

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 9/04/2021 3:26:50 PM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

### Details of Filing

Document Lodged: Reply - Form 34 - Rule 16.33  
File Number: VID559/2020  
File Title: EDWARD THOMAS & ANOR v COMMONWEALTH FINANCIAL  
PLANNING LIMITED & ORS  
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Dated: 9/04/2021 3:26:55 PM AEST

A handwritten signature in blue ink that reads 'Sia Lagos'.

Registrar

### Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



## Reply

No. VID 559 of 2020

Federal Court of Australia  
District Registry: Victoria  
Division: General

**Edward Thomas** and another  
Applicants

**Commonwealth Financial Planning Limited (ACN 003 900 169)** and others  
Respondents

1. In answer to paragraphs 58(b), 58(d) and 88 of the Defence, the Applicants say, to the extent that the premiums for the insurance policies of the Applicants or any Group Members were paid from their respective superannuation funds, those Applicants and Group Members have suffered loss or damage as a result of the matters pleaded in the Amended Statement of Claim for the reasons set out below:
  - (a) each of those persons had an equitable proprietary interest in their respective superannuation fund;
  - (b) each of those persons had a right to enjoy payment from their respective superannuation fund that was an interest which was “vested in interest”;
  - (c) the value of the interests in sub-paragraph (a) were reduced by reason of the matters pleaded in the Amended Statement of Claim.

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Filed on behalf of (name & role of party)	Edward Thomas and Diana Tyrrell, Applicants		
Prepared by (name of person/lawyer)	Craig Allsopp, Practice Leader, Shine Lawyers		
Law firm (if applicable)	Shine Lawyers Pty Ltd		
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Date: 9 April 2021

A handwritten signature in black ink, appearing to read 'C Allsopp', written in a cursive style.

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Signed by Craig Allsopp  
Lawyer for the Applicants

This pleading was prepared by Claire Roberts and Thomas Bagley, counsel, and settled by Tony Martin SC.

**Certificate of lawyer**

I, Craig Allsopp, certify to the Court that, in relation to the statement of claim filed on behalf of the Applicants, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: 9 April 2021

A handwritten signature in black ink, appearing to read 'CA Allsopp', written in a cursive style.

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Signed by Craig Allsopp  
Lawyer for the Applicants

**Schedule**

No. 559 of 2020

Federal Court of Australia  
District Registry: Victoria  
Division: General

**Applicants**

Second Applicant: Diana Tyrrell

**Respondents**

Second Respondent

Financial Wisdom Limited (ACN 006 646 108)

Third Respondent:

Colonial Mutual Life Assurance Society Limited, CommInsure  
(ACN 004 021 809)

Date: 9 April 2021