NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 2/03/2020 8:30:45 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:	VID182/2018
File Title:	PARESHKUMAR DAVARIA & ANOR v 7-ELEVEN STORES PTY LIMITED & ANOR
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised

Dated**:** 3/03/2020 1:35:01 PM 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.

Form 19
Rule 9.32

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

(filed pursuant to leave granted by Middleton J on 28 February 2020)

No: VID182/2018

Federal Court of Australia

District Registry: Victoria

Division: General

Pareshkumar Davaria and ~~an~~others named in the Schedule

Applicants

7-Eleven Stores Pty Ltd and another named in the Schedule

Respondents

To the Respondents

The Applicants apply for the relief set out in this application which has been amended pursuant to Order of Middleton J of 28 February 2020.

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: Federal Court of Australia
Law Courts Building
305 William Street, Melbourne

Date:

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

Filed on behalf of:	The Applicants
Prepared by:	Stewart A Levitt, Levitt Robinson Solicitors
Tel	02 9286 3133
Email	711@levittrobinson.com
Address for service	PO Box 850, Darlinghurst NSW 1300

Details of claim

Terms defined in the Second Further Amended Statement of Claim and Second Further Amended Originating Application in the representative proceedings VID180 of 2018 (**Franchisee Proceeding**) commenced by Davaria Pty Limited on 19 February 2018 against the First Respondent (**7-Eleven**), 7-Eleven, Inc and the Second Respondent in this proceeding (**Bank**) (**VID180 SOC**) and the Further Amended Statement of Claim in these proceedings (**VID182 SOC**), carry the same meaning when used in this Originating Application.

On the grounds stated in the VID182 SOC and (to the extent applicable) in the VID180 SOC, the Applicants[1] claim:

1. Damages against 7-Eleven:

   (a) pursuant to section 236 of the *Australian Consumer Law* (Cth) set out in Schedule 2 of the *Competition and Consumer Act 2010* (**CCA**), as applicable pursuant to section 131 of the CCA, and/or its cognates as applicable, pursuant to legislation in the States and Territories of Australia (collectively, **ACL**), or alternatively section 82 and/or 87 of the *Trade Practices Act* 1974 (Cth) (**TPA**), for misleading or deceptive conduct within the meaning of section 18 of the ACL or section 52 of the TPA respectively;

   (b) pursuant to section 236 of the ACL, for unconscionable conduct within the meaning of section 21 of the ACL.

2. Damages against the Bank:

   (a) for breach of contract; and/or

   (b) pursuant to section 12GF of the *Australian Securities and Investments Commission* Act 2001 (**ASIC Act**) for unconscionable conduct within the meaning of section 12CB of the ASIC Act.

3. Orders against the Bank pursuant to section 12GM of the ASIC Act to the effect that the personal guarantees and mortgage (or other forms of security) entered into by the Applicants and some or all of the Group Members be set aside or varied due to the unconscionable conduct of the Bank within the meaning of section 12CB of the ASIC Act.

4. Interest.

5. Costs.

6. Such further order as this Honourable Court deems fit or the nature of the case requires.

Questions common to claims of group members

7. The questions of law or fact common between the claims of the Applicants and the Group Members against 7-Eleven are:

   (a) whether the Group Members are entitled to recover loss and damage as a consequence of the contraventions of section 52 of the TPA or section 18 of the ACL by 7-Eleven referred to in paragraphs 14 to 17 of the VID182 SOC;

8. The questions of law or fact common between the claims of the Applicants and the Group Members against the Bank are:

   (a) Whether the Banks Loan Contracts contained the terms referred to in paragraphs 30 and 31 of the VID182 SOC;

   (b) Whether the Guarantees contained the terms referred to in paragraph 19 of the VID182 SOC;

   (c) Whether the Bank, in advancing loan funds to the Represented Franchisees and/or entering into the Guarantees, breached one or more of the terms in (a) and (b) above;

   (d) Whether the Group Members are entitled to recover loss and damage as a consequence of the contraventions of section 12CB of the ASIC Act by 7-Eleven referred to in paragraphs 43 and 44 of the VID182 SOC.

Representative action

9. The Applicants bring this application as a representative party under Part IVA of the *Federal Court of Australia Act 1976* (Cth).

10. These proceedings are brought as representative proceedings by the Applicants on behalf of themselves and all persons (**Group Members**) who:

   (a) (**Nominated Director**) who were or commenced to be the nominated directors identified in a standard-form franchise agreement (**Franchise Agreement**) with 7-Eleven at any time between 20 February 2012 and 19 February 2018 (**Relevant Period**);

   (b) (**Guarantors**) who provided indemnities, guarantees, mortgages or other securities (**Guarantees**) in respect of a Franchisee's obligations under a Franchise

Agreement or Bank Loan Contract entered into by a Franchisee during the Relevant Period;

and who have suffered loss and damage as a result of the conduct of either or both of 7-Eleven or the Bank, alleged in the VID182 SOC.

Applicants' address

The Applicants' address for service is

Stewart A Levitt, Levitt Robinson Solicitors

PO Box 850, Darlinghurst NSW 1300

711@levittrobinson.com

Service on the Respondent

It is intended to serve this application on the Respondent.

Date: 2. 3. 20

Stewart A Levitt

Solicitor for the Applicants

Schedule

No: VID182/2018

Federal Court of Australia
District Registry: Victoria
Division: General

Second Applicant:	KHUSHBU DAVARIA
Third Applicant:	JATINDER PAL SINGH
Fourth Applicant:	SUMAN MEET KAUR

Second Respondent:	ANZ BANKING GROUP LIMITED