaw and Allen refer to **PUB.937.937.0050**.

They may provide further particulars following discovery.

C.3.3 The GFC's conduct in relation to the above incidents

142. In the premises pleaded in sections C.3.1 and C.3.2 above:
- (a) As to each incident on which the plaintiff relies, it did not involve a head knock of the sort alleged – that is one that caused the plaintiff to:
 - (i) suffer an injury as alleged (or at all);
 - (ii) lose consciousness as alleged (or at all);
 - (iii) experience and/or exhibit any concussion, or symptoms of concussion or suspected concussion as alleged (or at all).
 - (b) As to the “reasonable precautions” alleged in paragraph 30 of the 2FASOC (assuming without accepting that such precautions were reasonable or

necessary at the time of this game having regard to the standard of knowledge and peer professional opinion at the time):

- (i) In this game, and in the weeks following this game, the GFC did monitor the plaintiff, and it took steps to assess the plaintiff's condition and fitness to train and/or play.
- (ii) No symptoms of concussion, symptoms of suspected concussion or symptoms that the plaintiff had not recovered or had not fully recovered from concussion or suspected concussion were drawn to Bradshaw or Allen's attention or the attention of another Club Medical Officer or another medical practitioner for the purposes of the GFC, Bradshaw or Allen, another Club Medical Officer or another medical practitioner undertaking any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion.
- (iii) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game), to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion over and above the evaluation or management undertaken.
- (iv) The GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game) did not fail to take "reasonable precautions".
- (v) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game) to take any other "reasonable precautions" over and above the "reasonable precautions" undertaken.
- (vi) The GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game) did not act negligently or breach any duty of care they owed to the plaintiff.

D The 2009 season

D.1 Geelong v Collingwood – NAB Cup Grand Final – 13 March 2009

143. In further answer to the allegations relating to the GFC v Collingwood NAB Cup Grand Final game held on 13 March 2009 (see paragraph 51 of the 2FASOC), Bradshaw and Allen advance the allegations in paragraphs 144 to 152 below
144. Subject to the reservation identified below, Bradshaw and Allen do not admit they served as the Club Medical Officers for the GFC at this NAB Cup Grand Final.

Particulars

Bradshaw and Allen the right to amend their plea following the disclosure of the relevant Official Team Sheet.

145. Bradshaw and Allen refer to and repeat the matters pleaded in paragraph 6 in section A.1 above.
146. As to the broadcast footage on which the plaintiff relies (**MOR.002.001.0083** at and from 01:05:28:00), and as to the alleged head knock in the second quarter of this game, this footage shows that:

	Event (JMR = the plaintiff; and AT = Alan Toovey, CFC, #34)	Timestamp(s)
(a)	Joel Selwood (GFC) kicks the ball into the GFC's forward line	01:05:27:15
(b)	JMR is positioned at the front of the pack, and AT is positioned a metre or so behind him	01:05:29:12
(c)	AT sets himself to jump up onto JMR's back in order to take a "specky"	01:05:29:22
(d)	JMR looks back at AT	01:05:29:23 – 01:05:30:00
(e)	AT's thighs straddle JMR's head, and the ball passes overhead	01:05:30:02
(f)	JMR's face makes contact with AT's right thigh, and JMR's head is pushed back	01:05:30:02 – 01:05:30:03
(g)	AT's body moves forward, and his thighs move past JMR's head	01:05:30:04 – 01:05:30:09
(h)	AT falls down, AT falls forward, and AT's left foot appears to clip JMR's head	01:05:30:15 – 01:05:30:18
(i)	JMR's head moves down, but it does not make contact with the ground	01:05:30:21 – 01:05:31:05
(j)	JMR gets onto his hands and knees as he watches Steve Johnson (GFC) and Brodie Holland (CFC) chase after the ball	01:05:31:06 – 01:05:31:22
(k)	JMR stands up and starts moving to the pack as Tarkyn Locker (CFC, # 24) starts to break away from this pack	01:05:32:17 – 01:05:33:15
(l)	JMR moves to tackle Tarkyn Lockyer (CFC) as he handballs to a team mate	01:05:33:18 – 01:05:34:03
(m)	JMR changes direction, going after the ball	01:05:34:09 – 01:05:34:19
(n)	JMR tracks the ball as the CFC players move it out of their backline	01:05:35:15 – 01:05:38:12

(o)	JMR watches Gary Ablett's (GFC) shot on goal	01:05:43:10 – 01:05:44:14
(p)	JMR watches Travis Varcoe (GFC) prepare to take his kick	01:05:52:02 – 01:05:53:02
(q)	A GFC Trainer walks towards JMR	01:06:06:04 – 01:06:06:16

147. As to the first piece of replay footage depicting this alleged head knock (**MOR.002.001.0083** at 01:05:56:00 to 01:06:05:00), this footage shows that:

	Event	Timestamp(s)
(a)	AT's right thigh made contact with JMR's head	01:05:57:11
(b)	AT's right foot does not appear to clip JMR's head	01:05:58:10 – 01:05:58:20
(c)	JMR falls down and holds his head above the ground	01:05:58:23 – 01:06:00:02

148. As to the second piece of replay footage depicting this alleged head knock (**MOR.002.001.0083** at 01:06:00:07 to 01:06:05:04), this footage shows that:

	Event	Timestamp(s)
(a)	As AT jumps up into JMR's back, his left knee does not make contact with JMR's head	01:06:00:05 – 01:06:02:16
(b)	JMR's head sits between AT's thighs	01:06:02:20
(c)	AT's thighs move past JMR's head	01:06:02:20 – 01:06:03:11
(d)	AT's right foot passes over the top of JMR's head	01:06:03:17 – 01:06:04:02
(e)	JMR falls down, and his head does not make contact with the ground	01:06:04:14 – 01:06:05:04

149. Following this passage of play:

- (a) A GFC Trainer attended on the plaintiff to hand him a water bottle and check his condition.
- (b) The GFC Trainer did not indicate that the plaintiff's condition required the immediate attention of a Club Medical Officer.
- (c) There was no such indication, and no other employee, agent or representative of the GFC asked a Club Medical Officer to check his condition, as:
 - (i) the plaintiff did not experience a significant head knock as alleged;
 - (ii) he did not lose consciousness as alleged;

- (iii) he did not exhibit any symptoms of concussion or suspected concussion as alleged;
 - (iv) he did not appear to have suffered from a concussion or suspected concussion; and
 - (v) in the circumstances, his apparent condition did not warrant further attention.
- (d) In the balance of the game, the plaintiff was oriented, he was aware of his surroundings, and he demonstrated his ability to execute his football skills at a level consistent with his occupation as an Elite player.

Particulars

As to the allegation in subparagraphs (a) and (b), Bradshaw and Allen rely on the broadcast footage relating to the alleged incident, and paragraph 145 above.

As to the allegation in subparagraph (d), by way of example only, Bradshaw and Allen refer to the following: (1) **MOR.002.001.0083** at 01:07:42:03 to 01:07:47:10; (2) **MOR.002.001.0084** at 00:29:19:18 to 00:29:24:07; (3) **MOR.002.001.0084** 00:37:34:17 to 00:37:37:01; and (4) **MOR.002.001.0084** 00:57:43:00 to 00:57:55:01.

They may provide further particulars following discovery.

150. In the week following this game:
- (a) in the hour or two after this game, the GFC monitored and/or assessed the condition of each player;
 - (b) a day or two after this game, depending on the matters observed or reported in respect of the plaintiff at and after the game, he attended an injury clinic at Kardinia Park (at which the plaintiff was observed and assessed by members of the GFC football department) or a recovery session at Jan Juc, Point Lonsdale or some other place;
 - (c) the GFC continued to monitor players, including the plaintiff, and the nature / level of monitoring depended upon the observations and assessments of the players;
 - (d) the GFC selected the plaintiff to play in the next AFL Home & Away game between the GFC and Hawthorn on 27 March 2009.

Particulars

As to the allegations in subparagraph (a), (b) and (c), Bradshaw and Allen: (1) refer to and repeat the particulars of paragraph 9 above; and (2) **JMR.001.001.0012** at pp.189-190.

As to the allegations in subparagraph (d), Bradshaw and Allen refer to **PUB.937.937.0248**.

Bradshaw and Allen may provide further particulars following discovery.

151. In that next game, publicly available records show that the plaintiff:

- (i) played 78% of game time;
- (ii) had 10 kicks;
- (iii) took 8 marks;
- (iv) had 5 handballs; and
- (v) kicked 2 goals

Particulars

Bradshaw and Allen refer to **PUB.937.937.0054**.

Bradshaw and Allen may provide further particulars following discovery.

152. In the premises:

- (a) The relevant passage of play did not involve a head knock of the sort alleged – that is, one that caused the plaintiff to:
 - (i) suffer an injury as alleged (or at all);
 - (ii) lose consciousness as alleged (or at all); and
 - (iii) experience and/or exhibit any concussion, or symptoms of concussion or suspected concussion as alleged (or at all).
- (b) As to the “reasonable precautions” alleged in paragraph 30 of the 2FASOC (assuming without accepting that any such precautions were reasonable or necessary at the time of this game having regard to the standard of knowledge and peer professional opinion at the time):

- (i) In this game, and in the weeks following this game, the GFC did monitor the plaintiff, and it took steps to assess the plaintiff's condition and fitness to train and/or play.
- (ii) No symptoms of concussion, symptoms of suspected concussion or symptoms that the plaintiff had not recovered or had not fully recovered from concussion or suspected concussion were drawn to Bradshaw or Allen's attention or the attention of another Club Medical Officer or another medical practitioner for the purposes of the GFC, Bradshaw or Allen, another Club Medical Officer or another medical practitioner undertaking any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion.
- (iii) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game), to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion over and above the evaluation or management undertaken.
- (iv) The GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game) did not fail to take "reasonable precautions".
- (v) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game) to take any other "reasonable precautions" over and above the "reasonable precautions" undertaken.
- (vi) The GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game) did not act negligently or breach any duty of care they owed to the plaintiff.

D.2 Geelong v Adelaide – AFL Home & Away game (round 4) – 18 April 2009

153. In further answer to the allegations relating to the GFC v Adelaide AFL Home & Away game, round 4, held on 18 April 2009 (see paragraph 50(s) of the 2FASOC), Bradshaw and Allen advance the allegations in paragraphs 154 to 163 below.
154. Brashaw and Allen served as the Club Medical Officers for the GFC at this AFL Home & Away game.
155. Bradshaw and Allen refer to and repeat the matters pleaded in paragraph 6 in section A.1 above.
156. As to the broadcast footage on which the plaintiff relies (**MOR.002.001.0066** at and from 00:35:18:00), and as to the alleged head knock in the third quarter of this game, this footage shows that:

	Event (JMR = the plaintiff; and AO = Andy Otten, AFC, #22)	Timestamp(s)
(a)	JMR lunges towards AO with arms outstretched	00:35:18:19
(b)	JMR tackles AO	00:35:19:00
(c)	AO drops the ball, he begins to fall forwards, and JMR falls onto him	00:35:19:03 – 00:35:19:12
(d)	JMR falls away to his right	00:35:19:13 – 00:35:19:20
(e)	JMR's left shoulder, upper back and head make contact with the ground (in that order)	00:35:20:01 – 00:35:20:05
(f)	JMR moves his head to his right-hand side, he gets up onto one knee, and he watches the ball	00:35:20:07 – 00:35:21:13
(g)	JMR stands up and looks in the direction of a field umpire	00:35:21:20 – 00:35:24:02
(h)	The field umpire awards a free kick for AO, and Andrew McLeod picks up the ball	00:35:25:18
(i)	Andrew McLeod (AFC) throws the ball to AO, and JMR watches AO walking back to take his free kick	00:35:26:00 – 00:35:27:06
(j)	JMR catches his breath as AO jogs back to take his free kick	00:35:27:14 – 00:35:28:15
(k)	JMR stands inside the 50 metre arc in the GFC's forward line, occupying a position in a zone defence	00:35:46:18 – 00:35:50:08

157. As to the replay footage depicting this alleged head knock (**MOR.002.001.0066** at and from 00:35:32:00), this footage shows that:

	Event	Timestamp(s)
(a)	JMR tackles AO	00:35:32:06 – 00:35:33:10
(b)	JMR begins to twist around, pulling AO around to JMR's right-hand side	00:35:33:19 – 00:35:34:05
(c)	JMR and AO fall down onto the ground	00:35:34:05 – 00:35:34:19
(d)	JMR lifts his head away from the ground	00:35:35:05 – 00:35:35:17

(e)	JMR pushes up onto his right hand	00:35:36:05
(f)	JMR gets up and looks in the direction of the field umpire (whose elbow is visible under the arm of Bernie Vince (AFC)).	00:35:36:06 – 00:35:38:09

158. Following this passage of play:

- (a) None of the GFC's Official Team Sheet Persons attended on the plaintiff to check his condition, and no other employee, agent or representative of the GFC asked a Club Medical Officer to check his condition, as:
 - (i) the plaintiff did not experience a significant head knock as alleged;
 - (ii) he did not lose consciousness as alleged;
 - (iii) he did not exhibit any symptoms of concussion or suspected concussion as alleged; and
 - (iv) in the circumstances, it was not apparent that his condition warranted the attention of a Club Medical Officer.
- (b) In the balance of the game, the plaintiff was oriented, he was aware of his surroundings, and he demonstrated his ability to execute his football skills at a level consistent with his occupation as an Elite player.
- (c) At the start of the fourth quarter, Allen observed the plaintiff on the bench.
- (d) After the plaintiff kicked a goal in the fourth quarter:
 - (i) a GFC Trainer, David King, checked the plaintiff;
 - (ii) David King asked the plaintiff if he was ok; and
 - (iii) subsequently, in the balance of the game, David King did not indicate that the plaintiff's condition required the immediate attention of a Club Medical Officer.
- (e) Further, there was no such indication by David King, and no other employee, agent or representative of the GFC asked a Club Medical Officer to check his condition, as:
 - (i) the plaintiff did not experience a significant head knock as alleged;

- (ii) he did not lose consciousness as alleged;
- (iii) he did not exhibit any symptoms of concussion or suspected concussion as alleged;
- (iv) he did not appear to have suffered from a concussion or suspected concussion; and
- (v) in the circumstances, his apparent condition did not warrant further attention at that time.

Particulars

As to the allegation in subparagraph (a), Bradshaw and Allen refer to the broadcast footage relating to the alleged incident, and paragraph 155 above.

As to the allegation in subparagraph (b), by way of example only, Bradshaw and Allen refer to the following: (1) **MOR.002.001.0066** at 00:54:48:01 to 00:54:52:09; (2) **MOR.002.001.0066** at 01:04:56:00 to 01:05:27:00; and (3) **MOR.002.001.0066** at 01:08:58:03 to 01:09:07:12.

As to the allegation in subparagraph (c), they refer to **MOR.002.001.0066** at 00:42:32:21 to 00:42:37:00.

As to the allegation in subparagraph (d), they refer to **MOR.002.001.0066** at 01:05:30:05 to 01:05:47:06.

They may provide further particulars following discovery.

159. In the week following this game:

- (a) in the hour or two after this game, the GFC monitored and/or assessed the condition of each player;
- (b) a day or two after this game, depending on the matters observed or reported in respect of the plaintiff at and after the game, he attended an injury clinic at Kardinia Park (at which the plaintiff was observed and assessed by members of the GFC football department) or a recovery session;
- (c) the GFC continued to monitor players, including the plaintiff, and the nature / level of monitoring depended upon the observations and assessments of the players;
- (d) on or about Sunday 19 April 2009, someone at the GFC noted that the plaintiff had experienced some vagueness , and someone also noticed that the plaintiff's condition appeared to have improved;

- (e) on or about Monday 20 April 2009, a person in the GFC football department formed the view that the plaintiff was experiencing symptoms of delayed concussion, after which arrangements were made for him the plaintiff to attend a post-concussion rehabilitation session with Allen;
- (f) on Tuesday 21 April 2009, the plaintiff attended a post-concussion rehabilitation session;
- (g) on Thursday 23 April 2009, the plaintiff underwent a return to play assessment; and
- (h) subsequently, the GFC selected the plaintiff to play in the GFC's round 5 Home & Away game against the Brisbane Football Club on 26 April 2009.

Particulars

As to the allegations in subparagraphs (a), (b) and (c), Bradshaw and Allen refer to the following: (1) the particulars under paragraph 9 above; (2) **JMR.001.001.0012** at p. 198; (3) **JMR.001.001.0013** at p. 941; and (4) **JMR.001.001.0013** at p. 76.

As to the allegations in subparagraphs (d) to (g), these matters are to be inferred from the following documents: (1) **JMR.001.001.0013** at p. 76; (2) **JMR.001.001.0013** at p. 941; and (3) **JMR.001.001.0013** at p.198.

As to the allegations in subparagraph (h), Bradshaw and Allen refer to **PUB.937.937.0170**.

Bradshaw and Allen may provide further particulars following discovery.

- 160. At the time of the return to play assessment identified in the preceding paragraph, it was practice of each Bradshaw and Allen to clear a player's return to play or training only if:
 - (a) the player was not suffering from serious head injury or spinal injury;
 - (b) the player's clinical symptoms had returned to normal; and
 - (c) the player's cognitive function had returned to normal.
- 161. On 26 April 2009, the plaintiff played in the next AFL Home & Away game between the GFC and Brisbane.
- 162. In that next game, publicly available records show that the plaintiff:
 - (a) played 77% of game time;

- (b) had 6 kicks;
- (c) took 2 marks;
- (d) had 9 handballs; and
- (e) kicked 2 goals.

Particulars

Bradshaw and Allen refer to **PUB.937.937.0170**.

Bradshaw and Allen may provide further particulars following discovery.

163. In the premises pleaded above, as to the “reasonable precautions” alleged in paragraph 30 of the 2FASOC (assuming without accepting that such precautions were reasonable or necessary at the time of this game having regard to the standard of knowledge and peer professional opinion at the time):
- (a) In this game, the GFC monitored the plaintiff.
 - (b) In the week following this game, the GFC monitored the plaintiff, and it assessed his condition and fitness to train and/or play.
 - (c) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen, to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion over and above the evaluation or management undertaken.
 - (d) The GFC or, further or alternatively, Bradshaw or Allen did not fail to take “reasonable precautions”.
 - (e) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen to take any other “reasonable precautions” over and above the “reasonable precautions” undertaken.
 - (f) The GFC or, further or alternatively, Bradshaw or Allen did not act negligently or breach any duty of care they owed to the plaintiff.

D.3 Geelong v North Melbourne – AFL Home & Away game (round 8) – 16 May 2009

164. In further answer to the allegations relating to the GFC v North Melbourne AFL Home & Away game, round 8, held on 16 May 2009 (see paragraph 50(t) of the 2FASOC), Bradshaw and Allen advance the allegations in paragraphs 165 to 176 below.
165. Subject to the reservation identified below:
- (a) Bradshaw does not admit that he served as a Club Medical Officer at this game;
 - (b) Allen did serve as a Club Medical Officer at this game.

Particulars

Allen appears in the broadcast footage at **MOR.002.001.0070** at 01:03:27:20.

Bradshaw and Allen reserve the right to amend their plea following the disclosure of the relevant Official Team Sheet.

166. Bradshaw and Allen refer to and repeats the matters pleaded in paragraph 6 in section A.1 above.

D.3.1 The first incident on which the plaintiff relies

167. As to the footage on which the plaintiff relies (see **MOR.002.001.0068** at 00:24:31), and as to the alleged head knock in the first quarter of this game, this footage shows that this footage shows that:

	Event (JMR = the plaintiff; and MR = Matt Riggio, NMFC, #28)	Timestamp(s)
(a)	Harry Taylor (GFC) runs downfield with the ball, and JMR runs alongside him	00:24:30:05
(b)	Harry Taylor (GFC) handballs to JMR, and the ball falls at JMR's feet	00:24:30:15 – 00:24:31:11
(c)	JMR picks up the ball and keeps running towards his forward line	00:24:31:13 – 00:24:31:22
(d)	MR puts his arms around JMR's torso	00:24:32:00 – 00:24:32:08
(e)	JMR begins to fall down	00:24:32:16 – 00:24:32:23
(f)	JMR's left leg makes contact with the ground, breaking JMR's fall	00:23:33:04
(g)	JMR's left hip, shoulder and torso touch the ground, and his right arm swings down	00:24:33:06
(h)	JMR's head makes contact with the ground	00:24:33:07
(i)	JMR rolls onto his front	00:24:33:08 – 00:24:33:18
(j)	JMR begins to get up, using his knees to press his hips up	00:24:33:18 – 00:24:34:12

(k)	JMR kneels on the ground, looking at the contest for the ball	00:24:34:18
(l)	JMR gets up, and moves towards the contest for the ball	00:24:34:20 – 00:24:35:12
(m)	MR takes the ball, pulling it to his chest	00:24:35:13 – 00:24:35:15
(n)	JMR reaches down and holds MR	00:24:35:15 – 00:24:36:02
(o)	Harry Taylor (GFC) falls to his right, pushing JMR down	00:24:37:24 – 00:24:38:08
(p)	JMR lifts his head up, and looks in the direction of the umpire who calls a stoppage	00:24:39:03 – 00:24:41:12
(q)	JMR stands up	00:24:43:12 – 00:24:45:19
(r)	JMR jogs away from the stoppage	00:24:45:23 – 00:24:48:06

168. Following this passage of play:

- (a) None of the GFC's Official Team Sheet Persons attended on the plaintiff to check his condition, and no other employee, agent or representative of the GFC asked a Club Medical Officer to check on his condition, as:
- (i) he did not experience a significant head knock as alleged;
 - (ii) he did not lose consciousness as alleged;
 - (iii) he did not exhibit any symptoms of concussion or suspected concussion as alleged;
 - (iv) he did not suffer from a concussion or suspected concussion as alleged; and
 - (v) in the circumstances, his condition did not warrant the attention of those persons.
- (b) In the balance of the game, the plaintiff was oriented, he was aware of his surroundings, and he demonstrated his ability to execute his football skills at a level consistent with his occupation as an Elite player.

Particulars

As to the allegation in subparagraph (a), Bradshaw and Allen refer to the broadcast footage relating to the alleged incident, and paragraph 166 above.

As to the allegation in subparagraph (b), by way of example only, Bradshaw and Allen refer to the following: (1) **MOR.002.001.0068** at 00:55:38:00 to 00:56:01:00; (2) **MOR.002.001.0070** at 00:23:30:00 to 00:23:50:00; and (3) **MOR.002.001.0070** at 00:43:40:00 to 00:44:05:00.

They may provide further particulars following discovery.

D.3.2 The second incident on which the plaintiff relies

169. As to the broadcast footage on which the plaintiff relies (**MOR.002.001.0070** at and from 01:03:07:00), and as to the alleged head knock in the fourth quarter of this game, this footage shows that:

	Event (JMR = the plaintiff; and MR = Michael Firrito, NMFC, #11)	Timestamp(s)
(a)	JMR jumps to mark the ball	01:03:09:10
(b)	JMR marks the ball	01:03:09:18
(c)	JMR falls backwards, landing on his right hip, side and elbow	01:03:10:06 – 01:03:10:12
(d)	JMR's head sits above the ground	01:03:10:15
(e)	JMR's head remains above the ground	01:03:10:17
(f)	JMR rolls over and looks up	01:03:10:21 – 01:03:11:14
(g)	JMR pauses and catches his breath	01:03:11:18 – 01:03:12:18
(h)	JMR continues to catch his breath, lifting his head and receiving a head rub from Cameron Ling (GFC)	01:03:12:20 – 01:03:15:01
(i)	JMR stands up	01:03:17:18
(j)	Prior to taking his set shot on goal, JMR rests his hands on his knees	01:03:32:19 – 01:03:34:07
(k)	JMR moves backwards, and spins the ball in his hands	01:03:34:20 – 01:03:38:19
(l)	JMR takes his set shot at goal, scoring a behind	01:03:41:17 – 01:03:53:01
(m)	JMR prepares for the defender to kick the ball into play	01:03:56:22 – 01:04:00:14

170. As to the replay footage depicting this alleged head knock (**MOR.002.001.0070** at 01:03:21:08 to 01:03:26:09), this footage shows that:

	Event	Timestamp(s)
(a)	JMR marks the ball as MF attempts to spoil	01:03:23:04 – 01:03:23:14
(b)	JMR falls backwards, landing on his right hip, side and elbow	01:03:23:15 – 01:03:24:07
(c)	JMR lies on his back before rolling to his right, and coming to rest on his shins in a hunched position	01:03:24:12 – 01:03:25:14
(d)	JMR holds the ball in his right palm and looks up	01:03:25:15 – 01:03:25:21

171. Following this passage of play:

- (a) None of the GFC's Official Team Sheet Persons attended on the plaintiff to check his condition, and no other employee, agent or representative of the GFC asked a Club Medical Office to check his condition, as:
 - (i) he did not experience a head knock as alleged;
 - (ii) he did not lose consciousness as alleged;

- (iii) he did not exhibit any symptoms of concussion or suspected concussion as alleged;
 - (iv) he did not suffer from a concussion or suspected concussion as alleged; and
 - (v) in the circumstances, his condition did not warrant the attention of those persons.
- (b) The plaintiff was rotated off the ground, and he remained on the bench for the remaining minutes in the game.

Particulars

As to the allegation in subparagraph (a), Bradshaw and Allen refer to the broadcast footage relating to the alleged incident, and paragraph 166 above.

As to the allegation in subparagraph (b), Bradshaw and Allen refer to **MOR.002.001.0070** at 01:07:05:14 to 01:07:12:10.

They may provide further particulars following discovery.

172. In the week following this game:

- (a) in the hour or two after this game, the GFC monitored and/or assessed the condition of each player;
- (b) a day or two after this game, depending on the matters observed or reported in respect of the plaintiff at and after the game, he attended an injury clinic at Kardinia Park (at which the plaintiff was observed and assessed by members of the GFC football department) or a recovery session at Jan Juc, Point Lonsdale or some other place;
- (c) the GFC continued to monitor players, including the plaintiff, and the nature / level of monitoring depended upon the observations and assessments of the players;
- (d) the GFC selected the plaintiff to play in the next AFL Home & Away game (round 9) between the GFC and the Western Bulldogs on 22 May 2009.

Particulars

As to the allegations in subparagraph (a), (b) and (c), Bradshaw and Allen refer to the following: (1) the particulars of paragraph 9(a), (b) and (c) above; and (2) **JMR.001.001.0013** at pp. 71-72.

As to the allegations in subparagraph (d), Bradshaw and Allen refer to **PUB.937.937.0051**.

Bradshaw and Allen may provide further particulars following discovery.

173. In the circumstances pleaded in paragraphs 169 to 172 above:
- (a) the plaintiff did not experience a head knock as alleged (or any head knock);
 - (b) he did not lose consciousness as alleged;
 - (c) he did not exhibit any symptoms of concussion or suspected concussion as alleged; and
 - (d) he did not suffer from a concussion or suspected concussion as alleged.
174. On 22 May 2009, the plaintiff in the next AFL Home & Away game between the GFC and the Western Bulldogs.
175. In that next game, publicly available records show that the plaintiff:
- (a) played 86% of game time;
 - (b) had 7 kicks;
 - (c) took 5 marks;
 - (d) had 3 handballs; and
 - (e) kicked 1 goal.

Particulars

Bradshaw and Allen refer to **PUB.937.937.0051**.

Bradshaw and Allen may provide further particulars following discovery.

D.3.3 The GFC's conduct in respect of the above incidents

176. In the premises:
- (a) Neither one of the two relevant passages of play involved a head knock of the sort alleged – that is one that caused the plaintiff to:
 - (i) suffer an injury as alleged (or at all);

- (ii) lose consciousness as alleged (or at all); and
 - (iii) experience and/or exhibit any concussion, or symptoms of concussion or suspected concussion as alleged (or at all).
- (b) As to the “reasonable precautions” alleged in paragraph 30 of the 2FASOC (assuming without accepting that any such precautions were reasonable or necessary at the time of this game having regard to the standard of knowledge and peer professional opinion at the time):
- (i) In this game, and in the weeks following this game, the GFC did monitor the plaintiff, and it took steps to assess the plaintiff’s condition and fitness to train and/or play.
 - (ii) No symptoms of concussion, symptoms of suspected concussion or symptoms that the plaintiff had not recovered or had not fully recovered from concussion or suspected concussion were drawn to Allen’s attention or the attention of another Club Medical Officer or another medical practitioner for the purposes of the GFC, Bradshaw or Allen, another Club Medical Officer or another medical practitioner undertaking any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion.
 - (iii) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw (assuming without accepting that Bradshaw served as a Club Medical Officer at this game) or Allen, to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion over and above the evaluation or management undertaken.
 - (iv) The GFC or, further or alternatively, Bradshaw (assuming without accepting that Bradshaw served as a Club Medical Officer at this game) or Allen did not fail to take “reasonable precautions”;
 - (v) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw (assuming without accepting that Bradshaw served as a Club Medical Officer at this game) or Allen to

take any other “reasonable precautions” over and above the “reasonable precautions” undertaken.

- (vi) The GFC or, further or alternatively, Bradshaw (assuming without accepting that Bradshaw served as a Club Medical Officer at this game) or Allen did not act negligently or breach any duty of care they owed to the plaintiff.

D.4 Geelong v Essendon – AFL Home & Away game (round 10) – 31 May 2009

- 177. In further answer to the allegations relating to the GFC v Essendon AFL Home & Away game, round 10, held on 31 May 2009 (see paragraph 50(u) of the 2FASOC), Bradshaw and Allen advance the allegations set out in paragraphs 178 to 185 below.
- 178. Allen served as a Club Medical Officers at this game, and Bradshaw did not serve as a Club Medical Officer at this game.
- 179. Allen refers to and repeats the matters pleaded in paragraph 6 in section A.1 above.
- 180. As to the live broadcast footage on which the plaintiff relies (**MOR.002.001.0074** at and from 00:16:22:00), and as to the alleged head knock in the third quarter of this game, this footage shows that:
 - (a) the plaintiff’s head clashed with Joel Selwood’s head;
 - (b) the plaintiff lost consciousness for a brief period; and
 - (c) the plaintiff showed symptoms consistent with a concussion.

Particulars

As to the matters pleaded in this paragraph:

[180](a)	MOR.002.001.0074 at 00:16:21:17 to 00:16:22:18 and 00:17:17:05
[180](b)	MOR.002.001.0074 at 00:16:23:06 to 00:16:28:18
[180](c)	MOR.002.001.0074 at 00:17:17:05 to 00:17:34:02
[180](d)	MOR.002.001.0074 at 00:17:17:05 to 00:17:34:02

- 181. In relation to this incident, the relevant footage shows that:
 - (a) following the incident, Allen and other GFC personnel moved quickly to reach the plaintiff;

- (b) Allen and another GFC person helped the plaintiff and assessed his condition;
- (c) Allen and / or another GFC person checked to see whether the plaintiff had suffered a neck or spinal injury;
- (d) Allen and Nick Ames (a GFC Physiotherapist) helped the plaintiff to reach the bench, checking his condition as they moved to the bench; and
- (e) the plaintiff rested on the bench under the observation of GFC personnel until three quarter time;
- (f) at three quarter time, under the supervision of Allen and another GFC person, the plaintiff undertook exertion and skills tests;
- (g) following these tests, Allen and/or the other Club Medical Officer formed the view that the plaintiff was fit to return to play;
- (h) the plaintiff returned to play in the fourth quarter of this game; and
- (i) after returning to the game, the plaintiff was oriented, he was aware of his surroundings, and he demonstrated his ability to execute his football skills at a level consistent with his occupation as an Elite player

Particulars

As to the relevant broadcast footage, Allen refers to and repeats the particulars under paragraph 180 above.

As to the matters pleaded in this paragraph, Allen refers to the following broadcast footage:

[181](a)	MOR.002.001.0074 at 00:16:59:05
[181](b)	MOR.002.001.0074 at 00:16:59:05 to 00:17:03:04 and 00:17:07:03 to 00:17:14:00
[181](c)	MOR.002.001.0074 at 00:16:55:24
[181](d)	MOR.002.001.0074 at 00:17:30:00 to 00:17:34:21 and 00:17:40:04 to 00:17:50:00
[181](e)	MOR.002.001.0074 at 00:28:45:00 and 00:28:42:04 to 00:28:50:00 (for example)
[181](f)	MOR.002.001.0074 at 00:34:36:00 to 00:34:57:00
[181](g)	MOR.002.001.0074 at 00:36:31:00 to 0:37:12:16
[181](h)	MOR.002.001.0074 at 00:51:29:17
[181](i)	MOR.002.001.0074 at 00:59:45:00 to 00:59:55:00, 01:03:34:00 to 01:03:48:00, and 01:09:27:00 to 01:09:32:00 (for example)

They may provide further particulars following discovery.

182. At the time of the plaintiff's return to play in the fourth quarter of the game, in relation to cases of concussion or suspected concussion, it was Allen's practice to clear the player's return to play or training only if:
- (a) the player was not suffering from structural head injury or spinal injury;
 - (b) the player's clinical symptoms had returned to normal; and
 - (c) the player's cognitive function had returned to normal.
183. In the week following this game:
- (a) after this game, the GFC monitored and/or assessed the condition of each player, including the plaintiff;
 - (b) a day or two after this game, depending on the matters observed or reported in respect of the plaintiff at and after the game, he attended an injury clinic at Kardinia Park (at which the plaintiff was observed and assessed by members of the GFC football department) or a recovery session at Jan Juc, Point Lonsdale or some other place;
 - (c) on Tuesday 2 June 2009, a member of the GFC football department prepared and/or circulated a report stating relevantly that (1) the plaintiff had experienced a concussion and (2) he would undergo a "COG Sport test" on the following day; and
 - (d) on Thursday 4 June 2009, using CogSport, the GFC assessed the plaintiff's cognitive function and status to obtain results for comparison against his baseline results; and
 - (e) the GFC did not select the plaintiff to play in the round 11 game between the GFC and the West Coast Eagles at Subiaco Oval, Western Australia on 7 June 2009.

Particulars

In relation to subparagraphs (a) and (b), Allen refers to the following: (1) the particulars of paragraph 9(a), (b) and (c) above; and (2) **JMR.001.001.0013** at p. 101.

In relation to subparagraph (c), Allen refers to **GEE.937.937.0007**.

In relation to subparagraph (d), Allen refers to **CXB.001.001.0029**. Round 11 was Women's Round, and the games in that round took place across the Queen's Birthday holiday weekend.

He may provide further particulars following discovery.

184. The plaintiff played in the GFC's round 12 AFL Home & Away game against Fremantle at Subiaco Oval, Western Australia on 21 June 2009, which game took place around twenty-two days after the game in which the alleged incident occurred (that is, the game on 31 May 2009).

Particulars

Allen refers to **CXB.001.001.0029**.

Round 12 was a split round played across a nine day period (12 June 2009 to 21 June 2009).

He may provide further particulars following discovery.

185. In the premises, as to the "reasonable precautions" alleged in paragraph 30 of the 2FASOC (assuming without accepting that such precautions were reasonable or necessary at the time of this game having regard to the standard of knowledge and peer professional opinion at the time):
- (a) In this game in question, the GFC did monitor the plaintiff, and it took reasonable steps to assess the plaintiff's condition and fitness to train and/or play.
 - (b) In the weeks following this game, the GFC did monitor the plaintiff, and it took reasonable steps to assess the plaintiff's condition and fitness to train and/or play.
 - (c) The alleged incident on which the plaintiff relies was not one that reasonably required the GFC or, further or alternatively, Bradshaw (maintaining that he did not serve as a as a Club Medical Officer at this game) or Allen, to undertake any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion over and above the evaluation or management undertaken.
 - (d) The GFC or, further or alternatively, Bradshaw (maintaining that he did not serve as a as a Club Medical Officer at this game) or Allen did not fail to take "reasonable precautions".

- (e) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw (maintaining that he did not serve as a as a Club Medical Officer at this game) or Allen to take any other “reasonable precautions” over and above the “reasonable precautions” undertaken.
- (f) The GFC or, further or alternatively, Bradshaw (maintaining that he did not serve as a as a Club Medical Officer at this game) or Allen did not act negligently or breach any duty of care they owed to the plaintiff.

D.5 Geelong v Hawthorn – AFL Home & Away game (round 17) – 25 July 2009

- 186. In further answer to the allegations relating to the GFC v Hawthorn AFL Home & Away game, round 17, held on 25 July 2009 (see paragraph 50(v) of the 2FASOC), Bradshaw and Allen advance the allegations in paragraphs 187 to 194 below.
- 187. Subject to the reservation identified below, Bradshaw and Allen do not admit that they served as the Club Medical Officers at this AFL Home & Away game.

Particulars

Bradshaw and Allen reserve the right to amend their plea following the disclosure of the relevant Official Team Sheet.

- 188. Bradshaw and Allen refer to and repeat the matters pleaded in paragraph 6 in section A.1 above.
- 189. As to the footage on which the plaintiff relies (**MOR.002.001.0078** at and from 00:27:01:00), and having regard to footage depicting events after the incident, this footage shows that:

	Event (JMR = the plaintiff; and MO = Michael Osborne, HFC, #7)	Timestamp(s)
(a)	JMR gets a hand to a wayward handball from Jimmy Bartel (GFC)	00:27:02:10 – 00:27:02:16
(b)	JMR runs at the bouncing ball	00:27:02:17 – 00:27:03:09
(c)	JMR and MO run at the ball, and MO puts his hands on the ball	00:27:03:10 – 00:27:03:15
(d)	JMR attempts to touch the ball or tackle MO	00:27:03:17 – 00:27:03:20
(e)	JMR’s head makes contact with MO’s left hip	00:27:03:21
(f)	JMR falls to his left, landing on his chest and forearms	00:27:03:22 – 00:27:04:06
(g)	JMR stands up	00:27:04:15 – 00:27:05:18
(h)	JMR runs towards the ball carrier, Campbell Brown (HFC)	00:27:05:18 – 00:27:05:21

- 190. As to the replay footage depicting this alleged head knock, this footage shows that:

	Event (JMR = the plaintiff; and BJ= Brad Johnson, FFC, no. 6)	Timestamp(s)
(a)	JMR runs at the bouncing ball	00:27:28:17 – 00:27:29:14
(b)	MO grabs the ball with both hands as JMR dives at the ball	00:27:29:17
(c)	JMR lands on his left knee, and he puts his left arm over MO's left arm	00:27:29:18 – 00:27:29:20
(d)	JMR's head makes contact with MO's left hip	00:27:29:21
(e)	JMR falls down, landing on his chest and forearms	00:27:29:22 – 00:27:30:05
(f)	JMR keeps his head above the ground	00:27:30:06 – 00:27:30:19

191. Following this passage of play:

- (a) None of the GFC's Official Team Sheet Persons attended on the plaintiff to check his condition, and no other employee, agent or representative of the GFC asked a Club Medical Officer to check his condition, as:
- (i) he did not experience a significant head knock as alleged;
 - (ii) he did not lose consciousness as alleged;
 - (iii) he did not exhibit any symptoms of concussion or suspected concussion as alleged;
 - (iv) he did not suffer from a concussion or suspected concussion as alleged;
 - (v) in the circumstances, his condition did not warrant the attention of those persons.
- (b) In the balance of the game, the plaintiff was oriented, he was aware of his surroundings, and he demonstrated his ability to execute his football skills at a level consistent with his occupation as an Elite player.

Particulars

As to the allegation in subparagraph (a), Bradshaw and Allen rely on the broadcast footage relating to the alleged incident, and paragraph 188 above. As to the allegation in subparagraph (b), by way of example only, Bradshaw and Allen refer to the following: (1) **MOR.002.001.0078** at 00:27:56:00 to 00:28:08:00; and (2) **MOR.002.001.0078** at 00:49:50:00 to 00:50:04:00.

Bradshaw and Allen may provide further particulars following discovery.

192. In the week or so following this game:

- (a) in the hour or two after this game, the GFC monitored and/or assessed the condition of each player;
- (b) a day or two after this game, depending on the matters observed or reported in respect of the plaintiff at and after the game, he attended an injury clinic at Kardinia Park (at which the plaintiff was observed and assessed by members of the GFC football department) or a recovery session at Jan Juc, Point Lonsdale or some other place;
- (c) the GFC continued to monitor players, including the plaintiff, and the nature / level of monitoring depended upon the observations and assessments of the players;
- (d) the GFC selected the plaintiff to play for the GFC in the round 18 AFL Home & Away game against the Adelaide Football Club on 1 August 2009.

Particulars

As to the allegations in subparagraph (a), (b) and (c), Bradshaw and Allen refer to the following: (1) the particulars of paragraph 9(a), (b) and (c) above; and (2) **JMR.001.001.0013** at p.231.

As to the allegations in subparagraph (d), Bradshaw and Allen refer to **PUB.937.937.0053**.

Bradshaw and Allen may provide further particulars following discovery.

193. In that next game, publicly available records show that the plaintiff:

- (a) played 82% of game time;
- (b) had 5 kicks;
- (c) had 5 marks;
- (d) had 7 handballs; and
- (e) had 3 tackles.

Particulars

Bradshaw and Allen refer to **PUB.937.937.0053**.

Bradshaw and Allen may provide further particulars following discovery.

194. In the premises:

- (a) The relevant passage of play did not involve a head knock of the sort alleged – that is, one that caused the plaintiff to:
 - (i) suffer an injury as alleged (or at all);
 - (ii) lose consciousness as alleged (or at all); and
 - (iii) experience and/or exhibit any concussion, or symptoms of concussion or suspected concussion as alleged (or at all).

- (b) As to the “reasonable precautions” alleged in paragraph 30 of the 2FASOC (assuming without accepting that any such precautions were reasonable or necessary at the time of this game having regard to the standard of knowledge and peer professional opinion at the time):
 - (i) In this game, and in the weeks following this game, the GFC did monitor the plaintiff, and it took steps to assess the plaintiff’s condition and fitness to train and/or play;
 - (ii) No symptoms of concussion, symptoms of suspected concussion or symptoms that the plaintiff had not recovered or had not fully recovered from concussion or suspected concussion were drawn to Bradshaw or Allen’s attention or the attention of another Club Medical Officer or another medical practitioner for the purposes of GFC, Bradshaw or Allen, another Club Medical Officer or another medical practitioner undertaking any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion.
 - (iii) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game), to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion over and above the evaluation or management undertaken.
 - (iv) The GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game) did not fail to take "reasonable precautions".

- (v) The alleged incident was not one that required the GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game), to take any other “reasonable precautions” over and above the “reasonable precautions” undertaken.
- (vi) The GFC or, further or alternatively, Bradshaw or Allen (assuming without accepting that Bradshaw or Allen served as a Club Medical Officer at this game) did not act negligently or breach any duty of care they owed to the plaintiff.

D.6 Geelong v Adelaide – AFL Home & Away game (round 18) – 1 August 2009

195. In further answer to the allegations relating to the GFC v Adelaide AFL Home & Away game, round 18, held on 1 August 2009 (see paragraph 50(w) of the 2FASOC), Bradshaw and Allen advance the allegations in paragraphs 196 to 208 below.

196. Bradshaw and Allen served as the Club Medical Officer at this game.

Particulars

They refer to **MOR.002.001.0082** at 01:18:20.

197. Bradshaw and Allen refer to and repeat the matters pleaded in paragraph 6 in section A.1 above.

198. In relation to the incident on which the plaintiff relies, as to the footage on which the plaintiff relies (see **MOR.002.001.0082** at and from 01:11:48), such footage shows that:

- (a) the plaintiff experienced a head knock; and
- (b) following this head knock, the plaintiff showed symptoms consistent with a concussion or suspected concussion.

199. The broadcast footage also shows that:

- (a) the plaintiff stood up without assistance, and backed away from the ball up, watching as the play continue and shielding his eyes from the sun;
- (b) Bradshaw ran onto the ground to check the plaintiff’s condition;

- (c) Ivan Maric marked the ball near the fifty metre line at the Barwon River end of the ground, and the plaintiff stood on the mark;
- (d) Bradshaw intervened, telling the plaintiff that he had to leave the ground;
- (e) Corey Enright replaced the plaintiff on the mark;
- (f) as Ivan Maric took his set shot on goal, Bradhsaw escorted the plaintiff from the ground.

Particulars

As to the relevant broadcast footage, Bradshaw and Allen refer to **MOR.002.001.0082** at 01:11:45:00 to 01:13:01:00.

As to the matters pleaded above:

[199](a) & (b)	MOR.002.001.0082 at 01:12:59:00 to 01:13:01:00 and 01:12:03:00 to 01:12:10:00 (replay)
[199](c)	MOR.002.001.0082 at 01:12:00:00 and 01:12:35:00
[199](d)	MOR.002.001.0082 at 01:12:10:00 to 01:12:36:00
[199](e)	MOR.002.001.0082 at 01:12:43:00 to 01:12:54:00
[199](f)	MOR.002.001.0082 at 01:12:59:00 to 01:13:01:00

200. As the plaintiff left the ground, Bradshaw assessed his condition.

Particulars

MOR.002.001.0082 at 01:12:59:00 to 01:13:01:00.

201. After the plaintiff left the ground:

- (a) Bradshaw and/or Allen assessed his condition; and
- (b) he took no further part in the game.

Particulars

MOR.002.001.0082 at 01:13:01:00 and thereafter. The final siren sounds at 01:13:23:11. .

202. In the week following this game:

- (a) in the hour or two after this game, the GFC monitored and/or assessed the condition of each player;

- (b) a day or two after this game, depending on the matters observed or reported in respect of the plaintiff at and after the game, he attended an injury clinic at Kardinia Park (at which the plaintiff was observed and assessed by members of the GFC football department) or a recovery session at Jan Juc, Point Lonsdale or some other place; and
- (c) the GFC continued to monitor players, including the plaintiff, and the nature / level of monitoring depended upon the observations and assessments of the players.

Particulars

As to the allegations in subparagraphs (a), (b) and (c), Allen refers to: the GFC's general system for monitoring and assessing players in the period from one game to the next in 2006 to 2009.

203. On 3 August 2009, a person or persons within the GFC football department produced and/or circulated the following documents:

- (a) an injury report recording the plaintiff had injured his right patella tendon (see **CXB.003.001.0110** at p. 8); and
- (b) an injury report recording the plaintiff had received a minor head knock in respect of which he required a check (see **JMR.001.001.0013** at p. 1150).

Particulars

Bradshaw and Allen may provide further particulars following discovery.

204. Subsequently:

- (a) the plaintiff was assessed as being fit to return to play; and
- (b) the plaintiff was selected to play in the next scheduled AFL Home & Away game, being the game between the GFC and the Carlton Football Club on 7 August 2009.

205. At the time of the selection decision identified in the preceding paragraph, in relation to cases of concussion or suspected concussion, it was the practice of each of Bradshaw and Allen to clear the player's return to play or training only if:

- (a) the player was not suffering from structural head injury or spinal injury;

- (b) the player's clinical symptoms had returned to normal; and
 - (c) the player's cognitive function had returned to normal.
206. The plaintiff played for the GFC in its Home & Away game against the Carlton Football Club on 7 August 2009.
207. In that next game, publicly available records show that the plaintiff:
- (a) played 79% of game time;
 - (b) had 6 kicks;
 - (c) took 3 marks;
 - (d) had 3 handballs; and
 - (e) kicked one goal.

Particulars

Bradshaw and Allen refer to **PUB.937.937.0237**.

208. In the premises and as to the "reasonable precautions" alleged in paragraph 30 of the 2FASOC (assuming without accepting that such precautions were reasonable or necessary at the time of this game having regard to the standard of knowledge and peer professional opinion at the time):
- (a) In this game in question:
 - (i) the GFC monitored the plaintiff;
 - (ii) the GFC identified the plaintiff's symptoms of concussion, and did so by its employees, servants, and/or agents who were present at this game; and
 - (iii) a Club Medical Officer promptly withdrew the plaintiff from the game.
 - (b) In the following week:
 - (i) the GFC monitored the plaintiff; and
 - (ii) the GFC assessed the plaintiff's condition.

- (c) The alleged incident on which the plaintiff relies was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen, to undertake any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion over and above the evaluation or management undertaken.
- (d) The GFC or, further or alternatively, Bradshaw or Allen did not fail to take "reasonable precautions";
- (e) The alleged incident was not one that reasonably required the GFC or, further or alternatively, Bradshaw or Allen to take any other "reasonable precautions" over and above the "reasonable precautions" undertaken.
- (f) The GFC or, further or alternatively, Bradshaw or Allen did not act negligently or breach any duty of care they owed to the plaintiff.