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

No S

Case: S ECI 2023 00969
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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 FIRST, THIRD AND ELEVENTH THIRD PARTIES TO THE SECOND FURTHER AMENDED STATEMENT OF CLAIM AS PLEADED AGAINST THEM IN THE THIRD PARTY NOTICE

Date of Document: 3 November 2026
Filed on behalf of:
First, third, and eleventh third party
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The first third party (**Seward**), third third party (**Irwin**) and eleventh third party **(McGivern**) 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 Seward, Irwin and McGivern by the second defendant (the Geelong Football Club (**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 Seward, Irwin and McGivern join issue with the allegations in the 2FASOC to the extent those allegations are pleaded against them in the TPN.

2. Seward, Irwin and McGivern do not plead to the allegations in paragraphs 1 to 4 of the 2FASOC as those paragraphs make no allegation of material fact against them.

3. Seward, Irwin and McGivern do not admit the allegations in paragraph 5 to 6.

4. Seward, Irwin and McGivern do not plead to the allegations in paragraphs 7 to 15, 18 to 20 and 25 of the 2FASOC as those paragraphs make no allegation of material fact against them.

5. Insofar as paragraph 29 of the 2FASOC makes any allegations against Seward, Irwin or McGivern, they deny those allegations and they otherwise do not admit the allegations in paragraph 29 of the 2FASOC.

6. 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 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); and

(6) the advice, warning and 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 subparagraphs are vague and embarrassing;

(B) under cover of the objection in paragraph (A) above, they refer to and repeat the matters pleaded in sections A to G of Schedule 1; and

(c) they otherwise deny the allegations.

7. Seward, Irwin and McGivern do not admit the allegations in paragraph 40 of the 2FASOC.

8. 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 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 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 of the TPN):

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

(1) the system for the monitoring 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 alleged 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); and

(6) the advice, warning and 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 6(b)(A) and 8(b)(A) above, they refer to and repeat the matters pleaded in sections A to G of Schedule 1; and

(c) otherwise, they deny the allegations.

9. 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 6(b)(A) and 8(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 G of Schedule 1; and

(c) otherwise, they deny the allegations.

10. 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 6(b)(A) and 8(b)(A) above:

(a) as to the allegations in relation the alleged VFL game held on 30 March 2002 in paragraph 50(a) of the 2FASOC, they refer to and repeat the matters pleaded in Section B.1 of Schedule 1;

(b) as to the allegations in relation to the GFC v Brisbane game, round 6, held on 4 May 2003, in paragraph 50(b) of the 2FASOC, they refer to and repeat the matters pleaded in Section C.1 of Schedule 1;

(c) as to the allegations in relation to the GFC v Adelaide game, round 10, held on 1 June 2003, in paragraph 50(c) of the 2FASOC, they refer to and repeat the matters pleaded in Section C.2 of Schedule 1;

(d) as to the allegations in relation to the GFC v St Kilda, round 22, held on 30 August 2003, in paragraph 50(d) of the 2FASOC, they refer to and repeat the matters pleaded in Section C.3 of Schedule 1;

(e) as to the allegations in relation to the GFC v St Kilda game, round 1, held on 27 March 2004, in paragraph 50(e) of the 2FASOC, they refer to and repeat the matters pleaded in Section D.1 of Schedule 1;

(f) as to the allegations in relation to the GFC v St Kilda game, round 7, held on 7 May 2005, in paragraph 50(f) of the 2FASOC, they refer to and repeat the matters pleaded in Section E.1 of Schedule 1;

(g) as to the allegations in relation to the GFC v Adelaide game, round 12, held on 12 June 2005, in paragraph 50(g) of the 2FASOC, they refer to and repeat the matters pleaded in Section E.2 of Schedule 1;

(h) as to the allegations in relation to the GFC v Melbourne game, elimination final, held on 3 September 2005, in paragraph 50(h) of the 2FASOC, they refer to and repeat the matters pleaded in Section E.3, E3.1 and E3.2 of Schedule 1;

(i) as to the allegations in relation to the GFC v North Melbourne 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 F.3, F.3.1, F.3.2 and F.3.3 of Schedule 1;

(j) as to the allegations in relation to the GFC v Hawthorn 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 F.4 of Schedule 1;

(k) as to the allegations in relation to the GFC v Melbourne 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 F.5 of Schedule 1;

(l) as to the allegations in relation to the GFC v Western Bulldogs game, round 16, held on 23 July 2006, (erroneously pleaded as 26 July 2026 in paragraph 50(l) of the 2FASOC), they refer to and repeat the matters pleaded in Section F.6 of Schedule 1;

(m) as to the allegations in relation to the GFC v Hawthorn 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 F.7, F.7.1, F.7.2 and F.7.3 of Schedule 1;

(n) Seward, Irwin and McGivern do not plead to the allegations in paragraphs 50(n) – (w) of the 2FASOC as those paragraphs make no allegation of material fact against them and they refer to and repeat section G of Schedule 1.

(o) in the premises of the matters pleaded in this paragraph above and in sections B.1, C.1, C.2, C.3, D.1, E.1, E.2, E.3, E.3.1, E.3.2, F.3, F.3.1, F.3.2, F.3.3, F.4, F.5, F.6 F.7, F.7.1, F.7.2, F.7.3 (being those sections that are pleaded in respect of "Rooke's head knocks and concussions" alleged in paragraph 50(a) to (m) of the 2FASOC, as they relate to Seward, Irwin and/or McGivern) of Schedule 1:

(i) the medical management as provided to the plaintiff from time to time was consistent with the exercise of reasonable care;

(ii) insofar as any allegation is made that the GFC, or further or alternatively, Seward, Irwin or McGivern were required to take precautions different to any diagnosis, management or steps taken as described the Schedule 1, that allegation is denied;

(iii) the GFC or, further or alternatively, Seward, Irwin or McGivern did not act negligently or breach any duty of care they owed to the plaintiff; and

(p) otherwise, they deny the allegations.

11. 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 6(b)(A) and 8(b)(A) above:

(a) as to the allegations in relation to training on 2 August 2001 in the particulars to paragraph 51 of the 2FASOC, they refer to and repeat the matters pleaded in section A.1 of Schedule 1;

(b) as to the allegations in relation to training on 2 April 2002 in the particulars to paragraph 51, they refer to and repeat the matters pleaded in section B.2 of Schedule 1;

(c) 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 F.1 of Schedule 1;

(d) 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 F.2 of Schedule 1;

(e) in the premises of the matters pleaded in this paragraph above and in sections A.1, B.2, F.1 and F.2 (being those sections that are pleaded in respect of the matters alleged in paragraph 51 of the 2FASOC, as they relate to Seward, Irwin or McGivern) of Schedule 1:

(i) the medical management as provided to the plaintiff from time to time was consistent with the exercise of reasonable care;

(ii) insofar as any allegation is made that the GFC, or further or alternatively, Seward, Irwin or McGivern were required to take precautions different to any diagnosis, management or steps taken as described in Schedule 1, that allegation is denied;

(iii) the GFC or, further or alternatively, Seward, Irwin or McGivern did not act negligently or breach any duty of care they owed to the plaintiff; and

(f) otherwise, they deny the allegations.

12. 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 6(b)(A) and 8(b)(A) above, Seward, Irwin and McGivern refer to and repeat the matters pleaded in sections A to G of Schedule 1 and paragraphs 9 to 11 above; and

(b) otherwise, they deny the allegations.

13. To paragraph 53 of the 2FASOC to the extent those allegations are pleaded against them in paragraph 5(b) or otherwise in the TPN:

(a) under cover of the objections in paragraphs 6(b)(A) and 8(b)(A) above, Seward, Irwin and McGivern refer to and repeat the matters pleaded in sections A to G of Schedule 1 and paragraphs 9 to 11 above; and

(b) otherwise, they deny the allegations.

14. 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 6(b)(A) and 8(b)(A) above, Seward, Irwin and McGivern refer to and repeat the matters pleaded in sections A to G of Schedule 1 and paragraphs 9 to 12 above;

(b) they do not plead to an alleged incident on 23 February 2008 as alleged in the particulars to paragraph 54 of the 2FASOC and they refer to and repeat section G of Schedule 1; and

(c) otherwise, they deny the allegations.

15. 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 6(b)(A) and 8(b)(A) above, Seward, Irwin and McGivern say that:

(i) on a date prior to 2001, the GFC or, further or alternatively, the GFC's CMOs or, further or alternatively, Seward, Irwin and McGivern, commenced using digital symbol substitution tests (**DSST**) and trail tests to assess GFC player's, including the plaintiff's, cognitive function and status by establishing a pre-season baseline against which future DSST and trail tests could be performed during the season and compared where appropriate;

(ii) the GFC or, further or alternatively, the GFC's CMOs or, further or alternatively, Seward, Irwin or McGivern, explained to GFC players, including the plaintiff, that the purpose of DSST testing was to assess cognitive function and to establish a pre-season baseline against which future DSST and trail tests could be compared, including at games where appropriate, to seek to identify, monitor and manage:

(A) any impacts on cognitive function; and

(B) concussion or symptoms of concussion or suspected concussion;

(iii) in or around 2005, the GFC commenced using a computerised neurocognitive testing battery known as the CogSport test battery (**CogSport**) to assess GFC player's, including the plaintiff's, cognitive function by way of establishing baseline results against which future CogSport test results could be compared where appropriate;

(iv) the GFC explained to GFC players, including the plaintiff, that the purpose of CogSport tests was to assess cognitive function and status to establish baseline results against which future CogSport test results could be compared where appropriate, to seek to identify, monitor and manage:

(A) any impacts on cognitive function; and

(B) concussion or symptoms of concussion or suspected concussion;

(v) they otherwise refer to and repeat the matters pleaded in sections A to G of Schedule 1 and paragraphs 9 to 13 above; and

(b) otherwise, they deny the allegations.

16. 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 6(b)(A) and 8(b)(A) above, Seward, Irwin and McGivern say:

(a) they refer to and repeat the matters pleaded in sections A to G of Schedule 1 and paragraphs 9 to 14 above;

(b) what was reasonably required in the provision of medical advice, treatment or management to the plaintiff depended upon the clinical presentation as was or was not known to the relevant clinician at the time;

(c) in the premises:

(i) the medical management as provided to the plaintiff from time to time was consistent with the exercise of reasonable care;

(ii) insofar as any allegation is made that the GFC, or further or alternatively, Seward, Irwin or McGivern were required to take precautions different to any diagnosis, management or steps taken as described in Schedule 1, that allegation is denied;

(iii) the GFC or, further or alternatively, Seward, Irwin or McGivern did not act negligently or breach any duty of care they owed to the plaintiff; and

(d) otherwise, they deny the allegations.

17. 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 6(b)(A) and 8(b)(A) above, Seward, Irwin and McGivern say:

(a) they deny the plaintiff has suffered the injury or injuries alleged;

(b) the medical management as provided to the plaintiff from time to time was consistent with the exercise of reasonable care;

(c) insofar as any allegation is made that the GFC, or further or alternatively, Seward, Irwin or McGivern were required to take precautions different to any diagnosis, management or steps taken as described in the Schedule, that allegation is denied;

(d) the GFC or, further or alternatively, Seward, Irwin or McGivern did not act negligently or breach any duty of care they owed to the plaintiff;

(e) further or alternatively, if, which is denied, the GFC failed to take any of the "reasonable precautions" as alleged in the 2FASOC 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;

(f) further or alternatively, if, which is denied, Seward, Irwin or McGivern failed to take any of the "reasonable precautions" as alleged in the 2FASOC 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; and

(g) otherwise, they deny the allegations.

18. 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 6(b)(A) and 8(b)(A) above, Seward, Irwin and McGivern say:

(a) they refer to and repeat subparagraphs 17(a) to (d) above;

(b) further or alternatively, if, which is denied, the GFC failed to take any of the "reasonable precautions" as alleged in the 2FASOC 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 and/or 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, Seward, Irwin or McGivern failed to take any of the "reasonable precautions" as alleged in the 2FASOC 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 and/or the plaintiff would have suffered the injury alleged and/or the extent of injury alleged, in any event; and

(d) otherwise, they deny the allegations.

19. 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, Seward, Irwin and McGivern:

(a) refer to and repeat the matters pleaded in paragraphs 17 and 18 above; and

(b) otherwise, they deny the allegations.

20. 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, Seward, Irwin and McGivern:

(a) refer to and repeat the matters pleaded in paragraphs 17 to 19 above; and

(b) otherwise, they deny the allegations.

21. 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 Seward, Irwin and McGivern:

(a) refer to and repeat the matters pleaded in paragraphs 17 to 20 above; and

(b) otherwise, they deny the allegations.

22. 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 6(b)(A) and 8(b)(A) above, Seward, Irwin and McGivern advance the allegations in sections A – G of Schedule 1.

23. Seward, Irwin and McGivern say further that at all relevant times, within the meaning of sections 57 to 59 (inclusive) of the *Wrongs Act 1958* (Vic), they:

(a) were a professional providing a professional service; and

(b) acted in a manner that was widely accepted in Australia by a significant number of respected practitioners in the field as competent professional practice in the circumstances.

24. In further answer to the plaintiff's claims against the AFL and the GFC, Seward, Irwin and McGivern say that his alleged causes of action are barred by operation of section 27D of the *Limitations of Actions Act* 1958 (Vic).

Dated: 3 November 2026

B W JELLIS KC

S REID

T KATZ

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Perry Maddocks Trollope

Solicitors for the first, third and eleventh third parties

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A The 2001 Season

1. In the 2001 season, each of Seward, Irwin and McGivern were engaged as a CMO for the GFC.

2. On 7 April 2001, using a DSST, the GFC assessed the plaintiff's cognitive function and status to establish a baseline against which future DSSTs could be compared as appropriate.

Particulars

The baseline DSST dated 7 April 2001 is contained at p. 7 of the PDF bundle of clinical records discovered by the plaintiff titled "Clinical records of Geelong Football Club (originals provided by the Plaintiff".

The baseline test shows the plaintiff scored 65, meaning he was able to complete 65 'digit symbol substitutions' in the 90 seconds allocated for the test, which was within a normal range.

3. Seward, Irwin and McGivern carried a list of DSST baselines of GFC players, including the plaintiff, at GFC games they attended as a GFC Club Medical Officer (**CMO**).

A.1 Training on 2 August 2001

4. In further answer to the allegations relating to an alleged head knock and concussion when training on 2 August 2001 (see paragraph 51 of the 2FASOC and the particulars thereunder), Seward, Irwin and McGivern advance the allegations in paragraphs 1 to 3 above and 5 to 13 below.

5. As to the alleged incident on 2 August 2001, Seward says that on 2 August 2001:

(a) he diagnosed the plaintiff suffering from a concussion and neck sprain in connection with a strike to the right side of the plaintiff's neck by a tackle bag during a training drill;

(b) he assessed and managed the tackle bag incident by taking a history of symptoms and pain including tenderness, assessing range of movement in the neck, arranging an x-ray of the cervical spine, and performing a neuropsychological concussion evaluation 30 minutes post-concussion and observing the plaintiff;

Particulars

As to subparagraph (a), Seward's diagnosis is to be inferred from Seward's clinical notes dated 2 August 2001 on p. 1 of the PDF bundle of clinical records discovered by the plaintiff titled "Clinical records of Geelong Football Club (originals provided by the Plaintiff)".

As to subparagraph (b), Seward's assessment and management is to be inferred from Seward's clinical notes dated 2 August 2001 on p. 1 of the PDF bundle of clinical records discovered by the plaintiff titled "Clinical records of Geelong Football Club (originals provided by the Plaintiff)" and the "Concussion Evaluation – Initial Assessment" form dated 2 August 2001 on page 5 of the same bundle.

6. On 4 August 2001, McGivern reviewed the plaintiff's condition and assessed that he continued to have neck symptoms and mild headache.

Particulars

McGivern's assessment is to be inferred from McGivern's clinical notes dated 4 August 2001 on p. 1 of the PDF bundle of clinical records discovered by the plaintiff titled "Clinical records of Geelong Football Club (originals provided by the Plaintiff)".

7. On 5 August 2001, 2 ½ days after the concussion diagnosis on 2 August 2001, Seward reviewed the plaintiff and the plaintiff underwent testing including a DSST test (for which the plaintiff scored 70 which was above his 7 April 2001 baseline) and a trail making test.

Particulars

Seward's 5 August 2001 assessment and the plaintiff's DSST evaluation is to be inferred from the document titled 'Section C Neuropsychological tests", the trail making test, and the DSST test on pp. 7, 12 and 15 respectively of the PDF bundle of clinical records discovered by the plaintiff titled "Clinical records of Geelong Football Club (originals provided by the Plaintiff)".

8. On 8 August 2001:

(a) Seward again reviewed the plaintiff;

(b) the plaintiff reported that he still had headache and that his skills were down; and

(c) Seward directed the plaintiff to rest and to try again in two days' time.

Particulars

Seward's 8 August 2001 assessment and management of the plaintiff is to be inferred from Seward's clinical notes dated 8 August 2001 on p. 1 of the PDF bundle of clinical records discovered by the plaintiff

titled "Clinical records of Geelong Football Club (originals provided by the Plaintiff)".

9. On 10 August 2001:

(a) the plaintiff underwent a further DSST test for which he scored 66 which was above his 7 April 2001 baseline;

(b) Irwin reviewed the plaintiff and obtained a history from the plaintiff that he still had persistent headache pretraining, which was lessening, and that he (the plaintiff) felt that he was not fully recovered; and

(c) Irwin determined that the plaintiff:

(i) was to be reviewed the following week; and

(ii) was not cleared to play.

Particulars

The plaintiff's cognitive assessment by way of DSST on 10 August 2001, and Irwin's assessment and clinical management, are to be inferred from the DSST test dated 10 August 2001 and Irwin's clinical notes on pp. 13 and 1 respectively of the PDF bundle of clinical records discovered by the plaintiff titled "Clinical records of Geelong Football Club (originals provided by the Plaintiff)".

10. The GFC, or alternatively, Seward, Irwin or McGivern, continued to monitor the plaintiff in the weeks following the 8 August 2001 incident.

11. As a result of the incident on 2 August 2001 and the monitoring of the plaintiff's symptoms by the GFC, or alternatively, by Seward, Irwin or McGivern, the plaintiff was excluded from playing in 3 games.

Particulars

See HXS.032.001.0001.

12. In 2001 (and during subsequent years they served as GFC CMOs), in relation to cases of concussion or suspected concussion known to them, it was Seward, Irwin and McGivern's practice to clear players to return to play or training only if:

(a) the player's clinical symptoms had returned to normal;

(b) the player's subjective reporting was normal; and

(c) the player's cognitive function was normal; and

(d) the player's symptoms did not recur during a graduated training load.

13. In the premises and as to the standard of care owed to the plaintiff in the circumstances (not accepting that the "reasonable precautions" alleged in paragraph 30 of the 2FASOC were reasonable or necessary at the time in August 2001 having regard to the standard of knowledge and peer professional opinion at the time):

(a) at the time of the tackle bag incident on 2 August 2001 and following:

(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 training;

(iii) each of Seward, Irwin and McGivern monitored the plaintiff including his symptoms, subjective reporting and cognitive function on different days in the period following the incident;

(iv) when the plaintiff's symptoms were still present during training, he was directed to rest and try again later; and

(v) the plaintiff was not allowed to return to play or full training until his clinical symptoms, subjective reporting and cognitive function had normalised and as a result the plaintiff was excluded from playing in 3 games;

(b) the medical management as provided to the plaintiff from time to time was consistent with the exercise of reasonable care;

(c) insofar as any allegation is made that the GFC, or further or alternatively, Seward, Irwin or McGivern were required to take precautions different to any diagnosis, management or steps as occurred, that allegation is denied; and

(d) the GFC or, further or alternatively, Seward, Irwin or McGivern did not act negligently or breach any duty of care they owed to the plaintiff.

B The 2002 Season

14. In the 2002 season, each of Seward, Irwin and McGivern were engaged as a CMO for the GFC.

15. At the beginning of the 2002 season, using the DSST and trail making tests, the GFC assessed GFC player's including the plaintiff's cognitive function and status to establish a baseline against which future DSST and trail making tests could be compared as appropriate.

16. Seward, Irwin and McGivern carried a list of DSST baselines of GFC players, including the plaintiff, at GFC games they attended as a GFC CMO.

B.1 30 March 2002 – VFL game

17. In further answer to the allegations relating to an alleged VFL game on 30 March 2002 (see paragraph 50(a) of the 2FASOC and the particulars thereunder), Seward, Irwin and McGivern advance the allegations in paragraphs 14 to 16 above and 18 to 27 below.

18. Seward and Irwin do not admit they attended this alleged game.

19. McGivern attended a game on or about 30 March 2002 in which the plaintiff played.

Particulars

This is to be inferred from McGivern's clinical notes dated 30 March 2002 on p. 3 of the PDF bundle of clinical records discovered by the plaintiff titled "Clinical records of Geelong Football Club (originals provided by the Plaintiff)".

20. At this game, the GFC relied upon persons, including, inter alia, trainers, runners, physiotherapists, coaches, and other members of its football department to monitor players and report any injuries or suspected injuries, including concussions and suspected concussions.

21. At this game, in the first quarter, the plaintiff:

(a) landed heavily;

(b) was assessed by McGivern;

(c) reported to McGivern that it was 'hard to focus' or words to that effect;

(d) did not lose consciousness;

(e) had full recall;

(f) did not report any headache or nausea;

(g) displayed full ocular movement;

(h) was orientated; and

(i) did not show signs or symptoms of concussion or suspected concussion.

Particulars

See McGivern's clinical notes dated 30 March 2002 on p. 3 of the PDF bundle of clinical records discovered by the plaintiff titled "Clinical records of Geelong Football Club (originals provided by the Plaintiff)".

22. As a result of the 'landed heavily' incident and McGivern's in-game assessment:

(a) the plaintiff sat on the bench for 30 or 40 minutes;

(b) McGivern reviewed the plaintiff at half time;

(c) at half time, the plaintiff underwent a DSST test and a trail test which McGivern assessed against the plaintiff's baseline and which did not show cognitive impairment;

(d) the plaintiff was not assessed as concussed or suspected to be concussed;

(e) the plaintiff returned to play in the second half of the game; and

(f) McGivern observed that the plaintiff looked good and played well during the second half of the game.

Particulars

See McGivern's clinical notes dated 30 March 2002 on p. 3 of the PDF bundle of clinical records discovered by the plaintiff titled "Clinical records of Geelong Football Club (originals provided by the Plaintiff)".

23. After the game ended, the plaintiff reported to the GFC and/or alternatively, to McGivern, or he reported to someone else who reported to McGivern, that:

(a) he felt slow; and

(b) he had a slight headache.

Particulars

This is to be inferred from McGivern's clinical notes dated 30 March 2002 and the spreadsheet, on pp. 3 and 21 respectively, of the PDF bundle of clinical records discovered by the plaintiff titled "Clinical records of Geelong Football Club (originals provided by the Plaintiff)".

24. As a result of the plaintiff's post-game subjective reporting, McGivern:

(a) diagnosed a probable low-grade concussion; and

(b) planned for the plaintiff to be observed.

Particulars

See McGivern's clinical notes dated 30 March 2002 on p. 3 of the PDF bundle of clinical records discovered by the plaintiff titled

"Clinical records of Geelong Football Club (originals provided by the Plaintiff)".

25. Following the 30 March 2002 game, the plaintiff was monitored and was not permitted to return to full training or to play in a game until he had recovered and had no symptoms of concussion or suspected concussion.

26. On 2 April 2002, the plaintiff was assessed as recovered.

Particulars

This is to be inferred from the spreadsheet on p. 23 of the PDF bundle of clinical records discovered by the plaintiff titled "Clinical records of Geelong Football Club (originals provided by the Plaintiff)".

27. In the premises and as to the standard of care owed to the plaintiff in the circumstances (not accepting that the "reasonable precautions" alleged in paragraph 30 of the 2FASOC were reasonable or necessary at the time in 2002 having regard to the standard of knowledge and peer professional opinion at the time):

(a) during and after the 30 March 2002 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 training;

(iii) McGivern assessed and monitored the plaintiff including his symptoms, subjective reporting and cognitive function;

(iv) the plaintiff was monitored following the game and was assessed as recovered on 2 April 2002;

(b) the medical management as provided to the plaintiff from time to time was consistent with the exercise of reasonable care;

(c) insofar as any allegation is made that the GFC, or further or alternatively, McGivern (or Seward or Irwin) were required to take precautions different to any diagnosis, management or steps as occurred, that allegation is denied; and

(d) the GFC or, further or alternatively, McGivern (or Seward or Irwin) did not act negligently or breach any duty of care they owed to the plaintiff.

B.2 2 April 2002 – alleged training incident

28. In further answer to the allegations relating to an alleged head knock and concussion when training on 2 April 2002 (see paragraph 51 of the 2FASOC and the particulars thereunder), Seward, Irwin and McGivern advance the allegations in paragraphs 14 to 16 above and 29 below.

29. They deny the plaintiff sustained any head knock or concussion on 2 April 2002 as alleged and say further that 2 April 2002 is the date recorded as the date on which the plaintiff was assessed as recovered from McGivern's post-game diagnosis on 30 March 2002 of probable low-grade concussion.

Particulars

This is to be inferred from (1) the spreadsheet on p. 23 of the PDF bundle of clinical records discovered by the plaintiff titled "Clinical records of Geelong Football Club (originals provided by the Plaintiff)" and (2) the absence of any contemporaneous documents indicating that the plaintiff suffered from an event on 2 April 2002 leading to him experiencing a concussion or suspected concussion, showing signs or symptoms of a concussion or suspected concussion, or that he was showing signs or symptoms of a concussion or suspected concussion.

C The 2003 Season

30. In the 2003 season, each of Seward, Irwin and McGivern were engaged as a CMO for the GFC.

31. At the beginning of the 2003 season, using the DSST and trail making tests, the GFC assessed GFC player's including the plaintiff's cognitive function and status to establish a baseline against which future DSST and trail making tests could be compared as appropriate.

32. Seward, Irwin and McGivern carried a list of DSST baselines of GFC players, including the plaintiff, at GFC games they attended as a GFC CMO.

C.1 Geelong v Brisbane - (round 6) – 4 May 2003

33. In further answer to the allegations relating to the GFC v Brisbane Game, round 6, held on 4 May 2003 (see paragraph 50(b) of the 2FASOC and the particulars thereunder), Seward, Irwin and McGivern advance the allegations in paragraphs 30 – 32 above and 34 to 40 below.

34. Irwin does not admit he attended this game.

35. Seward and McGivern served as CMOs at this game.

36. At this game, 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), selected players and other members of its football department to monitor players and report any injuries or suspected injuries, including concussions and suspected concussions to CMOs.

Particulars

They refer 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 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 CMOs.

37. As to the broadcast footage on which the plaintiff relies (MOR.002.001.0002 at and from 00:27:37), and as to the alleged head knock in the first quarter of this game, this footage shows that:

	Event (JMR = the plaintiff, **MV** = Michael Voss, Brisbane # 3)	**Timestamp(s)**
(a)	MV tackles JMR around the waist from behind, pinning his arms. JMR is rotated to the right approx. 180 degrees and taken to ground.	00:27:40:19
(b)	The right side of JMR's head makes contact with the ground.	00:27:41:07
(c)	Several players fall over the top of JMR and MV.	00:27:42:10
(d)	The broadcast switches to an alternative camera angle which sees JMR with his head lifted above the ground at the bottom of the pack.	00:27:44:04
(e)	JMR is at the bottom of the pack, lying prone, lifting his head from the ground.	00:27:45:04
(f)	The players on top of JMR and MV remove themselves from the top of the pack. JMR continues to struggle with his opponents and maintains his head off the ground.	00:27:46:12
(g)	MV removes himself from JMR's body.	00:27:49:13
(h)	JMR returns to his feet, walks unassisted, and purposefully assumes	00:27:51:23 –

	a position for the bounce.	00:28:00:00

38. As to this passage of play:

(a) Seward does not admit he saw the alleged incident at the time it occurred;

(b) McGivern does not admit she saw the alleged incident at the time it occurred;

(c) 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 CMO 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;

(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 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 (c), they refer to and repeat paragraphs 36 to 37 above.

As to the allegation in subparagraph (b), by way of example only, they refer to the Rooke's performance as depicted in MOR.002.001.0002 as set out below.

	Event (JMR = the plaintiff)	Timestamp(s)
(a)	JMR mans-up on Brisbane opponent.	00:27:58:23
(b)	JMR engages in running pursuit of the ball and attempts to tackle opposition player.	00:28:05:20
(c)	JMR takes a mark at centre-half back and runs a distance with the ball, evading a Brisbane opponent and taking a running bounce, before kicking the ball long to centre-half forward.	00:29:12:08
(d)	JMR pursues a Brisbane opponent on centre wing.	00:30:21:22
(e)	JMR goes third-man up in a ruck contest.	00:31:07:13
(f)	JMR attempts to tackle a Brisbane opponent and then makes a second effort by tackling another Brisbane player.	00:31:33:17
(g)	JMR seen playing a run-with role against Michael Voss (Brisbane #3), following Voss around the back of another Brisbane player taking a set-shot.	00:34:33:12
(h)	JMR competes in a marking contest against a Brisbane opponent inside Geelong's defensive 50 and makes a successful spoil.	00:38:13:05
(i)	JMR gives away a high contact free kick.	00:38:18:01
(j)	JMR contests ball on ground, fumbles the ball and then lays a tackle on opposition player at which point the ball spills free from the contest but is then knocked back under Rooke and his opponent.	00:42:09:12
(k)	JMR tackles Brisbane opponent.	00:52:36:03
(l)	JMR lays a shepherd for a teammate in order to create space for teammate.	00:52:49:07
(m)	JMR takes possession of a ground ball and is tackled.	00:57:46:18
(n)	JMR takes possession of the ball and is tackled.	01:03:29:16
(o)	JMR takes possession on centre wing, runs with the ball, kicks towards Geelong's forward flank, hitting his intended target.	01:07:16:07
(p)	JMR contests a loose ball in the middle of the ground and then attempts a tackle on opponent who took possession.	01:08:38:09
(q)	JMR takes possession directly from a ruck hit-out and is tackled, losing possession.	01:11:23:06
(r)	JMR gets a quick kick out of congested play while being tackled.	01:12:51:14
(s)	JMR kicks the ball long inside Geelong's attacking 50.	01:15:56:01
(t)	JMR pursues opponent and attempts to lay a tackle.	01:17:18:21

39. The plaintiff was selected to play and did play in the round 7 game between Geelong and West Coast at Subiaco Oval on 10 May 2003 at which game he had 26 disposals, 12 kicks, 5 marks, 14 handballs, 12 contested possessions, 16 uncontested possessions and 100 percent game time.

Particulars

See publicly available game statistics at https://afltables.com/afl/stats/games/2003/091820030510.html.

40. 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 standard of care owed to the plaintiff in the circumstances (not accepting that the "reasonable precautions" alleged in paragraph 30 of the 2FASOC 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) Seward does not admit he saw the alleged incident at the time it occurred;

(ii) McGivern does not admit she saw the alleged incident at the time it occurred;

(iii) 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 Seward or McGivern's attention or another medical practitioner for the purposes of the GFC, Seward, McGivern 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;

(iv) the alleged incident was not one that reasonably required the GFC or, further or alternatively, Seward or McGivern, to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion as alleged;

(v) insofar as any allegation is made that the GFC, or further or alternatively, Seward or McGivern (or Irwin) were required to take precautions different to what occurred, that allegation is denied; and

(vi) the GFC or, further or alternatively, Seward or McGivern (or Irwin) did not act negligently or breach any duty of care they owed to the plaintiff.

C.2 Geelong v Adelaide – (round 10) – 1 June 2003

41. In further answer to the allegations relating to the GFC v Adelaide Game, round 10, held on 1 June 2003 (see paragraph 50(c) of the 2FASOC and the particulars thereunder), Seward, Irwin and McGivern advance the allegations in paragraphs 30 to 32 above and 42 to 48 below.

42. Irwin does not admit he attended this game.

43. Seward and McGivern served as CMOs at this game.

44. They refer to and repeat the matters pleaded in paragraph 36 in section C.1 above.

45. As to the broadcast footage on which the plaintiff relies (MOR.002.001.0008 at and from 00:31:44), and as to the alleged head knock in the third quarter of this game, this footage shows that:

	Event (JMR = the plaintiff, **AM** = Andrew McLeod, Adelaide # 23)	**Timestamp(s)**
(a)	JMR receives a handball and takes possession on the run.	00:31:47:20
(b)	AM tackles JMR from behind between his waist and chest, pinning JMR's arms. The tackle and his momentum forces JMR forward to the ground and he rotates onto his right side as he falls onto his right shoulder.	00:31:47:23
(c)	The right side of JMR's head makes contact with the ground, sliding forward.	00:31:48:10
(d)	JMR immediately lifts his head. The ball is still in his possession with AM reaching from behind.	00:31:49:06
(e)	JMR rises to his knees, firmly holding the ball.	00:31:49.21
(f)	JMR is on his knees, fending off two Adelaide players tacking for the ball as a free kick is awarded to him.	00:31:50:13
(g)	JMR gets up unassisted, runs with speed and purpose to take his free kick.	00:31:51:17

46. As to this passage of play:

(a) Seward does not admit he saw the alleged incident at the time it occurred;

(b) McGivern does not admit she saw the alleged incident at the time it occurred;

(c) 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 CMO 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; and

(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 allegations in subparagraph (c), Seward and McGivern rely on the broadcast footage relating to the alleged incident and paragraph 44 and 45 above.

As to the allegations in subparagraph (d), by way of example only, they refer to the Rooke's performance as depicted in MOR.002.001.0008 as set out below.

	Event (JMR = the plaintiff)	**Timestamp(s)**
(a)	JMR takes his free kick and accurately hits target (Spriggs).	00:31:55:02
(b)	JMR rushes towards an Adelaide opponent to affect a tackle.	00:39:06:00
(c)	JMR sprints towards the ball on centre wing near the boundary line against opponent. The opponent takes first possession of the ball, briefly, before handballing it towards the boundary line, at which point Rooke attempts a tackle but releases promptly.	00:40:59:22
(d)	JMR sprints towards an opponent attempting to tackle him but is successfully sidestepped.	00:46:01:05
(e)	JMR lays a heavy tackle on an opponent—dragging him to ground from upright position.	00:46:30:07
(f)	JMR takes a mark on centre wing, plays on and kicks the ball approx. 35 meters inside Geelong's attacking 50 to a leading target.	00:48:39:18
(g)	JMR engages in a 2 v 2 marking contest. Adelaide player attempts to take a 'specky' over Rooke.	00:50:10:16
(h)	JMR dives for a ground ball in the centre of the ground but does not take possession.	00:53:11:06
(i)	JMR runs with his direct opponent through a stoppage and dives for a loose ground ball.	00:53:29:17
(j)	JMR pursues a loose football from an errant kick in Geelong's defensive 50. The ball is 'soccer-ed' away from Rooke before he	00:54:50:01

	can take possession.	
(k)	JMR briefly tackles an opponent as he disposes of the ball.	00:55:17:16
(l)	JMR out-maneuverers his direct opponent to create space in one-on-one marking contest but drops the mark.	00:55:54:08
(m)	JMR engages in a fast pursuit of an Adelaide opponent and effects a tackle that forces opponent to dispose of the ball.	01:00:42:21

Further, by way of example only, Rooke was involved numerous stoppages and/or centre-bounces, as depicted in MOR.002.001.0008 at 00:53:29:17, 00:55:12:19, 00:56:16:16, 00:57:05:05, 01:00:36:23, 01:01:33:24, 01:01:52:03, 01:03:46:06, 01:04:09:15, 01:07:16:06 and 01:07:38:22.

47. The plaintiff was selected to play and did play in the round 11 game between Geelong and Carlton at Docklands on 8 June 2003 at which game he had 12 disposals, 8 kicks, 2 marks, 4 handballs, 6 contested possessions, 6 uncontested possessions and 100 percent game time.

Particulars

See publicly available game statistics at https://afltables.com/afl/stats/games/2003/030920030608.html.

48. 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 standard of care owed to the plaintiff in the circumstances (not accepting that the "reasonable precautions" alleged in paragraph 30 of the 2FASOC 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) Seward does not admit he saw the alleged incident at the time it occurred;

(ii) McGivern does not admit she saw the alleged incident at the time it occurred;

(iii) 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 Seward or McGivern's attention or another medical practitioner for the purposes of the GFC, Seward, McGivern 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;

(iv) the alleged incident was not one that reasonably required the GFC or, further or alternatively, Seward or McGivern, to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion as alleged;

(v) insofar as any allegation is made that the GFC, or further or alternatively, Seward or McGivern (or Irwin) were required to take precautions different to what occurred, that allegation is denied; and

(vi) the GFC or, further or alternatively, Seward or McGivern (or Irwin) did not act negligently or breach any duty of care they owed to the plaintiff.

C.3 Geelong v St Kilda - (round 22) – 30 August 2003

49. In further answer to the allegations relating to the GFC v St Kilda Game, round 22, held on 30 August 2003 (see paragraph 50(d) of the 2FASOC and the particulars thereunder), Seward,

Irwin and McGivern advance the allegations in paragraphs 30 to 32 above and 50 to 58 below.

50. McGivern does not admit she attended this game.

51. Seward and Irwin served as CMOs at this game.

52. They refer to and repeat the matters pleaded in paragraph 36 in section C.1 above.

53. As to the broadcast footage on which the plaintiff relies (MOR.002.001.0012 at and from 01:02:55), and as to the alleged head knock in the fourth quarter of this game, this footage shows that:

	Event (JMR = the plaintiff, **LF** = Leigh Fisher, St Kilda # 22, **CE** = Corey Enright, Geelong # 44.)	**Timestamp(s)**
(a)	JMR attempts to tackle LF, tacking him around the hip from behind on the left side of his body.	01:02:53:23
(b)	CE also attempts to tackle LF, coming from the right side of his body.	01:02:54:02
(c)	CE's body collides with JMR's body. CE's chest appears to make contact with the right side of JMR's head.	01:02:54:07 See also 01:03:23:05 (replay)
(d)	JMR falls to ground.	01:02:54:14
(e)	JMR lifts his head. CE looks towards JMR.	01:02:56:04
(f)	JMR reaches for his right hip or right thigh area with his right hand.	01:02:56:21 See also 01:03:26:15—01:03:28:05 (replay)
(g)	JMR is on all fours with his head down. CE moves towards JMR as if to assist him up.	01:02:57:13
(h)	The broadcast cuts to Lenny Hayes (St Kilda # 7) in possession of the football and stays with general play as it unfolds inside St Kilda's forward 50-meter arc.	01:02:57:16
(i)	The broadcast returns to JMR who is still on all fours. A Geelong trainer is attending on him.	01:03:09:14

(j)	JMR lifts his head.	01:03:11:03
(k)	JMR's is sitting upright in a kneeling position.	1:03:11:07
(l)	The broadcast cuts back to general play.	01:03:11:17
(m)	The broadcast returns to JMR who is still on the ground in a kneeling position, now attended on by multiple trainers.	01:03:17:08
(n)	The broadcast begins to replay JMR's incident.	01:03:20:00
(o)	The replay shows LE's left elbow strike JMR's upper left shoulder area.	01:03:23:09
(p)	The replay shows JMR head make contact with the ground and he immediately lifts his head up.	01:03:25:12
(q)	The replay shows JMR immediately lift his head, sit up and then assume an on 'all-fours' position.	01:03:26:24 – 01:03:28:00
(r)	The broadcast cuts back to JMR with multiple trainers. JMR is on his feet, but his hands are on his knees with his head down.	01:03:29:00
(s)	The broadcast shows Irwin is now attending on JMR, together with several Geelong trainers. JMR is on his feet but hunched over.	01:03:30:00
(t)	The broadcast returns to general play.	01:03:32:02
(u)	JMR is briefly captured on the bottom screen, still in the hands of trainers with his hands on his knees and his head down.	01:03:38:13
(v)	The camera cuts back to JMR who is surrounded by trainers. Irwin is present. JMR's facial expression depicts pain.	01:03:43:17
(w)	JMR lowers his head again, with multiple trainers holding him up on each side. He raises his head, before lowering it again.	01:03:47:20
(x)	The camera cuts back to general play. JMR is seen at the bottom right of screen surrounded by trainers, and Irwin also, with his head down before he lifts his head up and appears to stand without assistance.	01:03:54:01
(y)	JMR is seen on the top right of screen running without assistance towards the interchange bench and does not return to play (less than two minutes of game time remaining).	01:04:20:09

54. In respect of this passage of play:

(a) the plaintiff was identified as having suffered an injury;

(b) multiple trainers, and Irwin, attended to the plaintiff on the ground, during the game;

(c) the plaintiff was removed from the game; and

(d) the plaintiff did not return to play in this game.

55. GFC's participation in the 2003 season ended at the conclusion of this game.

56. In respect of the passage of play on which the plaintiff relies in this game:

(a) as to the GFC's employees, servants and/or agents who were permitted to enter the Playing Surface during this game and did 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, nor Irwin, identified that the plaintiff:

(i) experienced a significant head knock as alleged;

(ii) lost consciousness as alleged;

(iii) exhibited any symptoms of concussion or suspected concussion as alleged;

(iv) suffered from a concussion or suspected concussion as alleged.

57. Following and/or as a result of the passage of play on which the plaintiff relies in this game, the plaintiff was monitored by the GFC, Irwin, and/or the club physiotherapist, and diagnosed with musculoskeletal injuries including osteitis pubis, right quad tear and left patellar tendinosis.

Particulars

This is to be inferred from the list of injuries or conditions as recorded in MCG.006.001.0001 (2003 end of season medical plan dated 1 September 2003) and MCG.006.001.0002. (2003 end of season medical plan dated 2 September 2003).

58. 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 standard of care owed to the plaintiff in the circumstances (not accepting that the "reasonable precautions" alleged in paragraph 30 of the 2FASOC 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) 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 Seward or Irwin's attention or another medical practitioner for the purposes of the GFC, Seward, Irwin 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;

(ii) the alleged incident was not one that reasonably required the GFC or, further or alternatively, Seward or Irwin, to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion as alleged;

(iii) following this passage of play, the plaintiff was assessed as suffering from musculoskeletal injury;

(iv) the plaintiff did not return to gameplay following the incident;

(v) this game was GFC's last game in the 2003 season;

(vi) insofar as any allegation is made that the GFC, or further or alternatively, Seward or Irwin (or McGivern) were required to take precautions different to the management as occurred, that allegation is denied; and

(vii) the GFC or, further or alternatively, Seward or Irwin (or McGivern) did not act negligently or breach any duty of care they owed to the plaintiff.

D The 2004 Season

59. In the 2004 season, each of Seward, Irwin and McGivern were engaged as a CMO for the GFC.

60. At the beginning of the 2004 season, using the DSST and trail making tests, the GFC assessed GFC player's including the plaintiff's cognitive function and status to establish a baseline against which future DSST and trail making tests could be compared as appropriate.

61. Seward, Irwin and McGivern carried a list of DSST baselines of GFC players, including the plaintiff, at GFC games they attended as a GFC CMO.

D.1 Geelong v St Kilda - (round 1) – 27 March 2004

62. In further answer to the allegations relating to the GFC v St Kilda Game, round 1, held on 27 March 2004 (see paragraph 51(e) of the 2FASOC and the particulars thereunder), Seward, Irwin and McGivern advance the allegations in paragraphs 59 to 61 above and 63 to 69 below.

63. McGivern does not admit she attended this game.

64. Seward and Irwin served as CMOs at this game.

65. Seward and Irwin refer to and repeat the matters pleaded in paragraph 36 in section C.1 above.

66. As to the broadcast footage on which the plaintiff relies (MOR.002.001.0016 at and from 00:20:25), and as to the alleged head knock in the third quarter of this game, this footage shows that:

	Event (JMR = the plaintiff, **AH** = Aaron Hamil, St Kilda # 2, **AT**	**Timestamp(s)**

	= Andrew Thompson, St Kilda # 4)	
(a)	JMR pursues a loose ball bouncing inside Geelong's defensive 50. AT and AH are on either side of JMR. JMR, AH and AT form an approx. 5 x 5 x 5 triangle converging on the ball.	00:20:24:11
(b)	JMR, AH and AT converge on the football.	00:20:24:11—00:20:25:08
(c)	AH turns to execute a hip and shoulder bump/brace for contact against JMR from JMR's left side. AH appears to make direct contact with JMR's left shoulder.	00:20:25:08
(d)	AT turns to execute a hip and shoulder bump/brace for contact against JMR from JMR's right side. AT appears to make direct contact with JMR's shoulder. JMR is sandwiched between AT and AH.	00:20:25:14
(e)	JMR loses balance and falls to ground, landing on his knees and forearms with his head facing the ground but his head does not impact the ground.	00:20:26:23
(f)	JMR remains on his knees and lifts his upper-body and head from the ground, extending his arms straight.	00:20:26:23—00:20:27:11
(g)	JMR returns to his feet unassisted and runs towards where the football is heading.	00:20:28:17

67. As to this passage of play:

(a) Seward does not admit he saw the alleged incident at the time it occurred;

(b) Irwin does not admit he saw the alleged incident at the time it occurred;

(c) 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 CMO 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;

(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 subparagraph (c), they refer to and repeat paragraphs 65 to 66 above.

As to the allegation in subparagraph (d), by way of example only, they refer to the plaintiff's performance as depicted in MOR.002.001.0016 as set out below.

	Event (JMR = the plaintiff)	**Timestamp(s)**
(a)	JMR pursues St Kilda opponent leading towards the ball. His opponent toe-pokes the football towards another St Kilda player who takes possession. JMR attempts to pressure this player but is side-stepped.	00:23:10:18—00:23:14:18
(b)	JMR waves towards a Geelong teammate to receive a pass.	00:25:07:01
(c)	JMR takes an uncontested mark deep inside Geelong's defensive 50, plays on immediately, runs approx. 10 meters before hitting a leading teammate with an approx. 25-meter kick.	00:26:48:01
(d)	JMR charges towards a long ball kicked inside Geelong's defensive 50. The ball bounces askew upon landing and goes past JMR.	00:28:20:17
(e)	JMR pursues a leading St Kilda player as the ball is kicked into Geelong's defensive 50. The opponent takes the mark and JMR stands the mark.	00:28:51:03—00:29:25:21
(f)	JMR runs towards a loose groundball and is blocked by a St Kilda opponent. JMR gets past opponent, attempts to lay a tackle on another opponent. JMR is shrugged and evaded.	00:31:02:08—00:31:07:19
(g)	JMR gathers a ground ball but is immediately taken in a tackle.	00:33:02:24

	He is held upright momentarily before being driven to ground.	
(h)	JMR engages in a marking contest with his direct opponent but is out marked by a St Kilda defensive player who floated back towards the contest.	00:40:19:13
(i)	JMR engages in marking contest but is worked under the ball by his opponent.	00:47:07:06
(j)	JMR pursues an opposition player in possession of the football. The same opposition player then handballs to a teammate and shepherds JMR to prevent him from contesting the ball. JMR gives away a free kick for 'holding'.	00:47:10:03
(k)	JMR chases opponent in possession of the football but does not manage to reach him before the ball is kicked away.	00:49:03:11
(l)	JMR gives away a free kick for a 'push in the back' while attempting to execute a tackle.	00:49:43:16
(m)	JMR is out-bodied in a marking contest against his direct opponent but makes a second effort to lay a shepherd for his teammate after the ball is spoiled to the ground in the same marking contest.	00:55:46:05
(n)	JMR dives forward attempting to mark a ball kicked long inside Geelong's defensive 50.	00:59:33:03
(o)	JMR is out-bodied in a marking contest against his direct opponent who then plays on immediately with JMR in pursuit.	01:01:00:09
(p)	JMR sets up for a mark but the ball is deflected off a teammates hand.	01:02:24:07
(q)	JMR attempts to smother a running shot on goal by a St Kilda opponent.	01:07:49:09

68. In the week following this game:

(a) on 28 March 2004 (the day after the game), on the basis of a post-game evaluation of the plaintiff and his post-game subjective reporting, the GFC and/or alternatively, a CMO, or someone else, made an assessment that the plaintiff had suffered a concussion or suspected concussion and had played through the game, and that he was to be reviewed again the following day;

(b) On 29 March 2004, the GFC and/or alternatively, a CMO, or someone else, assessed the plaintiff and it was recorded that he reported slight headache but no lethargy;

(c) on or about 30 March 2004, and no later than 3 April 2004, the plaintiff was assessed by the GFC or a CMO or someone else and was found to be fully recovered from any concussion or suspected concussion including he had no symptoms or subjective reports of concussion or suspected concussion;

(d) the plaintiff was selected to play and did play in the round 2 game between Geelong and Carlton at Princes Park on 4 April 2004 at which game he had 6 disposals, 4 kicks, 3 marks, 2 handballs, 2 contested possessions, 5 uncontested possessions and 98% percent game time.

Particulars

As to the allegations in subparagraphs (a) and (b), this is to be inferred from the documents at p. 49 of the PDF bundle of clinical records discovered by the plaintiff titled "Clinical records of Geelong Football Club (originals provided by the Plaintiff" and the post-game information recorded in MCG.007.001.0011 and MCG.007.001.0012.

As to the allegations in subparagraph (c), this is to be inferred from: (1) the GFC's general system of monitoring players in the period from one game to the next in 2004 and clearing a player for full training and match-play, and (2) the absence of any contemporaneous documents indicating that the plaintiff still had any concussion or signs or symptoms of suspected concussion or subjective reporting indicative of concussion or suspected concussion from 30 March 2004 onwards.

As to subparagraph (d), see the publicly available game statistics at https://afltables.com/afl/stats/games/2004/030920040404.html.

69. As to the relevant passage of play and alleged head-knock on which the plaintiff relies:

(a) Seward does not admit he saw the alleged incident at the time it occurred;

(b) Irwin does not admit he saw the alleged incident at the time it occurred;

(c) the relevant passage of play did not involve a head knock of the sort alleged – that is one that caused the plaintiff, during the game, to:

(i) exhibit signs or symptoms of an injury during the game;

(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) during the game;

(d) no GFC employees, servants and/or agents who were permitted to enter the Playing Surface during this game and did enter the Playing Surface during this game (that is, the persons listed on the GFC's Official Team Sheet as submitted to the AFL) brought this alleged head knock to the attention of Seward and/or Irwin;

(e) in the premises and as to the standard of care owed to the plaintiff in the circumstances (not accepting that the "reasonable precautions" alleged in paragraph 30 of the 2FASOC 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) Seward does not admit he saw the alleged incident at the time it occurred;

(ii) Irwin does not admit he saw the alleged incident at the time it occurred;

(iii) during the game, 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 Seward or Irwin's attention or another medical practitioner for the purposes of the GFC, Seward, Irwin 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;

(iv) the alleged incident was not one that reasonably required the GFC or, further or alternatively, Seward or Irwin, during the 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 as alleged;

(v) following the game, by no later than 28 March 2004, an assessment was made by GFC and/or Seward, Irwin or McGivern, or someone else, that the plaintiff had had a concussion or suspected concussion and that he had played through the game;

(vi) on 29 March 2004, the GFC and/or Seward, Irwin or McGivern or someone else reviewed the plaintiff's condition and status and made a record that he had slight headache but no lethargy;

(vii) the plaintiff was assessed by the GFC and/or Seward, Irwin or McGivern, or someone else, as fully recovered and with no lingering symptoms or signs or subjective reporting of concussion or suspected concussion before he was cleared to return to full training and game play;

(viii) insofar as any allegation is made that the GFC, or further or alternatively, Seward or Irwin (or McGivern) were required to take precautions different to the management as occurred, that allegation is denied; and

(ix) the GFC or, further or alternatively, Seward or Irwin (or McGivern) did not act negligently or breach any duty of care they owed to the plaintiff.

E The 2005 Season

70. In the 2005 season, each of Seward, Irwin and McGivern were engaged as a CMO for the GFC.

71. At the beginning of the 2005 season, using the DSST and trail making tests, the GFC assessed GFC player's including the plaintiff's cognitive function and status to establish a baseline against which future DSST and trail making tests could be compared where appropriate.

72. Seward, Irwin and McGivern carried a list of DSST baselines of GFC players, including the plaintiff, at GFC games they attended as a GFC CMO.

73. On 6 June 2005, using the CogSport test battery, the GFC further assessed the plaintiff's cognitive function and status to establish baseline results against which future CogSport test results could be compared where appropriate.

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 Seward, Irwin and McGivern dated 23 March 2026; and (2) the CogSport report relating to a test dated 10 July 2006 which contains test history which includes a baseline test on 6 June 2005.

E.1 Geelong v St Kilda – (round 7) – 7 May 2005

74. In further answer to the allegations relating to the GFC v St Kilda Game, round 7, held on 7 May 2005 (see paragraph 50(f) of the 2FASOC and the particulars thereunder), Seward, Irwin and McGivern advance the allegations in paragraphs 70 to 73 above and 75 to 81 below.

75. McGivern does not admit she attended this game.

76. Seward and Irwin served as CMOs at this game.

77. They refer to and repeat the matters pleaded in paragraph 36 in section C.1 above.

78. As to the broadcast footage on which the plaintiff relies MOR.002.001.0020 at and from 00:23:29, and as to the alleged head knock in the third quarter of this game, this footage shows that:

	Event (JMR = the plaintiff, **NR** = Nick Riewoldt, St Kilda # 12, **TH** = Tom Hardley, Geelong # 2)	**Timestamp(s)**
(a)	NR takes a leaping chest mark amongst a pack of three other players, including JMR. After NR completes the mark, the pack collapses and all players go to ground.	00:23:30:04 – 00:23:31:01

(b)	As NR comes down from the mark, his left elbow appears to make contact to the right side of JMR's head.	00:23:30:10
(c)	TH falls across JMR's left shoulder area.	00:23:30:12
(d)	As NR falls further, it appears that the lower part of his left hip or knee may contact JMR's upper body.	00:23:30:18
(e)	JMR falls forward to the ground, bracing his fall with his hands.	00:23:31:06
(f)	JMR immediately lifts his head and raises his upper body with his hands.	00:23:31:09
(g)	JMR begins to lower his head again.	00:23:32:11
(h)	The broadcast cuts to a different camera angle showing NR setting up for a set shot on goal.	00:23:32:23
(i)	The broadcast returns to a wide camera angle; JMR is on his hands and knees.	00:23:37:03— 00:23:39:12
(j)	The broadcast cuts to a camera angle focus on JMR, who is getting up from an 'on all-fours' position.	00:23:39:17
(k)	JMR returns to his feet unassisted, and he appears coordinated and focused.	00:23:40:08
(l)	JMR runs away from the camera field of view, demonstrating focus and intent to assume a new position (i.e. St Kilda's goal line for NR's set shot).	00:23:41:12

79. As to this passage of play:

(a) Seward does not admit he saw the alleged incident at the time it occurred;

(b) Irwin does not admit he saw the alleged incident at the time it occurred;

(c) 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 CMO 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; and

(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 subparagraph (c), Seward and Irwin refer to and repeat paragraphs 77 to 78 above.

As to the allegation in subparagraph (d), by way of example only, Seward and Irwin refer to the plaintiff's performance as depicted in MOR.002.001.0020 as set out below.

	Event (JMR = the plaintiff)	**Timestamp(s)**
(a)	JMR pursues a St Kilda player, attempts to effect a tackle.	00:32:32:11
(b)	JMR directs teammate(s) to take positions.	00:32:43:24
(c)	JMR fumbles the ball over Geelong's defensive behind line to concede a score.	00:42:37:13
(d)	JMR lays a vigorous tackle on a St Kilda opponent who disposes of the football.	00:53:09:07
(e)	JMR competes in a one-on-one contest against a St Kilda attacking player. After engaging in minor wrestling with his opponent while running after the ball for approx. 10 meters, Rooke wins possession and gets a quick handball away while being tackled.	00:55:14:18
(f)	JMR lays a heavy bump on a St Kilda opponent after sprinting into the centre of the ground from the wing. He follows up by lunging on top of the same St Kilda player to effect a tackle and pins the ball for a stoppage.	01:01:10:03
(g)	JMR competes in a one-on-one contest against a St Kilda attacking player while the ball is in the air. The football bounces to the side of Rooke and his opponent and trickles away	01:03:53:15

	towards another Geelong player.	
(h)	JMR receives a handball from a teammate coming out of Geelong's defensive 50; JMR runs before hitting a leading teammate with an approx. 30-meter kick on centre wing.	01:04:03:14
(i)	JMR sprints to spoil a marking contest but does not reach the contest in time. He is then seen drifting back towards Geelong's defensive 50 before sprinting up to man a mark on centre wing moments later.	01:08:16:04—01:08:27:14
(j)	JMR engages in push and shove with a St Kilda opponent.	01:08:41:06
(k)	JMR attempts to take possession of a bouncing ball but slips over. He follows up with a second effort by the pursuing and tackling a St Kilda opponent who was in the process of disposing of the football.	01:09:24:21—01:09:30:00

80. Following the game:

(a) on or about a day or two after the game, the plaintiff was reviewed by GFC and/or a CMO or someone else and it was recorded that he had neck soreness; and

(b) the plaintiff was selected to play and did play in the round 8 game between Geelong and Carlton at the Telstra Dome on 13 May 2005 at which game he had 11 disposals, 6 kicks, 3 marks, 5 handballs, 4 contested possessions, 7 uncontested possessions and 82 percent game time.

Particulars

As to the allegation in subparagraph (a), this is to be inferred from the post-game GFC Injury Updates dated Sunday 9 May 2024 and Monday 10 May 2024 (MCG.007.001.0024 and MCG.007.001.0025 respectively).

As to subparagraph (b), see the publicly available game statistics at https://afltables.com/afl/stats/games/2005/030920050513.html.

81. 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 standard of care owed to the plaintiff in the circumstances (not accepting that the "reasonable precautions" alleged in paragraph 30 of the 2FASOC 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) Seward does not admit he saw the alleged incident at the time it occurred;

(ii) Irwin does not admit he saw the alleged incident at the time it occurred;

(iii) 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 Seward or Irwin's attention or another medical practitioner for the purposes of the GFC, Seward, Irwin 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;

(iv) the alleged incident was not one that reasonably required the GFC or, further or alternatively, Seward or Irwin, to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion as alleged;

(v) following this game, the plaintiff was assessed as suffering from neck soreness;

(vi) insofar as any allegation is made that the GFC, or further or alternatively, Seward or Irwin (or McGivern) were required to take precautions different to the management as occurred, that allegation is denied; and

(vii) the GFC or, further or alternatively, Seward or Irwin (or McGivern) did not act negligently or breach any duty of care they owed to the plaintiff.

E.2 Geelong v Adelaide (round 12) – 12 June 2005

82. In further answer to the allegations relating to the GFC v Adelaide Game, round 12, held on 12 June 2005 (see paragraph 50(g) of the 2FASOC and the particulars thereunder), Seward, Irwin and McGivern advance the allegations in paragraphs 70 to 73 above and 83 to 94 below.

83. Seward does not admit he attended this game.

84. Irwin and McGivern served as CMOs at this game.

85. They refer to and repeat the matters pleaded in paragraph 36 in section C.1 above.

86. As to the broadcast footage on which the plaintiff relies (MOR.002.001.0023 at and from 01:02:45), and as to the alleged head knock at the end of the fourth quarter of this game, based on the embedded timestamps in the top right corner of the broadcast footage video, this footage shows that:

	Event (JMR = the plaintiff)	**Timestamp(s)**
(a)	JMR pursues a loose football. An Adelaide player is likewise tracking the football from the opposite side to JMR.	09:34:58:03
(b)	The Adelaide player turns slightly to his left to execute a hip and shoulder bump/brace for contact against JMR.	09:34:58:12
(c)	The Adelaide player's left shoulder makes direct contact with the right side of JMR's torso / shoulder area.	09:34:58:13
(d)	JMR falls to ground, lies flat on his stomach.	09:34:59:11
(e)	The broadcast cuts to spectators celebrating Geelong's victory in the grandstand.	09:35:00:18
(f)	The broadcast returns to JMR, who remains prone on the ground.	09:35:06:00
(g)	JMR begins moving his legs and torso area while continuing to lie prone.	09:35:08:00

(h)	The broadcast shows a wider camera angle where some of JMR's teammates and an umpire are signalling for assistance, pointing towards JMR.	09:35:11:15
(i)	A Geelong trainer (#6) attends on JMR.	09:35:16:17
(j)	The broadcast cuts to a different camera angle where JMR has lifted his head, but remains on the ground, propping himself up with his right elbow.	09:35:18:21
(k)	A second trainer (#5) attends on JMR.	09:35:21:17
(l)	A third Geelong trainer attends on JMR.	09:35:23:11
(m)	The broadcast cuts to Geelong and Adelaide players shaking hands post-game.	09:35:24:03
(n)	The broadcast returns to JMR, who has returned to his feet and is walking unassisted between Irwin and McGivern, a trainer following behind. Irwin, McGivern and JMR can be seen talking, smiling.	09:35:45:24
(o)	JMR is walking unassisted, shakes hands with an opponent (#32)	09:36:10:17
(p)	JMR continues walking alongside Adelaide opponent (#32); can be seen talking to the Adelaide opponent.	09:36:12:22
(q)	JMR engages in a post-game embrace with GFC teammate # 21.	09:37:03:10
(r)	JMR is seen walking with his teammates towards the clubroom.	09:38:52:04
(s)	JMR is seen, from behind, walking with his teammates towards the clubroom.	09:39:01:08
(t)	JMR is seen in the team huddle, singing alongside teammates.	09:39:58:13

87. The broadcast footage shows that:

(a) the plaintiff did experience a heavy knock; and

(b) as a result of the knock, the plaintiff was on the ground for a period of time.

88. The broadcast footage also shows that:

(a) shortly after the plaintiff experienced the knock, GFC Trainers, and then Irwin and McGivern shortly after, came onto the ground;

(b) Irwin and McGivern assessed the plaintiff's condition, observed that he was able to communicate and ambulate unassisted, and determined that he did not then require any immediate medical attention; and

(c) the incident occurred on the final siren, and the plaintiff did not return to gameplay.

89. Following the game, the GFC, or alternatively Irwin or McGivern, or some other person, made an assessment that the plaintiff had suffered a concussion.

Particulars

As to these matters, this is to be inferred from the document on p. 55 of the PDF bundle of clinical records discovered by the plaintiff titled "Clinical records of Geelong Football Club (originals provided by the Plaintiff"

90. The plaintiff was observed and/or monitored in the hours and days following the game.

Particulars

As to these matters, this is to be inferred from the fact a concussion was recorded and GFC's system for managing concussion in 2005 which included that the player would be monitored for recovery and not return to full training or gameplay until they were fully recovered and had no symptoms, signs or subjective reporting indicative of concussion or suspected concussion, and, further, from the fact of a CogSport test on 16 June 2005 (as to which see paragraph 91 below).

As to immediate post-game review, GFC match day officials can be seen talking to and reviewing players in the clubroom in MOR.002.001.0023 at 09:45:41:07 to 09:45:47:00.

91. On 16 June 2005, using the CogSport, the GFC assessed the plaintiff's cognitive function and status to obtain results for comparison against his baseline.

Particulars

As to the GFC's administration of the baseline test, Seward, Irwin and McGivern refer to paragraph 70 above and the particulars thereunder.

As to the GFC's administration of a CogSport on 16 June 2005, Seward, Irwin and McGivern refer to the CogSport report for the test dated 10 July 2006 which contains a test history which includes a test dated 16 June 2005.

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 Seward, Irwin and McGivern dated 23 March 2026; and (2) the CogSport Report dated 10 July 2006.

92. When compared against the results of his baseline CogSport test dated 6 June 2005, the plaintiff's performance on the 16 June 2016 CogSport test was normal and/or generally exceeded his 6 June 2005 baseline.

Particulars

As to the fact that the GFC administered this test to the plaintiff on this date, Seward, McGivern and Irwin refer to and repeat the particulars under paragraph 88 above.

As to the other parts of this allegation, Seward, Irwin and McGivern refer to pp. 2 – 4 of the 10 July 2006 CogSport test which sets out the plaintiff's CogSport test history, including the CogSport on 16 June 2005 and his scores for psychomotor speed, decision making speed, problem solving speed, memory speed, decision making accuracy, problem solving accuracy, memory accuracy, psychomotor consistency, decision making consistency, problem solving consistency and memory consistency all of which generally exceeded the 6 June 2005 baseline.

93. Subsequently, in light of the matters pleaded in paragraphs 91 to 92 above, as well as clinical assessment of the plaintiff and his subjective reporting:

(a) the plaintiff was assessed as having recovered from any concussion;

(b) the plaintiff was cleared for full training and gameplay;

(c) the plaintiff played in the round 13 Geelong v Brisbane game at the Gabba on 19 June 2005, at which he had 5 disposals, 3 kicks, 2 marks, 2 handballs, 2 contested possessions, 3 uncontested possessions and 53 per cent game time.

Particulars

As to the plaintiff's performance on 19 June 2005, see statistics at https://afltables.com/afl/stats/games/2005/091920050619.html.

94. In the premises and as to the standard of care owed to the plaintiff in the circumstances (not accepting that the "reasonable precautions" alleged in paragraph 30 of the 2FASOC 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 knock during the game, and did so by its employees, servants, and/or agents who were present at this game and who immediately attended on him during the game;

(iii) Irwin and McGivern attended on the plaintiff and assisted him on the ground and observed that he was able to ambulate unassisted and to communicate;

(iv) the plaintiff did not return to play in the game;

(v) the plaintiff was assessed as suffering from a concussion or suspected concussion and was reviewed and monitored;

(vi) the plaintiff underwent a CogSport test 4 days after the game;

(vii) the results of the CogSport 4 days after the game 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, Irwin or McGivern 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 as occurred;

(c) insofar as any allegation is made that the GFC, or further or alternatively, Irwin or McGivern (or Seward) were required to take precautions different to what occurred, that allegation is denied; and

(d) the GFC or, further or alternatively, Irwin or McGivern (or Seward) did not act negligently or breach any duty of care they owed to the plaintiff.

E.3 Geelong v Melbourne (elimination final) – 3 September 2005

95. In further answer to the allegations relating to the GFC v Melbourne Game, elimination final, held on 3 September 2005 (see paragraph 50(h) of the 2FASOC and the particulars thereunder), Seward, Irwin and McGivern advance the allegations in paragraphs 70 to 73 above and 96 to 106 below.

96. Seward does not admit he attended this game.

97. McGivern and Irwin served as CMOs at this game.

98. They refer to and repeat the matters pleaded in paragraph 36 in section C.1 above.

E.3.1 The first incident on which the plaintiff relies

99. As to the broadcast footage on which the plaintiff relies (MOR.002.001.0025 at and from immediately before 00:23:22), and as to the alleged head knock in the first quarter of this game, this footage shows that:

	Event (JMR = the plaintiff; **BM** = Brent Moloney, Melbourne # 2; **CL** = Cameron Ling, Geelong # 45)	**Timestamp(s)**
(a)	JMR pursues a loose ball with BM coming from the opposite direction.	00:23:21:22
(b)	BM turns slightly to his left to execute a hip and shoulder bump/brace for contact against JMR.	00:23:22:05
(c)	BM's left shoulder makes contact with JMR's left upper torso / left shoulder area.	00:23:22:08

(d)	JMR falls backwards to the ground. His posterior makes initial contact with the ground and he rolls onto his back.	00:23:22:17
(e)	JMR immediately begins rising to his feet unassisted.	00:23:23:18
(f)	JMR runs in the direction of the ball.	00:23:24:14

100. As to the replay footage depicting this alleged head knock (MOR.002.001.0025 at and from 00:23:59:05), this footage shows, from a different camera angle, that:

	Event (JMR = the plaintiff; **BM** = Brent Moloney, Melbourne # 2; **CL** = Cameron Ling, Geelong # 45)	**Timestamp(s)**
(a)	JMR is running towards the loose ball.	00:23:59:05
(b)	BM approaches from the opposite side and takes possession of the football.	00:24:00:06
(c)	JMR and BM (BM in possession), brace and assume a hip and shoulder or bump/brace posture.	00:24:00:09
(d)	BM rotates his body to the right prior to hip and shoulder bump/brace contact with JMR.	00:24:00:13
(e)	BM's left shoulder and left side of body make contact the front left side of JMR's torso / left shoulder.	00:24:00:17
(f)	BM and JMR make collision contact. The collision contact is between their BM's left shoulder area and JMR's upper torso and head.	00:24:00:18
(g)	JMR falls backwards onto his posterior.	00:24:01:09 – 00:24:01:22
(h)	JMR rolls backwards onto his back.	00:24:02:09

101. As to this passage of play:

(a) Irwin does not admit he saw the alleged incident at the time it occurred;

(b) McGivern does not admit she saw the alleged incident at the time it occurred;

(c) following this passage of play, 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 Irwin or McGivern 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.

Particulars

McGivern and Irwin rely on the broadcast footage relating to the alleged incident and paragraphs 98 to 100 above.

E.3.2 The second incident on which the plaintiff relies

102. As to the broadcast footage on which the plaintiff relies (MOR.002.001.0025) and in respect of the second alleged head knock said to have occurred immediately following the first alleged head knock, on the assumption that the relevant passage of play relied upon commences at or around 00:23:39:06, this footage shows that:

	Event (JMR = the plaintiff; **CL** = Cameron Ling, GFC # 45; **PW** = Paul Wheatley, Melbourne # 31; **RF** = Ryan Ferguson, Melbourne # 35)	**Timestamp(s)**
(a)	CL drops a sliding chest mark and the ball spills into space.	00:23:39:06
(b)	JMR lunges for the loose groundball as PW stands over JMR reaching down for the football.	00:23:41:01
(c)	JMR is on all-fours, reaching for the ball. PW is standing over him, each of PW's legs on each either side of JMR's head, in a contest for the football.	00:23:41:10
(d)	While attempting to gain possession of the football PW falls over the top of JMR's back with JMR's head remaining in between PW's legs.	00:23:41:16
(e)	The inside of PW's right leg appears to make contact with JMR's head.	00:23:42:00
(f)	JMR ducks and weaves and commences raising his head while under PW's legs.	00:23:42:20

(g)	JMR completes his rising motion under PW's legs which are now elevated off the ground as PW falls forwards. JMR has taken possession of the ball.	00:23:42:24
(h)	JMR rises on his knees to make a handpass over his head.	00:23:43:02
(i)	JMR, now falling forward, executes the handpass to CL who is behind him. CL receives the handpass.	00:23:43:13
(j)	JMR has completed the handpass and falls forward onto his elbows and arms.	00:23:43:22
(k)	JMR immediately lifts his head and turns his head towards the direction of the football. His head does not make contact with the ground.	00:23:43:24
(l)	JMR props himself up on his left elbow, continues to observe the passage of play while on the ground.	00:23:44:10
(m)	JMR rises to his feet, unassisted, as CL kicks for goal (and scores).	00:23:45:08
(n)	JMR is running alongside CL and another Geelong player following the goal.	00:23:53:00

103. As to this passage of play:

(a) Irwin does not admit he saw the alleged incident at the time it occurred;

(b) McGivern does not admit she saw the alleged incident at the time it occurred;

(c) following this passage of play, 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 Irwin or McGivern 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.

Particulars

McGivern and Irwin rely on the broadcast footage relating to the alleged incident, and paragraphs 98 and 102 above.

104. 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, Irwin and McGivern refer to the plaintiff's performance as depicted in MOR.002.001.0025 (the first half of the game) as set out in the table below.

	Event (**JMR** = the plaintiff)	Timestamp(s)
(a)	JMR takes a mark on centre wing (near the boundary line), plays on after approx. 1 second and evades the Melbourne player on the mark. JMR runs approx. 15 meters (can be seen to assess his options inside Geelong's attacking 50) before kicking the ball to a one-on-one contest at the top of the goal square.	00:44:16:15
(b)	JMR takes possession of a loose ground ball at speed immediately before a Geelong teammate gives away a free kick for a 'push in the back'. JMR kicks the ball forward to a one-one-one contest on Geelong's forward flank as the umpire blows the whistle for the free kick.	00:45:30:15
(c)	JMR takes a mark, immediately plays on and runs along centre wing approx. 20 meters (completing a running bounce) before slipping and handballing the football towards a teammate as the quarter time siren sounds.	00:45:59:09
(d)	JMR sprints after a loose ground ball that was tapped away from the centre circle towards the wing. He takes possession, balances himself, and kicks the ball towards Geelong's forward flank, with the ball landing approx. 10 meters in front of a leading Geelong forward.	00:52:24:07
(e)	JMR fumbles a looping ball. He makes a second effort for the ball by lunging for it on the ground. The ball is tapped away by a Melbourne opponent before JMR can reach it.	00:55:00:13
(f)	JMR receives a handball on centre wing, runs several meters and executes a long handball to a running teammate approx. 15 meters towards the centre square.	00:55:18:09
(g)	JMR takes an intercept mark from a long kick along the	00:55:56:16

	boundary by taking a position behind his direct opponent. He goes back off his mark and kicks the ball laterally to a teammate 25-meters towards the centre of the ground.	
(h)	JMR makes a strong tackle against a Melbourne opponent, wins possession of the ball and is then tackled himself before the ball is dislodged.	00:57:00:10
(i)	JMR sprints to 'man a mark' on centre wing.	01:03:15:05
(j)	JMR Spoils a handball of a Melbourne opponent from behind, takes possession and makes a short handball to a teammate.	01:22:21:24

By way of example only, Irwin and McGivern refer to the plaintiff's performance as depicted in MOR.002.001.0027 (the second half of the game) as set out in the table below.

	Event (**JMR** = the plaintiff)	Timestamp(s)
(a)	JMR sprints approx. 20 meters to lay a defensive bump on a Melbourne player streaming forward.	00:07:11:04
(b)	JMR jumps on top of a loose groundball and is beset upon by multiple players.	00:08:45:19— 00:08:49:09
(c)	JMR takes a mark on Geelong's half-back line, plays on immediately and runs approx. 30 meters (completing a running bounce and appears to assess his target options) before handballing the ball short to a teammate laterally.	00:09:32:05
(d)	JMR gathers a half volley kicked towards him, turns and kicks approx. 35 meters to a leading teammate running towards Geelong's attacking 50.	00:18:20:03
(e)	JMR leaps to spike a looping ball forward for Geelong but does not make clean contact. He follows up with a vigorous tackle on a Melbourne player.	00:27:03:14— 00:27:07:19
(f)	JMR wrestles with his Melbourne opponent in a one-on-one marking contest before another Geelong player floats in from the side to take a mark.	00:29:12:23
(g)	JMR takes a mark, goes back on his line, assesses his options and kicks the ball approx. 25 meters to a leading teammate on Geelong's half forward flank.	00:30:57:09
(h)	JMR has the ball spoiled away from him in a marking contest. He makes a second effort by chasing after the spoiled football, after which a teammate takes possession and handballs to Rooke who attempts to evade a Melbourne player before being caught for 'holding the ball'.	00:44:47:05— 00:44:57:03

(i)	JMR pursues a loose ground ball and takes possession before being taken to ground in a tackle and releasing a short handball while on his back.	00:52:59:14
(j)	JMR takes a sliding mark on Geelong's forward flank, plays on and kicks the ball to a teammate approx. 20 meters laterally.	00:53:28:23
(k)	JMR takes a mark in Geelong's defensive 50, moves back of his line and kicks approx. 30 meters laterally to a teammate.	00:59:28:20
(l)	JMR attempts to gather a half volley. He keeps the ball in front of himself and palms it to a teammate. The ball ends up in a scrum where Rooke piles on top.	01:03:19:20—01:03:30:00

105. Following this game:

(a) on or about 4 September 2005, the plaintiff was assessed by the GFC and/or alternatively a CMO and/or alternatively a club physiotherapist and/or alternatively someone else as suffering from "Neck & upper Dx stiffness"; and

(b) the plaintiff was selected to play in the AFL Semi Final against Sydney at the SGC on 9 September 2005 at which game he had 10 disposals, 9 kicks, 3 marks, 1 handball, 5 contested possessions, 5 uncontested possessions and 97 per cent game time.

Particulars

As to the allegations in subparagraph (a), they refer to MCG.009.001.0006 (GFC Injury Review – Sun 4 September 2005).

As subparagraph (b), see the publicly available game statistics at https://afltables.com/afl/stats/games/2005/091620050909.html.

106. In the premises:

(a) neither of the relevant passages of play involved 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 standard of care owed to the plaintiff in the circumstances (not accepting that the "reasonable precautions" alleged in paragraph 30 of the 2FASOC 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) Irwin does not admit he saw either of the alleged incidents at the time they occurred;

(ii) McGivern does not admit she saw either of the alleged incidents at the time they occurred;

(iii) 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 Irwin or McGivern's attention or another medical practitioner for the purposes of the GFC, Irwin or McGivern 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;

(iv) the alleged incidents were not ones that reasonably required the GFC or, further or alternatively, Irwin or McGivern to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion as alleged;

(v) following this game, the plaintiff was assessed as suffering from neck stiffness;

(vi) insofar as any allegation is made that the GFC, or further or alternatively, Irwin or McGivern (or Seward) were required to take precautions different to what occurred, that allegation is denied; and

(vii) the GFC or, further or alternatively, Irwin or McGivern (or Seward) did not act negligently or breach any duty of care they owed to the plaintiff.

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107. As to the period in which Irwin and McGivern were GFC CMOs, that period ended in 2005 and, accordingly, Irwin and McGivern do not plead to any allegations relating to any alleged incidents after 2005.

108. As to the period in which Seward was a GFC CMO, that period ended in 2006.

109. Seward advances the allegations set out in the balance of this Section F in relation to the incidents alleged by the plaintiff in 2006.

110. 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 as appropriate.

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 Seward, McGivern and Irwin dated 23 March 2026; and (2) the CogSport baseline report test date 22 February 2006.

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

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

112. 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), Seward advances the allegations in paragraphs 110 to 111 above and 113 to 118 below.

113. Subject to the reservation identified below, Seward does not admit he served as a CMO at this NAB Cup game.

Particulars

Seward 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**).

114. Seward refers to and repeats the matters pleaded in paragraph 36 in section C.1 above.

115. 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 aware of a free kick to JMR.	00:39:07:00 – 00:39:08:19
(h)	JMR propped up on right elbow, looking at 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

116. As to this passage of play:

(a) on the assumption Seward was a CMO at this game, which is not admitted, Seward does not admit he saw the alleged incident at the time it occurred;

(b) following this passage of play, 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 Seward (assuming he was a CMO at this game, which is not admitted) 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;

(c) 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.

Particulars

As to the allegation in subparagraph (b), Seward refers to and repeats paragraphs 114 to 115 above.

As to the allegation in subparagraph (c), by way of example only, Seward 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.

117. Following this game, the plaintiff was selected to play in the NAB Cup round 2 game between the GFC and North Melbourne on 4 March 2006 at Cazaly's Stadium in Cairns.

118. 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 standard of care owed to the plaintiff in the circumstances (not accepting that the "reasonable precautions" alleged in paragraph 30 of the 2FASOC 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) Seward does not admit he was at this game;

(ii) assuming Seward was at this game, which is not admitted, Seward does not admit he saw the alleged incident when it occurred;

(iii) 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 Seward attention (assuming he was at this game, which is not admitted) or another medical practitioner for the purposes of the GFC, Seward (assuming he was at this game, which is not admitted), 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;

(iv) the alleged incident was not one that reasonably required the GFC or, further or alternatively, Seward (assuming he was at this game, which is not admitted) to undertake any or any further sideline evaluation, clinical evaluation or clinical

management of concussion, suspected concussion or symptoms of concussion or suspected concussion as alleged;

(v) insofar as any allegation is made that the GFC, or further or alternatively, Seward was required to take precautions different to the management as occurred, that allegation is denied; and

(vi) the GFC or, further or alternatively, Seward did not act negligently or breach any duty of care they owed to the plaintiff.

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

119. 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), Seward advances the allegations in paragraphs 110 to 111 above and 120 to 133 below.

120. Subject to the reservation identified below, Seward does not admit he served as a CMO at this NAB Cup game.

Particulars

Seward 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**).

121. Allen served as a CMO at this NAB Cup game.

Particulars

Seward refers to Allen's pleadings at paragraph 13 of Schedule 1 to the Defence dated 24 April 2026 of the fourth and fifth third parties dated 24 April 2026 to the 2FASOC (**Schedule 1 to the Bradshaw and Allen Defence**)) and broadcast footage MOR.002.001.0090 which shows Allen attending on the plaintiff.

122. Seward refers to and repeats the matters pleaded in paragraph 36 in section C.1 above.

123. 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.

124. 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 Allen determined that the plaintiff should be removed safely from the ground;

(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 subparagraph (b), Seward refers to and repeats paragraph 16(b) of Schedule 1 to the Bradshaw and Allen Defence.

As to the relevant broadcast footage, Seward 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:

[124](a)	MOR.002.001.0090 at 01::02:10:00 to 01:02:30:00
[124](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
[124](c)	MOR.002.001.0090 at and from 01:04:13:00
[124](d)	MOR.002.001.0090 at and from 01:04:17:08

125. 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

Seward refers to and repeats Allen's pleadings at paragraphs 17(a) - (c) of Schedule 1 to the Bradshaw and Allen Defence and the particulars thereunder.

See also, email from the plaintiff's parents to Allen dated 6 March 2006 in which they thanked Allen for updating them, "taking care of Jarad" and "knowing you were there to monitor the situation" (JMR.001.021.0078).

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

Particulars

Seward refers to and repeats paragraph 18 of Schedule 1 to the Bradshaw and Allen Defence and the particulars thereunder.

127. 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

Seward refers to and repeats Allen's pleadings at paragraph 19 of Schedule 1 to the Bradshaw and Allen Defence and the particulars thereunder.

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

Particulars

Seward refers to and repeats Allen's pleadings at paragraph 20 of Schedule 1 to the Bradshaw and Allen Defence and the particulars thereunder.

129. The plaintiff was not selected to play in the round 3 NAB Cup game against Fremantle Football Club on 11 March 2006.

Particulars

Seward refers to and repeats Allen's pleadings at paragraph 21 of Schedule 1 to the Bradshaw and Allen Defence and the particulars thereunder.

130. On 14 March 2006, the plaintiff was assessed using CogSport.

Particulars

Seward refers to and repeats Allen's pleadings at paragraph 22 of Schedule 1 to the Bradshaw and Allen Defence and the particulars thereunder.

131. The plaintiff's results on CogSport testing on 14 March 2006 showed:

(a) improvement since the test on 6 March 2006; and

(b) return to normal when assessed against the baseline CogSport dated 22 February 2006.

Particulars

See CogSport test dated 14 March 2006.

132. On 18 March 2006, around 14 days after he had received the head knock pleaded in paragraph 120(a) above, the plaintiff played in the NAB Cup grand final in Adelaide.

133. In the premises and as to the standard of care owed to the plaintiff in the circumstances (not accepting that the "reasonable precautions" alleged in paragraph 30 of the 2FASOC 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) Seward does not admit he was at this game;

(b) 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) Allen stabilised the plaintiff and promptly withdrew him from the game;

(iv) Allen 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 14 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;

(viii) the alleged incident was not one that reasonably required the GFC or, further or alternatively, Seward (assuming he was at this game, which is not admitted) to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion;

(ix) insofar as any allegation is made that the GFC, or further or alternatively, Seward (assuming he was at this game, which is not admitted; or that he was involved in any of the plaintiff's postgame review or management, which is also not admitted) was required to take precautions different to the management as

occurred including that which was undertaken by others, that allegation is denied; and

(x) the GFC or, further or alternatively, Seward did not act negligently or breach any duty of care they owed to the plaintiff.

F.3 Geelong v North Melbourne – (round 2) – 8 April 2006

134. 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), Seward advances the allegations in paragraphs 110 to 111 above and 135 to 145 below.

135. Seward served as a CMO at this game.

136. Seward refers to and repeats the matters pleaded in paragraph 36 in section C.1 above.

F.3.1 The first incident on which the plaintiff relies

137. 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	00:16:35:18

	whom he might pass the ball.	
(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

138. 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 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

139. As to this passage of play:

(a) Seward does not admit he saw the alleged incident when it occurred;

(b) 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 Seward 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;

(c) 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 (b), Seward relies on the broadcast footage relating to the alleged incident, including the replay footage, and paragraphs 136 to 138 above.

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

F.3.2 The second incident on which the plaintiff relies

140. 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 lift 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 / and 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 a GFC Trainer, another GFC person acknowledges Metcalfe's "thumbs up" gesture	00:52:14:12 – 00:52:14: 14

141. 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 CMO;

(c) as the plaintiff reached the bench, Seward interacted with him and ushered him towards another GFC official who massaged the plaintiff's calf; and

(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 140 above.

As to the allegation in subparagraphs (c), Seward refers to MOR.002.001.0031 at 00:53:10:00 to 00:53:14:00.

142. Following this game:

(a) 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;

(b) the plaintiff's performance in this CogSport test showed no significant change from the results of earlier baseline tests; and

(c) 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 subparagraphs (a) and (b), see the plaintiff's CogSport test report dated 10 July 2006 which records, under test history, a CogSport test on 10 April 2006.

As to the allegations in subparagraph (c), Seward, see game statistics at https://afltables.com/afl/stats/games/2006/091020060415.html.

143. In the circumstances pleaded in paragraphs 140 to 142 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.

144. 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

As to these allegations, see publicly available game statistics at https://afltables.com/afl/stats/games/2006/091020060415.html.

F.3.3 The alleged conduct in relation to the above incidents

145. 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 standard of care owed to the plaintiff in the circumstances (not accepting that the "reasonable precautions" alleged in paragraph 30 of the 2FASOC 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) Seward does not admit he saw either of the alleged incidents at the time they occurred;

(ii) Seward interacted with the plaintiff on the sideline after the second alleged incident and ushered the plaintiff to another GFC official who attended to the plaintiff's leg;

(iii) 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 Seward's attention or another medical practitioner for the purposes of the GFC, Seward 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;

(iv) the alleged incident was not one that reasonably required the GFC or, further or alternatively, Seward to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion as alleged;

(v) the plaintiff did not return to play after the second alleged incident;

(vi) on 10 April 2006 the plaintiff underwent a CogSport which was normal;

(vii) insofar as any allegation is made that the GFC, or further or alternatively, Seward was required to take precautions different to the management as occurred, that allegation is denied; and

(viii) the GFC or, further or alternatively, Seward did not act negligently or breach any duty of care they owed to the plaintiff.

F.4 Geelong v Hawthorn – (round 3) – 15 April 2006

146. In further answer to the allegations relating to the GFC v Hawthorn game, round 3, held on 15 April 2006 (see paragraph 50(j) of the 2FASOC), Seward advances the allegations set out in paragraphs 110 to 111 above and 147 to 155 below.

147. Seward served as a CMO at this game.

148. Seward refers to and repeats the matters pleaded in paragraph 36 in section C.1 above.

149. 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; JMR is just inside the 50-metre arc, facing RV.	00:54:13:13
(b)	RV moves to kick the ball; 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.	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
(l)	JMR runs towards a marking contest.	00:55:17:14 – 00:55:20:02
(m)	JMR jumps into the contest, seeking to mark the ball.	00:55:20:08 –

		00:55:20:15
(n)	JMR lands on his feet, spins to his right, and follows the ball.	00:55:21:05 – 00:55:22:19
(o)	As a Hawthorn player prepares to kick the ball into play, JMR runs towards an opponent.	00:55:30:07 – 00:55:33:18

150. 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

151. Further to the matters pleaded in paragraphs 148 to 150 above:

(a) Seward does not admit he saw the alleged incident when it occurred; and

(b) 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 Seward.

152. 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, Seward 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.

153. 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

See the particulars under paragraph 154 below.

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

(c) played 89% of game time;

(d) had 14 disposals;

(e) had 6 kicks;

(f) took 3 marks;

(g) had 8 handballs; and

(h) kicked 1 goal.

Particulars

As to these allegations, see the publicly available game statistics at https://afltables.com/afl/stats/games/2006/070920060422.html.

155. 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 standard of care owed to the plaintiff in the circumstances (not accepting that the "reasonable precautions" alleged in paragraph 30 of the 2FASOC 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) Seward does not admit he saw the alleged incident when it occurred;

(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 Seward attention or another medical practitioner for the purposes of the GFC, Seward, 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, Seward to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion as alleged;

(iv) insofar as any allegation is made that the GFC, or further or alternatively, Seward was required to take precautions different to what occurred, that allegation is denied; and

(v) the GFC or, further or alternatively, Seward did not act negligently or breach any duty of care they owed to the plaintiff.

F.5 Geelong v Melbourne – (round 6) – 5 May 2006

156. 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), Seward advances the allegations in paragraphs set out in paragraphs 110 to 111 above and 157 to 164 below.

157. Seward served as a CMO at this game.

158. Seward refers to and repeats the matters pleaded in paragraph 36 in section C.1 above.

159. 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 Picket, 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

160. 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

161. As to this this passage of play:

(a) Seward does not admit he saw the alleged incident when it occurred;

(b) 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 CMO 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;

(c) 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 (b), Seward relies on the broadcast footage relating to the alleged incident, including the replay footage, and paragraphs 158 to 160 above.

As to the allegation in subparagraph (c), by way of example only, Seward 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.

162. The plaintiff was selected to play in the AFL Home & Away round 7 game between the GFC and St. Kilda on 12 May 2006.

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

(a) played 90% of game time;

(b) had 13 disposals;

(c) had 4 kicks;

(d) had 9 handballs; and

(e) took 6 marks.

Particulars

As to these allegations, see the publicly available game statistics at https://afltables.com/afl/stats/games/2006/091520060512.html

164. 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);

(iii) experience and/or exhibit any concussion, or symptoms of concussion or suspected concussion as alleged (or at all);

(b) as to the standard of care owed to the plaintiff in the circumstances (not accepting that the "reasonable precautions" alleged in paragraph 30 of the 2FASOC 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) Seward does not admit he saw the alleged incident when it occurred;

(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 Seward attention or another medical practitioner for the purposes of the GFC, Seward, 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, Seward to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion as alleged;

(iv) insofar as any allegation is made that the GFC, or further or alternatively, Seward was required to take precautions different to what occurred, that allegation is denied; and

(v) the GFC or, further or alternatively, Seward did not act negligently or breach any duty of care they owed to the plaintiff.

F.6 Geelong v Western Bulldogs – (round 16) – 23 July 2006

165. In further answer to the allegations relating to the GFC v Western Bulldogs game, round 16, held on 23 July 2006 (see paragraph 50(l) of the 2FASOC where it is erroneously

pleaded as a game on 26 July 2026), Seward advances the allegations set out in paragraphs 110 to 111 above and 166 to 173 below.

166. Subject to the reservation identified below, Seward does not admit he served as a CMO at this game.

Particulars

Seward 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**).

167. Seward refers to and repeats the matters pleaded in paragraph 36 in section C.1 above.

168. 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
(i)	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
(j)	JMR resumes play and picks up his opponent (as the GFC	00:50:12:24 –

	Trainer observes him and others from the boundary line).	00:50:14:04
(k)	The GFC Trainer continues to observe JMR (and others) from the boundary line.	00:50:17:00 – 00:50:18:14

169. 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

170. As to this passage of play:

(a) assuming Seward was at this game, which is not admitted, Seward does not admit he saw the alleged incident when it occurred;

(b) 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 CMO or of Seward (assuming he was at this game, which is not admitted);

(c) 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 CMO or Seward (assuming he was at the game, which is not admitted);

(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 (d), by way of example only, Seward refers 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.

171. In the week following this game:

(a) 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

(b) 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) and (b), Seward refers to and repeats paragraphs 66(d) - (e) of Schedule 1 to the Bradshaw and Allen Defence and the particulars thereunder.

172. 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

Seward refers to and repeats paragraph 67 of Schedule 1 to the Bradshaw and Allen Defence and the particulars thereunder.

173. 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);

(iii) experience and/or exhibit any concussion, or symptoms of concussion or suspected concussion as alleged (or at all);

(b) as to the standard of care owed to the plaintiff in the circumstances (not accepting that the "reasonable precautions" alleged in paragraph 30 of the 2FASOC 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) assuming Seward was at this game, which is not admitted, Seward does not admit he saw the alleged incident when it occurred;

(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 Seward's attention (assuming he was at this game, which is not admitted) or another medical practitioner for the purposes of the GFC, Seward (assuming he was at this game, which is not admitted), 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, Seward (assuming he was at this game, which is not admitted) to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion as alleged;

(iv) insofar as any allegation is made that the GFC, or further or alternatively, Seward was required to take precautions different to what occurred, that allegation is denied; and

(v) the GFC or, further or alternatively, Seward did not act negligently or breach any duty of care they owed to the plaintiff.

F.7 Geelong v Hawthorn – (round 22) – 3 September 2006

174. In further answer to the allegations relating to the GFC v Hawthorn game, round 22, held on 3 September 2006 (see paragraph 50(m) of the 2FASOC), Seward advances the allegations set out in paragraphs 110 to 111 above and 175 to 187 below.

175. Seward served as a CMO at this game and says further that Bradshaw also served as a CMO at this game.

176. Seward refers to and repeats the matters pleaded in paragraph 36 in section C.1 above.

F.7.1 The first incident on which the plaintiff relies

177. 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; 00:52:20:04 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 requiring assessment and was assessed (see 00:51:36:23 to 00:51:40:00).

178. 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 01:18:45:00 to 01:18:47:00); and

179. Without admitting that he saw the alleged incident when it occurred or that he was involved in the in-game management of the plaintiff following the alleged incident, Seward says that at the time of the plaintiff's return to play in the third quarter, in relation to cases of concussion or suspected concussion, it was his practice and that of the GFC CMOs to clear the player's return to play 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;

(c) the player's cognitive function had returned to normal; and

(d) the player's symptoms did not recur when engaging in physical exertion.

180. In the premises, the plaintiff was not, and/or would have been assessed as not, exhibiting any signs or symptoms of concussion or suspected concussion when he returned to play in the second half of the game.

F.7.2 The second incident on which the plaintiff relies

181. 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, HCF # 19)	**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
(j)	JMR begins to get up.	00:44:57:06

182. 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

183. As to this alleged incident:

(a) Seward does not admit he saw the alleged incident when it occurred;

(b) 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 CMO 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;

(c) 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 (b), Seward relies on the broadcast footage relating to the alleged incident, including the replay footage, and paragraph 176 and 181 to 182 above.

As to the allegation in subparagraph (c), by way of example only, he 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..

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

F.7.3 The alleged conduct in relation to the above incidents

185. As to the first incident, and as to the standard of care owed to the plaintiff in the circumstances (not accepting that the "reasonable precautions" alleged in paragraph 30 of the 2FASOC 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) Seward does not admit he saw this alleged incident when it occurred;

(b) Seward does not admit he was involved in any of the in-game management of the plaintiff in relation to this incident;

(c) in this game, GFC officials, and Bradshaw, did monitor the plaintiff, and took steps to assess his condition and fitness to play;

(d) the alleged incident on which the plaintiff relies was not one that reasonably required the GFC or, further or alternatively, Seward (assuming without accepting that this incident was brought to Seward's attention and/or that Seward (as opposed to others) attended on the plaintiff in relation to this incident during the 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 as occurred including by others; and

(e) insofar as any allegation is made that the GFC, or further or alternatively, Seward was required to take precautions different to the management as occurred, including by others, that allegation is denied; and

(f) the GFC or, further or alternatively, Seward did not act negligently or breach any duty of care they owed to the plaintiff.

186. In the premises pleaded in section F.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).

187. As to the second incident, and as to the standard of care owed to the plaintiff in the circumstances (not accepting that the "reasonable precautions" alleged in paragraph 30 of the 2FASOC 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) Seward does not admit he saw the alleged incident when it occurred;

(b) 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 Seward attention or another medical practitioner for the purposes of the GFC, Seward, 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;

(c) the alleged incident was not one that reasonably required the GFC or, further or alternatively, Seward to undertake any or any further sideline evaluation, clinical evaluation or clinical management of concussion, suspected concussion or symptoms of concussion or suspected concussion as alleged;

(d) insofar as any allegation is made that the GFC, or further or alternatively, Seward was required to take precautions different to what occurred, that allegation is denied; and

(e) the GFC or, further or alternatively, Seward did not act negligently or breach any duty of care they owed to the plaintiff.

G The 2007, 2008 and 2009 seasons

188. McGivern does not plead to the allegations relating to the 2007, 2008, and 2009 seasons as her role as a GFC CMO ended in 2005.

189. Irwin does not plead to the allegations relating to the 2007, 2008, and 2009 seasons as his role as a GFC CMO ended in 2005.

190. Seward does not plead to the allegations relating to the 2007, 2008 and 2009 seasons as his role as a GFC CMO ended in 2006.