



HIGH COURT OF AUSTRALIA

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Details of Filing

File Number: S25/2023
File Title: Karpik v. Carnival PLC & Anor
Registry: Sydney
Document filed: Form 27B - Appellant's chronology
Filing party: Appellant
Date filed: 05 May 2023

Important Information

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**IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY**

BETWEEN:

SUSAN KARPIK

Appellant

and

CARNIVAL PLC (ARBN 107 998 443)

First Respondent

PRINCESS CRUISE LINES LIMITED

(A COMPANY REGISTERED IN BERMUDA)

Second Respondent

APPELLANT'S CHRONOLOGY

Part I: Certification

1. This chronology is in a form suitable for publication on the internet.

Part II: List of principal events leading to the litigation

	Date	Event	Reference
1.	25 September 2018	Mr Patrick Ho, a Canadian resident, used a travel agent to book a ticket and pay a deposit of CAD\$206 for him and his wife to travel on the cruise departing on 8 March 2020 from Sydney to Sydney via New Zealand. At the time of booking, Mr Ho was not provided with a copy of the passage contract or a link to the passage contract containing the class action waiver clause.	CAB 27; PJ [42], [44].

	Date	Event	Reference
2.	28 September 2018	A booking confirmation was sent to the travel agent but not Mr Ho.	CAB 28; PJ [47].
3.	8:16PM, 30 October 2018	Mr Ho is sent a booking confirmation email setting out, amongst other things, the fees payable if he cancelled.	ABFM 71-72. CAB 28; PJ [48]-[49].
4.	9:08PM, 30 October 2018	Mr Ho is sent a second booking confirmation which stated at the end of the email: “IMPORTANT NOTICE: Upon booking the Cruise, each Passenger explicitly agrees to the terms of the Passage Contract (https://www.princess.com/legal/passage_contract/). Please read all sections carefully as they affect the passenger’s legal rights.” Mr Ho did not click on the link at the end of the second email. If Mr Ho clicked on the link he would have been taken to a webpage with three different contracts and would have needed to login to the “Cruise Personalizer” to determine which contract applied to his booking (see ABFM 77).	ABFM 73-74, 77. CAB 28-29, 36; PJ [48], [50]-[51], [77].
5.	22 July 2019	Mr Ho logged into the Cruise Personalizer to view the details of his booking. A passage contract appeared when he logged into the Cruise Personalizer. He did not read that document. Mr Ho clicked ‘proceed’ as he could not access the website without first clicking this. (An example of that webpage is contained at ABFM 79 but with the text of the Australian terms and conditions).	CAB 30; PJ [55]-[57].

	Date	Event	Reference
6.	8 March 2020	The Ruby Princess departs from the Overseas Passenger Terminal at Circular Quay, Sydney, NSW.	CAB 15; PJ [1].
7.	19 March 2020	The Ruby Princess returns to the Overseas Passenger Terminal at Circular Quay, Sydney, NSW.	CAB 15; PJ [1].
8.	23 July 2020	Representative proceeding commenced.	
9.	1-2 and 9 July 2021	Stay application heard by Stewart J.	CAB 11.
10.	10 September 2021	Stewart J delivered judgment.	CAB 5-109.
11.	14 and 15 February 2022	Appeal heard by Allsop CJ, Rares and Derrington JJ.	CAB 128.
12.	2 September 2022	Allsop CJ, Rares and Derrington JJ deliver judgment.	CAB 123- 264.
13.	12 October 2022	Initial trial of the applicant's claims in the representative proceeding commenced.	

Dated: 5 May 2023



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