

# ADVISOR DAY 2021

## BATTLE TALES | INCLUDING THE FIRST QLD SUPREME COURT CLASS ACTION

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LAWYERS

### CG Law Advisor Day – Battle Tales

Presented by:

Harrison Humphries, Head of Litigation + Dispute Resolution

Followed by a panel discussion with:

- Ben Gouldson, Director & Head of Intellectual Property
- Danny Clifford, Director & Head of Workplace
- Amanda Tolson, Director & Head of Commercial + Property

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- No representation is made as to the accuracy of the information in this presentation
- Recipients of the information in this presentation consider it at their own risk and are advised to seek independent legal advice on it

# CG Law Advisor Day – Battle Tales

## Two (2) War Stories

1. To Extend or not to Extend - Do the terms of an agreement matter?
2. The Extent of a Manufacturer's Duty of Care - The Queensland Supreme Court's first class action

## To Extend or not to Extend

### Setting the Scene

- The contractual position
- Pre-proceeding correspondence and without prejudice negotiations
- The other side's application to the court and our responsive affidavits

## To Extend or not to Extend

### The Key Issues

- Was the Applicant's notice to extend the agreement valid?
- Was such notice given when the Applicant was in breach of the agreement?
- Did the Respondent's conduct legally prevent it from opposing the extension?
- Did the balance of convenience favour the grant of an injunction?

## To Extend or not to Extend

### The Decision

- Was the Applicant's notice to extend the agreement valid?
- Was such notice given when the Applicant was in breach of the agreement?
- Did the Respondent's conduct legally prevent it from opposing the extension?
- Did the balance of convenience favour the grant of an injunction?

## The Extent of a Manufacturer's Duty of Care

### The Numbers

- A. 500-600 growers
- B. \$300 million claim
- C. 15 barristers
- D. Listed for a 4-week trial (in March and April 2020)
- E. 4 years and 4 months (and counting)

# The Extent of a Manufacturer's Duty of Care

## Setting the Scene

- The facts
- The claim and the defence
- The proceeding

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# The Extent of a Manufacturer's Duty of Care

## The Key Issues

- Did the Defendant owe the growers a duty of care?
- Did the Defendant breach any such duty?
- Did any breach of any such duty cause the growers loss?
- Was the Defendant's conduct misleading or deceptive?
- Was the growers' claim filed too late?
- Could any damages be aggregated?

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# The Extent of a Manufacturer's Duty of Care

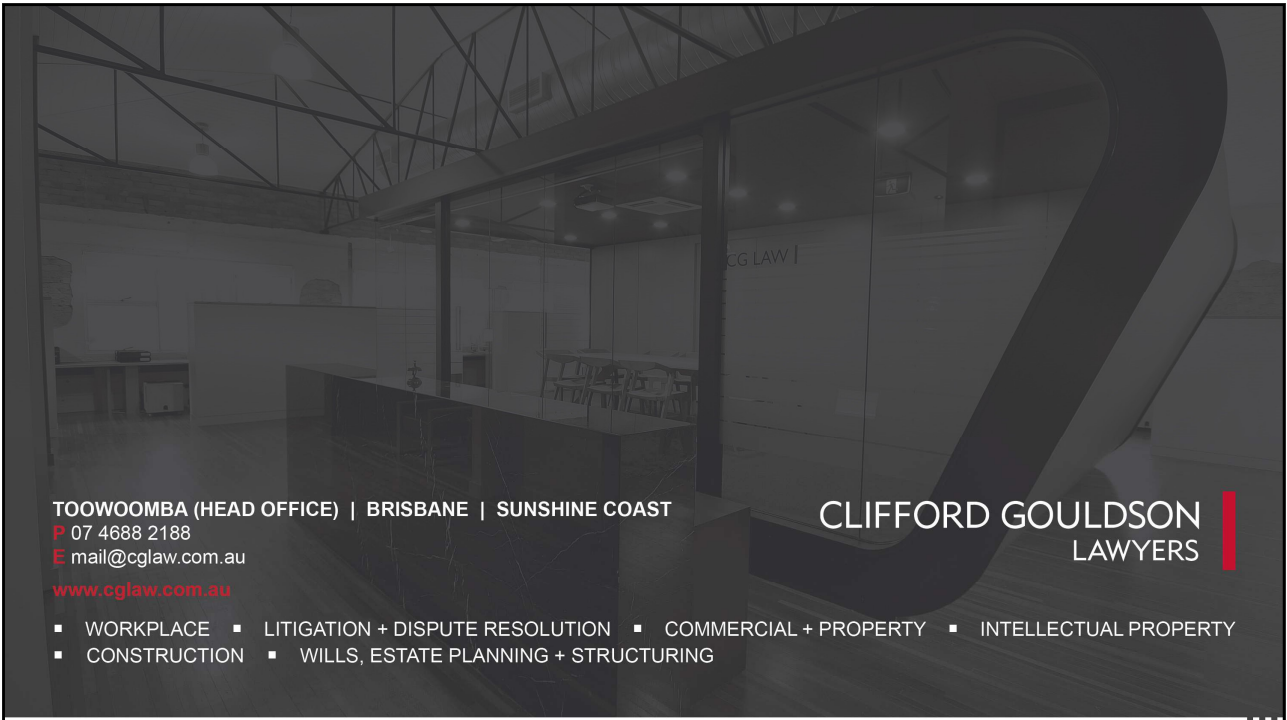
## The Decision

- Did the Defendant owe the growers a duty of care?
- Did the Defendant breach any such duty?
- Did any breach of any such duty cause the growers loss?
- Was the Defendant's conduct misleading or deceptive?
- Was the growers' claim filed too late?
- Could any damages be aggregated?

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## 'Anything Legal'

### Question & Answer Session



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