NOTICE OF FILING

Details of Filing

Document Lodged:	Statement of Claim - Form 17 - Rule 8.06(1)(a)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
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File Number:	NSD106/2022
File Title:	CREDIT SUISSE VIRTUOSO SICAV-SIF CREDIT SUISSE (LUX) SUPPLY CHAIN FINANCE FUND v INSURANCE AUSTRALIA LIMITED (ACN 000 016 722) & ORS
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Registrar

Important Information

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 date of the filing of the document is determined pursuant to the Court's Rules.

Form 17
Rule 8.05(1)(a)

Filed pursuant to Order of Thawley J dated ~~24 July 2025~~ 21 July 2025

BCC/TMMA/TMNF Amended Statement of Cross-claim

No. NSD 106 of 2022

Federal Court of Australia

District Registry: New South Wales

Division: General

CREDIT SUISSE VIRTUOSO SICAV-SIF IN RESPECT OF THE SUB–FUND CREDIT SUISSE (LUX) SUPPLY CHAIN FINANCE FUND

Applicant

INSURANCE AUSTRALIA LIMITED (ACN 000 016 722) and others named in the Schedule

First Respondent

BCC TRADE CREDIT PTY LTD (ACN 608 296 233) and others named in the Schedule

First Cross-claimant

MARSH LIMITED and another named in the Schedule

First Cross-respondent

PRELIMINARY MATTERS

A. If, contrary to any of their defences in this proceeding, any one or more of BCC Trade Credit Pty Ltd (ACN 608 296 233), Tokio Marine Management (Australasia) Pty Ltd (ACN 001 488 455) or Tokio Marine & Nichido Fire Insurance Co., Ltd. (ARBN 000 438 291) (together, **Cross-claimants**) is liable to the Applicant (**Credit Suisse**) for any of the relief sought in the originating application, the Cross-claimants advance the following pleadings by way of cross-claim.

Filed on behalf of (name & role of party) BCC Trade Credit Pty Ltd, Fourth Respondent, Cross-claimant and Cross-respondent; Tokio Marine Management (Australasia) Pty Ltd (ACN 001 488 455), Sixth Respondent, Cross-claimant and Cross-respondent; and Tokio Marine & Nichido Fire Insurance Co., Ltd. (ARBN 000 438 291), Seventh Respondent, Cross-claimant and Cross-respondent

Prepared by (name of person/lawyer) Matt Andrews

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B. Capitalised terms have the same meaning as in the Cross-claimants' defences to Credit Suisse's ~~Seventh~~ Ninth Amended Statement of Claim (~~7~~**ASOC**) filed on ~~14 April 2025~~ 2 July 2026.[1]

A. PARTIES

1. The Cross-claimants are the Fourth, Sixth and Seventh Respondents in this proceeding.

2. The First Cross-respondent, Marsh Limited (**Marsh**):

   i. is the Eighth Respondent in this proceeding;

   ii. was a company incorporated under the laws of England and Wales;

   iii. was a subsidiary of Marsh & McLennan Companies, Inc., a publicly listed company on the New York Stock Exchange; and

   iv. provided insurance broking and risk advisory services under the name "Marsh".

3. The Second Cross-respondent, Marsh Pty Ltd (ACN 004 651 512) (**MPL**):

   i. was a company duly incorporated under the Corporations Act;

   ii. was a subsidiary of Marsh & McLennan Companies, Inc., a publicly listed company on the New York Stock Exchange;

   iii. provided insurance broking and risk advisory services under the name "Marsh";

   iv. was the holder of an Australian financial services licence (licence no. 238983), issued under s 913B of the Corporations Act, which permitted MPL to carry on, in Australia, the business of providing financial product advice for general insurance products and dealing in general insurance products; and

   v. carried on a financial services business in this jurisdiction within the meaning of s 911A of the Corporations Act.

4. At all material times, Marsh and MPL (**Marsh Parties**):

   i. jointly provided broking services to the Greensill Group under the name "**Marsh**" in respect of insurance policies issued by BCC as authorised representative of IAL, including the Policy (**Marsh Broking Services**);

[1] For the avoidance of doubt, references to the allegations in other pleadings in this Statement of Cross-Claim include references to those pleadings as subsequently amended from time-to-time, as the case may be.

ii. placed the Policy in Australia under the authority of MPL's Australian financial services licence no. 238983;

iii. provided the Marsh Broking Services for a common commercial benefit (the receipt of commissions);

iv. provided the Marsh Broking Services through the conduct of employees of both entities, including:

i. Julian Macey-Dare (Marsh);

ii. Edward Smith (Marsh);

iii. Angus Ward (Marsh); and

iv. Ewen Berkemeier (MPL); and

v. in the premises, jointly made the Marsh Authority Representation, Marsh Limits Representation and Marsh Policy Response Representation.

5. Further, Marsh:

i. provided some of the Marsh Broking Services in Australia and some of the Marsh Broking Services outside of Australia;

ii. to the extent Marsh provided the Marsh Broking Services in Australia:

a. Marsh provided some of the Marsh Broking Services directly; and

b. Marsh procured, requested, instructed or directed MPL to provide other parts of the Marsh Broking Services; and

iii. in the premises, carried on business in Australia within the meaning of s 5 of the *Competition and Consumer Act 2010* (Cth) (**Competition and Consumer Act**) and s 12AC of the *Australian Securities and Investments Commission Act 2001* (Cth) (**ASIC Act**).

B. CROSS-CLAIM AGAINST THE MARSH PARTIES FOR CONTRIBUTION

6. Without admission and for the purposes only of this Cross-claim, the Cross-claimants refer to and repeat the allegations in Credit Suisse's ~~7~~ASOC.

7. If, and to the extent that, the Court finds that:

a. any one or more of the Cross-claimants (**Liable Cross-claimant(s)**) is liable to Credit Suisse for any loss alleged in the ~~7~~ASOC; and

b. the Marsh Parties (or either one of them) are liable to Credit Suisse for the same loss, on the basis of the matters pleaded in the ~~7~~ASOC,

then (subject to s 1041P of the *Corporations Act*, s 12GT of the *ASIC Act,* s 87CF of the *Competition and Consumer Act* and s 36 of the *Civil Liability Act*), the Marsh Parties are liable to contribute to the Liable Cross-claimant(s) an amount that is just and equitable, by reason of equitable contribution and/or section 5 of the *Law Reform (Miscellaneous Provisions) Act 1946* (NSW) and/or section 12 of the *Law Reform (Miscellaneous Provisions) Act 1965* (NSW).

Date: ~~22 August 2025~~ 28 July 2026

Signed by Matt James Andrews
Lawyer for the Cross-claimants
By his partner, Raylee Joy Hartwell

This pleading was prepared by Peter Braham SC, Justin Williams SC, James Hutton SC, Julie Granger, ~~and~~ Jerome Entwisle, Daniel Reynolds, Daniel Farinha, Stephen Thomson and Christopher Beshara of counsel.

Certificate of lawyer

I, ~~Matt James Andrews~~ Raylee Joy Hartwell, certify to the Court that, in relation to the Cross-claim filed on behalf of the Cross-claimants, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: ~~22 August 2025~~ 28 July 2026

Signed by Raylee Joy Hartwell as partner of
Matt James Andrews, Lawyer for the Cross-claimants

Schedule

No. NSD 106 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: General

Respondents

Second Respondent:	Greensill Bank AG
Third Respondent:	Dr Michael C. Frege in his capacity as Insolvency Administrator for Greensill Bank AG
Fourth Respondent:	BCC Trade Credit Pty Ltd (ACN 608 296 233)
Fifth Respondent:	Greg Brereton
Sixth Respondent	Tokio Marine Management (Australasia) Pty Ltd (ACN 001 488 455)
Seventh Respondent	Tokio Marine & Nichido Fire Insurance Co., Ltd. (ARBN 000 438 291)
Eighth Respondent	Marsh Limited

GREENSILL BANK CROSS-CLAIM

First Cross-claimant	Greensill Bank AG
Second Cross-claimant	Michael Frege in his capacity as Insolvency Administrator for Greensill Bank AG
Cross-respondent	Insurance Australia Limited (ACN 000 016 722)

BCC CROSS-CLAIM

Cross-claimant	BCC Trade Credit Pty Ltd (ACN 608 296 233)
First Cross-Respondent	Greensill Capital (UK) Ltd
~~Second Cross-respondent~~	~~Greensill Bank AG~~
~~Third~~ Second Cross-respondent	Greensill Capital Pty Ltd (in liquidation)

BCC/TMMA/TMNF CROSS-CLAIM

First Cross-claimant	BCC Trade Credit Pty Ltd (ACN 608 296 233)

Second Cross-claimant	Tokio Marine Management (Australasia) Pty Ltd (ACN 001 488 455)
Third Cross-claimant	Tokio Marine & Nichido Fire Insurance Co., Ltd. (ARBN 000 438 291)
First Cross-Respondent	Marsh Limited
Second Cross-respondent	Marsh Pty Ltd (ACN 004 651 512)

MARSH LIMITED FIRST CROSS-CLAIM

Cross-claimant	Marsh Limited
First Cross-respondent	UBS Asset Management (Europe) S.A.
Second Cross-respondent	UBS Asset Management Switzerland AG

MARSH LIMITED SECOND CROSS-CLAIM

Cross-claimant	Marsh Limited
First Cross-respondent	BCC Trade Credit Pty Ltd (ACN 608 296 233)
Second Cross-respondent	Greg Brereton
Third Cross-respondent	Insurance Australia Limited (ACN 000 016 722)
Fourth Cross-respondent	Tokio Marine & Nichido Fire Insurance Co., Ltd (ACN 000 438 291)
Fifth Cross-respondent	Tokio Marine Management (Australasia) Pty Ltd (CAN 001 488 455)