

IN THE HIGH COURT OF AUSTRALIA  
SYDNEY REGISTRY

No. S285 of 2019

BETWEEN:

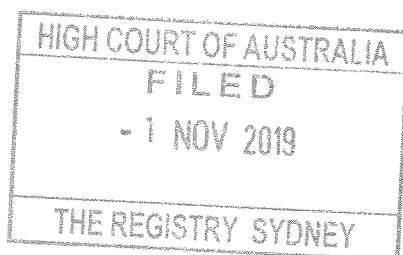
**DAVID MOORE**

Appellant

and

**SCENIC TOURS PTY LTD**

Respondent



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### APPELLANT'S CHRONOLOGY

#### Part I:

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

#### Part II:

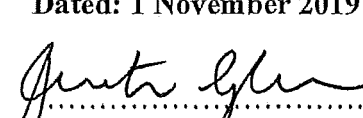
Date	Event	Reference to Core Appeal Book (volume, page and paragraph number)
October 2011	The Appellant ( <b>Moore</b> ) obtains brochure from Harvey World Travel Warners Bay for cruises offered by the Respondent ( <b>Scenic</b> ).	1/CAB 26-27 [75] 2/CAB 309 [92]
15 December 2011	Moore books 15 day 'Jewels of Europe' river cruise ( <b>Cruise 8</b> ) and pays initial \$500 deposit.	1/CAB 28 [80] 2/CAB 317 [101]
21 May 2012 to 14 January 2013	During this period, Moore pays the full amount for Cruise 8.	1/CAB 43 [137] 2/CAB 317 [102]
Sometime after January 2013	Moore signs Scenic's terms and conditions.	1/CAB 43 [138]

Date	Event	Reference to Core Appeal Book (volume, page and paragraph number)
3 June 2013	Cruise 8 commences in Amsterdam, on board the Scenic Ruby.	1/CAB 29 [88] 2/CAB 318 [108]
5 June 2013	Due to high water levels, passengers on Cruise 8 take bus trip to Marksburg Castle, arriving back to the ship at 12:30am the following day.	1/CAB 156 [633] 2/CAB 318-319 [108]
6 June 2013	Cruise 8 is forced to dock in Koblenz due to high water levels.	1/CAB 156-157 [635] 2/CAB 319 [109]
7 June 2013	Passengers on Cruise 8 travel a total of six hours by bus for an excursion to Marktheidenfeld. Some cruising takes place overnight.	1/CAB 157 [636] 2/CAB 319 [111]
8 June 2013	Passengers on Cruise 8 disembark the Scenic Ruby in Wiesbaden and travel by coach to their excursions and onwards to join the Scenic Jewel in Bamberg, docked in an abandoned industrial area.	1/CAB 157 [637] 2/CAB 319 [112]
9 June 2013 to 11 June 2013	Cruise 8 remains docked in Bamberg, with passengers undertaking excursions by bus.	1/CAB 158 [639] 2/CAB 319 [113]
12 June 2013	Cruise 8 moves very slowly towards Regensburg, with some excursions cancelled.	1/CAB 158 [640] 2/CAB 320 [114]
13 June 2013	Passengers on Cruise 8 travel a total of seven hours by bus for an excursion to Munich.	1/CAB 158 [641] 2/CAB 320 [115]
14 June 2013	Passengers on Cruise 8 disembark the Scenic Jewel and travel to Vienna. Moore arranges his own transport by train, while	1/CAB 158 [642] 2/CAB 320 [116]

Date	Event	Reference to Core Appeal Book (volume, page and paragraph number)
	other passengers undertake a lengthy bus trip.	
15 June 2013 to 17 June 2013	Cruise 8 proceeds largely as scheduled, except that high water prevents the evening cruise, and passengers disembark in Budapest.	1/CAB 159 [643] 2/CAB 320 [117]
29 July 2014	Moore commences representative proceedings in the Supreme Court of New South Wales: <i>Moore v Scenic Tours Pty Ltd</i> , 2014/223271	-
31 August 2017	Primary judge (Garling J) delivers substantive judgment: <i>Moore v Scenic Tours Pty Ltd (No. 2)</i> [2017] NSWSC 733	1/CAB 5-223
15 November 2017	Garling J makes orders and enters answers to common questions: <i>Moore v Scenic Tours Pty Ltd (No. 3)</i> [2017] NSWSC 1555	1/CAB 224-243
30 November 2017	Scenic files a Summons Seeking Leave to Appeal in the New South Wales Court of Appeal: <i>Scenic Tours Pty Ltd v Moore</i> , 2017/292822	-
24 October 2018	Court of Appeal (Payne JA, Sackville and Barrett AJJA) delivers judgment and makes orders: <i>Scenic Tours Pty Ltd v Moore</i> [2018] NSWCA 238	2/CAB 261-447
31 October 2018	Scenic files Amended Notice of Appeal (in accordance with leave granted by the Court)	2/CAB 248-260
7 November 2018	Court of Appeal delivers judgment on costs and enters answers to common questions:	2/CAB 448-464

Date	Event	Reference to Core Appeal Book (volume, page and paragraph number)
	<i>Scenic Tours Pty Ltd v Moore (No. 2)</i> [2018] NSWCA 300	
21 November 2018	Moore files an Application for Special Leave to Appeal: <i>Moore v Scenic Tours Pty Ltd</i> , S298/2018	-
13 September 2019	High Court (Bell, Keane and Gordon JJ) grants Moore special leave to appeal	2/CAB 495
24 September 2019	Moore files a Notice of Appeal and Notice of a Constitutional Matter.	2/CAB 496-498

Dated: 1 November 2019

  
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