

IN THE HIGH COURT OF AUSTRALIA  
MELBOURNE OFFICE OF THE REGISTRY

No. M 132 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).

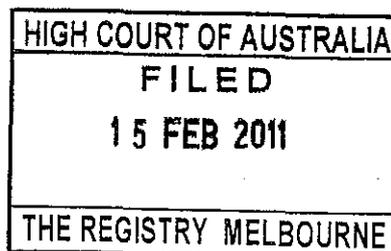
PART IV: FACTS

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  
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**PART V: APPLICABLE STATUTES**

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

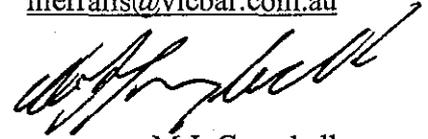
**PART VI: ARGUMENT**

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

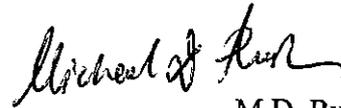
Dated: 15 February 2011



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