

**IN THE HIGH COURT OF AUSTRALIA  
MELBOURNE OFFICE OF THE REGISTRY**

**No. M 131 of 2010**

**BETWEEN:**

**EQUUSCORP PTY LTD (ACN 006 012 344)  
(FORMERLY EQUUS FINANCIAL SERVICES LTD)  
Appellant**

**and**

**CUNNINGHAM'S WAREHOUSE SALES PTY LTD  
Respondent**

**RESPONDENT'S SUBMISSIONS**

**PART I: INTERNET CERTIFICATION**

1. The respondent certifies that these submissions are in a form suitable for publication on the Internet.

**PART II: ISSUES**

2. The respondent adopts the statement of issues in paragraphs 2 to 5 of the written submissions in appeal M 129 of 2010 (**Bassat Submissions**).

**PART III: SECTION 78B NOTICES**

3. The respondent certifies that it considers there is no reason for notice to be given to Attorney-Generals in compliance with sec 78B of the *Judiciary Act* 1903 (Cth).

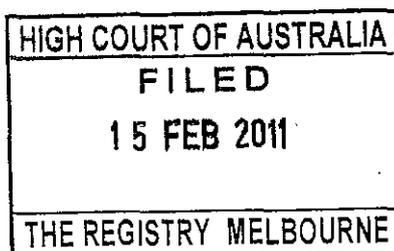
**PART IV: FACTS**

4. The respondent adopts paragraphs 7 to 13 of the Bassat Submissions, but otherwise agrees with the statement of facts in the appellant's written submissions in this appeal.

Filed on behalf of the respondent  
**Eales & Mackenzie**  
Solicitors  
Level 5, 95 Queen Street  
MELBOURNE VIC 3000

As agents for:  
**Shand Taylor**  
Level 12, 241 Adelaide Street  
Brisbane QLD 4000

Dated: 15 February 2011  
Solicitor's Code: 6039  
DX: 621 Melbourne  
Tel: (03) 8615 9100  
Fax: (03) 9602 4311  
Ref: DJ:KM:23165



**PART V: APPLICABLE STATUTES**

5. The respondent adopts paragraphs 14 and 15 of the Bassat Submissions.

**PART VI: ARGUMENT**

6. The respondent adopts paragraphs 16 to 50 of the Bassat Submissions.

Dated: 15 February 2011

*J. D. Merralls*

J.D. Merralls  
Phone: (03) 9225 7387  
Fax: (03) 9225 7114  
[merralls@vicbar.com.au](mailto:merralls@vicbar.com.au)

*M.J. Campbell*

M.J. Campbell  
Phone: (03) 9225 8344  
Fax: (03) 9225 6111  
[mcampbell@vicbar.com.au](mailto:mcampbell@vicbar.com.au)

*Michael D. Rush*

M.D. Rush  
Phone: (03) 9225 6744  
Fax: (03) 9225 8395  
[michael.rush@vicbar.com.au](mailto:michael.rush@vicbar.com.au)

Counsel for the Respondent

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