

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 1/04/2021 11:12:12 AM 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 Starting a Representative Proceeding under Part IVA Federal Court of Australia Act 1976 - Form 19 - Rule 9.32
File Number: NSD66/2021
File Title: ST JOHN AMBULANCE AUSTRALIA LIMITED ACN 633 627 899 v CMB OCEAN 13 LEASING COMPANY PTE LTD & ANOR
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: Case Management Hearing
Time and date for hearing: 23/04/2021, 4:15 PM
Place: Please check Daily Court List for details



A handwritten signature in blue ink that reads 'Sia Lagos'.

Dated: 1/04/2021 11:32:06 AM AEDT

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.

AMENDED ORIGINATING APPLICATION



**Amended Originating application starting a representative proceeding
under Part IVA of the Federal Court of Australia Act 1976**

No. 66 of 2021

Federal Court of Australia
District Registry: New South Wales
Division: Admiralty and Maritime

St John Ambulance Australia Limited (ACN 633 627 899)

Applicant

CMB Ocean 13 Leasing Company Pte Ltd and another named in the schedule

Respondents

To the Respondent

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: [Registry will insert time and date]

Place: [address of Court]

Date:

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

Filed on behalf of (name & role of party) St John Ambulance Australia Limited (ACN 633 627 899)

Prepared by (name of person/lawyer) Henry Holland

Law firm (if applicable) Mills Oakley

Tel 02 8035 7807 Fax 02 9247 1315

Email hholland@millsoakley.com.au

Address for service Level 7, 151 Clarence Street, Sydney NSW 2000
(include state and postcode)



Details of claim

On the grounds stated in the accompanying Statement of Claim, the Applicant claim for itself and the Group Members:

1. Damages pursuant to breaches of the Respondents' common law obligations owed as bailee for reward to the Applicant, and Group Members, as bailors.
2. Interest.
3. Costs.

Questions common to claims of group members

The questions of law or fact common to the claims of the Applicant and the Group Members are:

1. whether the Respondents were a bailee for reward with respect to the cargo which was owned by the Applicant, and Group members, and was carried onboard the MV "APL England" during voyage number 093S from Ningbo, China to Melbourne, Australia;
2. whether the Respondents owed a duty to the Applicant, and Group Members, as bailee for reward;
3. whether the Respondents breached their duty to the Applicant, and Group Members, as bailee for reward;
4. whether the Respondents owed a duty to the Applicant, and Group Members, to exercise reasonable skill, care and diligence in and about the carriage of goods bailed by the Applicant, and Group Members, to the Respondents;
5. did the Respondents beach their duty to the Applicant, and the Group Members, to exercise reasonable skill, care and diligence in and about the carriage of goods bailed by the Applicant, and Group Members, to the Respondents; and
6. whether the Respondents' breaches of the respective duties were causative of the Applicant's, and Group Members', loss.

Representative action

1. The Applicant brings this application as a representative party under Part IVA of the *Federal Court of Australia Act 1976*.
2. The Group Members to whom this proceeding relates are those persons who: are listed in Schedule A to this Amended Originating Application.

~~a. were the owners or persons entitled to immediate possession of certain cargo that was:~~



- ~~i. carried onboard the MV "APL England" (the Vessel) during voyage number 093S from Ningbo, China to Melbourne, Australia (the Voyage); and~~
- ~~ii. lost or damaged on or about 24 May 2020 as the result of the collapse of container stacks on the Vessel during the Voyage; and~~
- b. ~~are listed in the Schedule A to this Originating Application.~~

3. The Group Members listed in Schedule A were each the owners, or persons entitled to immediate possession, of certain cargo that was:

- a. carried onboard the MV "APL England" (the Vessel) during voyage number 093S from Ningbo, China to Melbourne, Australia (the Voyage); and
- b. lost or damaged on or about 24 May 2020 as the result of the collapse of container stacks on the Vessel during the Voyage.

Applicant's address

The Applicant's address for service is:

Place: Mills Oakley, Level 7, 151 Clarence Street, Sydney NSW 2000

Email: hholland@millsOakley.com.au

The Applicant's address is 10 Campion Street, Deakin West ACT 2600

Service on the Respondent

It is intended to serve this application on all Respondents.

Date: ~~21 January 2021~~

A handwritten signature in blue ink that reads "Frazer Hunt".

Signed by Frazer Hunt
Lawyer for the Applicant



Schedule A

No. of 20

Federal Court of Australia
District Registry: New South Wales
Division: Admiralty and Maritime

Respondents

Second Respondent: APL Co Pte Ltd

Group Members

Ilana Accessories Australia Pty Ltd;
Hangzhou Boya Industry Co., LTD;
Kmart Australia Limited;
SINOTRANS ZHEJIANG CO., LTD.NINGBO;
Coles Supermarkets Australia Pty Ltd;
DHL ISC (HONG KONG) LTD;
MITRE 10 AUSTRALIA PTY LTD;
FAULKNER INDUSTRIES P/L;
St John Ambulance Australia Limited;
St John Holdings Limited;
SHAOXING FUQING HEALTH PRODUCTS CO., LTD;
Bunnings Group Limited;
MERIDIAN INTERNATIONAL CO LTD;
Koya Corporation Pty Ltd t/as Koya Wheels;
ZHEJIANG YUELING CO., LTD;
Steinhoff Asia Pacific Pty Limited trading as Freedom Imports Warehouse;
SINOTRANS EASTERN COMPANY LTD;
ALDI Stores - A Limited Partnership;
Tubeworks Furniture Pty Ltd;
Apache Mills INC;
ZHEJIANG CHAIRMENG TECHNOLOGIES COMPANY LIMITED;



Disruptive Packaging Pty Ltd;
NINGBO LINHUA PLASTIC COMPANY LIMITED;
JIANGSU HAOYUE INDUSTRIAL CO LTD;
HANGZHOU TIANYUAN PET PRODUCTS CO. LTD;
BEIJING KANG-JIE-KONG INTERNATIONAL CARGO AGENT CO., LTD;
CARGO SERVICES (TIANJIN) CO., LTD;
BEIJING KANG JIE KONG INT'L CARGO AGENT CO., LTD;
KIMBERLY-CLARK AUSTRALIA PTY LTD;
KIMBERLY CLARK (NANJING) CARE PRODUCTS CO., LTD;
Woolworths Group Limited;
ANJI YANGRONG FURNITURE TRADING CO., LTD;
Life Interiors Pty Ltd;
YITAI PLASTIC RUBBER VACUUM FORMING CO., LTD;
Bookleaf Pty Ltd as trustee for the Eden Unit Trust t/as Holman Industries
CHILE HARDWARE CO., LTD;
Nick Scali Limited t/as Nick Scale Furniture;
Hyper Extension Ltd;
Hunter Leisure Pty Ltd;
Gale Pacific Special Textiles (Ningbo) Ltd;
Gale Pacific Ltd;
Hangzhou Home Dee Sanitary Ware Co Ltd;
Karmy Pty Ltd trading as Schot Restoration;
Koa FC Trading, Inc.;
Oriental Merchant Pty Ltd;
United Wholesalers Pty Ltd;
NINGBO MAS-HOUSEWARE IMP & EXP LTD;
TAIZHOU HEIL IMPORT EXPORT CO LTD;
Fire Safety Equipment Pty Ltd;
ZHEJIANG ORIENTX FIRE SAFETY EQUIPMENT CO., LTD;
Sandleford Holdings Pty Ltd;
Ningbo Xikou Jinxing Wood-Products Co., LTD;
Jason Furniture (Hangzhou) Co., Ltd;
Chanrol Pty Ltd;
ZHEJIANG JIAYOU BIOTECH CO.,LTD;



Cargo Services (China) Limited;
Innovative Designs LLC;
Ningbo Paramount IMP and EXP CO., LTD;
Jenmar Australia Pty Ltd;
Capstone Steel Material Co., LTD;
Solargain PV Pty Ltd;
Zhejiang Jinko Solar Co., Ltd;
Air Change Australia Pty Ltd;
Zhejiang Jiefeng Science and Technology Industry Co., LTD;
Fuzhou Dawawu Furniture CO., LTD;
New Aim Pty Ltd;
YOUNGLIM B AND A CO.,LTD;
Kimberly-Clark Australia Pty Limited;
HANGZHOU LEIBO INDUSTRIAL CO.,LTD;
Kogan Australia Pty Ltd;
HANGZHOU FIRSTWELL INDUSTRY CO.,LTD;
YUYAO JIAJIA ELECTRICAL APPLIANCE CO.,LTD;
BROWN & WATSON INTERNATIONAL P/L;
YONGJIA AOCHENG HARDWARE CO., LTD;
NINGBO CARSTEL MANUFACTURING CO.,LTD;
BROWN AND WATSON INTERNATIONAL;
TIGER AUTO ACCESSORIES CO.,LTD;
SHAAN XI SUCCEED TRADING CO.,LTD;
YUHAN-KIMBERLY LTD;
KIMBERLY-CLARK AUSTRALIA PTS.;
NINGBO AMICO COPPER VALVES MANUFACTURING INC;
LINKWARE AUSTRALIA PTY LTD;
LINCRAFT AUSTRALIA PTY. LTD;
YIWU HOMA CRAFT FACTORY;
SHAOXING SINAI TEXTILE CO.,LTD;
POLYPAK PRODUCTS CO. , LIMITED.;;
UNIPAK PTY LTD;
HTL FURNITURE (CHINA) CO., LTD;
YUYAO AMBER LAMP CO., LTD;
ARLEC AUSTRALIA PTY LTD;



CIXI ZHONG FA LAMPS CO.,LTD;.
CIXI HAOSHOU TOOLS CO.,LTD;
CHINASTAR OPTOELECTRONICS(NINGBO) LIMITED;
LENA INDUSTRIAL HOLDING LIMITED;
KUNSHAN SKYLINE IMPORT & EXPORT CO., LTD.;
CORAL BAY EAST COAST PTY LTD;
NINGBO ZHENGXIN FIRE-FIGHTING EQUIPMENT CO., LTD;
FLAMESTOP AUSTRALIA PTY LTD;
ZHEJIANG SANMEN EASTSEA RUBBER FACTORY;
SAFEROADS PTY LTD;
SHINBO INTERNATIONAL CO., LTD;
Woodtree Australia Pty Ltd as trustee for Universal Gift Traders Australia Trust;
REECE PTY LTD;
SHANGHAI YING TA AIRCONDITION ENTERPRISE CO LTD.
NINGBO BABY FIRST BABY PRODUCTS CO., LTD
BRITAX CHILDCARE PTY LTD

Date: ~~29 January 2024~~