

BY EMAIL

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Our Ref

10602233

Your Ref

PC:GG:P&O4851

Date

14 September 2023

Dear Colleagues

Debrah Jackson v Carnival plc Federal Court Proceeding No QUD 183/2023 (Proceeding)

1. We refer to your client's Amended Statement of Claim filed on 9 August 2023 (**ASOC**), following our client's request for particulars dated 10 July 2023.
2. As we have indicated previously, our client remains of the view that your client's ASOC is defective in that it does not contain any allegations capable of constituting claims by any group members nor did it contain any allegations that satisfy the requirements of s 33C of the *Federal Court of Australia Act 1976* (Cth).
3. Our client also considers that further particulars are required in relation to other aspects of the ASOC, so as to comply with the requirements of r 16.41 of the *Federal Court Rules 2011* (Cth) (**FCR**).
4. Accordingly, our client requests particulars of the ASOC as follows.

Request for particulars

Paragraph 9

5. The matters pleaded in sub-paragraphs 9(a)(v) and (vii) to (xii) contain phrases that are in quotation marks. If these phrases are quotes from a source, please provide details as to the source. If not, please provide the bases on which it is alleged that these phrases constitute "services" and/or "rights, benefits, facilities and privileges" supplied by the Respondent.

Paragraph 63 and 64

6. Please provide particulars of the nature of the expenses incurred while onboard the ship pleaded in paragraph 63(b) and 64(c) of the ASOC.
7. Please provide particulars of the basis for alleging that the Applicant is entitled to compensation for distress and disappointment in the sum of \$12,000, including as to the quantum claimed for that head of compensation.

Response requested

Please provide a response to the above request for particulars by **28 September 2023**.

If you client fails to provide an adequate response to our client's request, our client will seek an order from the Court under FCR r 16.45 requiring your client to provide further and better particulars.

Our client otherwise reserves all of its rights.

We look forward to hearing from you.

Yours faithfully



Ernest van Buuren
Partner
Clyde & Co