



COMMERCIAL COURT

Trials Listed to Commence 21 Nov – 2 Dec 2011

Monday 21 November

Case: *Bank of Western Australia Ltd v Enzo Alido Floreani & ors*,
S CI 2010 05522

Judge: Sifris J

Court: Courtroom 2 (Old High Court)

Description: The plaintiff entered various contracts and provided various loan facilities to a company (Sweetwater Living Pty Ltd ACN 117 095 333). The plaintiff alleges that the company defaulted under the loan agreements, and seeks to recover pursuant to guarantees allegedly provided by the defendants.

The defendants deny liability. By counterclaim the defendants allege the plaintiff breached a contract and/or engaged in misleading and deceptive conduct proscribed by trade practices legislation. The defendants seek, *inter alia*, declarations that they are not liable under the guarantees, and orders for damages.

Tuesday 22 November

Case: *In the matter of Immersive Pty Ltd*, S CI 2011 01667

Judge: Ferguson J

Court: Courtroom 12

Description: An appeal against a decision of an associate judge dismissing an application under s 459G of the *Corporations Act* (an application to set aside a statutory demand).

Monday 28 November

Case: *Bank of Western Australia Ltd (ABN 22 050 494 454) v Sachlan Stewart Fravel & ors*, S CI 2010 05057

Judge: Pagone J

Court: Courtroom 1 (Old High Court)

Description: The plaintiff claims residual debts under a loan agreement and guarantee following the sale of security properties.

The defendants counterclaim that the plaintiff breached duties owed as a mortgagee in the course of realising security assets.

Case: *In the matter of Peter Damian Ng & ors*, S CI 2011 00505

Judge: Ferguson J

Court: Courtroom 12

Description: An application for orders under section 233 of the *Corporations Act 2001* (Cth) (shareholder oppression provisions).