

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 1/03/2017 3:00:36 PM AEDT and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

Document Lodged:	Originating Application - Form 15 - Rule 8.01(1)
File Number:	VID1274/2016
File Title:	Shonica Guy v Crown Melbourne Limited & Anor
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	Hearing
Time and date for hearing:	11/09/2017, 10:15 AM
Place:	Please check Daily Court List for details



Dated: 1/03/2017 3:20:35 PM AEDT

A handwritten signature in blue ink, appearing to read 'Warwick Soden'.

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 Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

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.



Form 15
Rules 8.01(1); 8.04(1)

Amended Originating application

No. VID1274 of 2016

Federal Court of Australia
District Registry: Victoria
Division: General

Shonica Guy

Applicant

Crown Melbourne Limited (ACN 006 973 262)

First Respondent

Aristocrat Technologies Australia Pty Ltd (ACN 001 660 715)

Second Respondent

To the Respondents

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place: Owen Dixon Law Courts Building, 305 William Street, Melbourne VIC 3000

Filed on behalf of (name & role of party)	The Applicant
Prepared by (name of person/lawyer)	Jacob Varghese
Law firm (if applicable)	Maurice Blackburn Lawyers
Tel (03) 9605 2623	Fax (03) 9258 9600
Email	jvarghese@mauriceblackburn.com.au and tconboy@mauriceblackburn.com.au
Address for service (include state and postcode)	Maurice Blackburn Lawyers, Level 10 / 456 Lonsdale Street, Melbourne, VIC 3000



Date: ~~23 December 2016~~ 28 February 2017

Signed by an officer acting with the authority
of the District Registrar



Details of claim

Note: in this originating application capitalized terms have the same meaning as in the statement of claim, unless otherwise stated.

On the grounds stated in the statement of claim, the Applicant claims:

1. A declaration that Crown has, in trade or commerce, engaged in conduct that was misleading or deceptive or likely to mislead or deceive, in contravention of s 18 of the Australian Consumer Law, further or alternatively s 52 of the TPA, by making the Dolphin Treasure EGM available for play at Crown Casino.
2. A declaration that Aristocrat has, in trade or commerce, engaged in conduct that was likely to mislead or deceive, in contravention of s 18 of the Australian Consumer Law, further or alternatively s 52 of the TPA, by supplying the Dolphin Treasure EGM to Crown and other gaming venues within Australia for the purpose of the Dolphin Treasure EGM being made available for play by members of the public.
3. Alternatively to paragraph 2 above, a declaration that by supplying the Dolphin Treasure EGM to Crown for the purpose of the Dolphin Treasure EGM being made available for play by members of the public at Crown Casino, Aristocrat has:
 - (a) aided, abetted, counselled or procured; and/or
 - (b) been, directly or indirectly, knowingly concerned in, or party to,the contravention by Crown of s 18 of the Australian Consumer Law and/or s 52 of the TPA.
4. A declaration that Crown, in trade or commerce, engaged in conduct that is unconscionable within the meaning of the unwritten law, in contravention of s 20 of the Australian Consumer Law.
5. A declaration that Crown, in trade or commerce, in connection with the supply or possibly supply of services to members of the public in Crown Casino, engaged in



- conduct that was, in all the circumstances, unconscionable, in contravention of s 21 of the Australian Consumer Law.
6. A declaration that Crown, in trade or commerce, in connection with the supply or possible supply of services to members of the public in Crown Casino, engaged in engaged in a system of conduct or pattern of behaviour constituting unconscionable conduct, in contravention of s 21 of the Australian Consumer Law.
 7. A declaration that Crown continuing to engage in the Impugned Conduct after judgment in these proceedings would contravene:
 - (a) s 20 of the Australian Consumer Law; and/or
 - (b) s 21 of the Australian Consumer Law.
 8. A declaration that Aristocrat, in trade or commerce, engaged in conduct that is unconscionable within the meaning of the unwritten law, in contravention of s 20 of the Australian Consumer Law.
 9. A declaration that Aristocrat, in trade or commerce, in connection with the supply or possible supply of goods to Crown and/or services to members of the public in Crown Casino, engaged in conduct that was, in all the circumstances, unconscionable, in contravention of s 21 of the Australian Consumer Law.
 10. A declaration that Aristocrat, in trade or commerce, in connection with the supply or possible supply of goods to Crown and/or services to members of the public in Crown Casino, engaged in engaged in a system of conduct or pattern of behaviour constituting unconscionable conduct, in contravention of s 21 of the Australian Consumer Law.
 11. A declaration that Aristocrat continuing to engage in Aristocrat's Impugned Conduct after judgment in these proceedings would contravene:
 - (a) s 20 of the Australian Consumer Law; and/or
 - (b) s 21 of the Australian Consumer Law.



12. Alternatively to paragraphs 8 to 10, a declaration that by supplying the Dolphin Treasure EGM to Crown for the purpose of the Dolphin Treasure EGM being made available for play by members of the public at Crown Casino, Aristocrat has:
- (a) aided, abetted, counselled or procured; and/or
- (b) been, directly or indirectly, knowingly concerned in, or party to,
the contravention by Crown of ss 20 and/or 21 of the Australian Consumer Law.
13. Alternatively to paragraph 11, a declaration that continuing to supply the Dolphin Treasure EGM to Crown after judgment in these proceedings for the purpose of the Dolphin Treasure EGM being made available for play by members of the public at Crown Casino would result in Aristocrat:
- (a) aiding, abetting, counselling or procuring; and/or
- (b) being, directly or indirectly, knowingly concerned in, or party to,
a contravention by Crown of ss 20 and/or 21 of the Australian Consumer Law.
- 4.14. An injunction pursuant to s 232(1) of the Australian Consumer Law, restraining Crown (whether by its servants, agents or howsoever otherwise) from, in trade or commerce:
- (a) making, or permitting to be made, available for play at Crown Casino the Dolphin Treasure EGM;
- (b) making, or permitting to be made, available for play at Crown Casino any EGM with a reel configuration substantially the same as, or having substantially the same effect as, the Oversized Reel Feature;
- (c) making, or permitting to be made, available for play at Crown Casino any EGM with a symbol distribution substantially the same as, or having substantially the same effect as, as the Starved Reel Feature;
- (d) making, or permitting to be made, available for play at Crown Casino any EGM which:



- (i) displays the Return to Player Information or information substantially the same as, or having substantially the same effect as, the Return to Player Information; and
- (ii) makes the Risk Representation or a representation that is substantially the same as, or has substantially the same effect as, the Risk Representation.

(e) engaging in the Crown Impugned Conduct in relation to the Dolphin Treasure EGM or any other EGM that has substantially the same features as those set out in paragraph 26B of the Amended Statement of Claim.

5-15. An injunction pursuant to s 232(1) of the Australian Consumer Law, restraining Aristocrat (whether by its servants, agents or howsoever otherwise) from, in trade or commerce:

- (a) supplying the Dolphin Treasure EGM to Crown or any other gaming venue within Australia;
- (b) supplying to Crown or any other gaming venue within Australia any EGM with a reel configuration substantially the same as, or having substantially the same effect as, the Oversized Reel Feature;
- (c) supplying to Crown or any other gaming venue within Australia any EGM with a symbol distribution substantially the same as, or having substantially the same effect as, the Starved Reel Feature; and
- (d) supplying to Crown or any other gaming venue within Australia any EGM which:
 - (i) displays the Return to Player Information or information substantially the same as, or having substantially the same effect as, the Return to Player Information; and
 - (ii) makes the Risk Representation or a representation that is substantially the same as, or has substantially the same effect as, the Risk Representation.

(e) engaging in the Aristocrat Impugned Conduct in relation to the Dolphin Treasure EGM or any other EGM that has substantially the same features as those set out in paragraph 30C of the Amended Statement of Claim.

6-16. Such further or other orders as the Court considers appropriate.

7-17. Costs.



Applicant's address

The Applicant's address for service is:

Place: Maurice Blackburn Lawyers, Level 10/456 Lonsdale Street, Victoria, 3000

Email: jvarghese@mauriceblackburn.com.au and tconboy@mauriceblackburn.com.au

The Applicant's address is c/- Maurice Blackburn Lawyers, Level 10/456 Lonsdale Street, Victoria, 3000.

Service on the Respondent

It is intended to serve this application on all Respondents.

Date: ~~26 October 23 December 2016~~ 28 February 2017

A handwritten signature in blue ink, appearing to read 'J. Varghese'.

Signed by Jacob Varghese
Lawyer for the Applicant

