

10 IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY



No. S315 of 2019

BENOY BERRY
First Appellant

GLOBAL SECURE CURRENCY LTD (Company Number 05127761)
Second Appellant

CCL SECURE PTY LTD ACN 072 353 452
Respondent

20

FIRST AND SECOND APPELLANTS' CHRONOLOGY

PART I: CERTIFICATION

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

PART II: CHRONOLOGY

	Date	Event	Source/Reference
1.	2003	Dr Berry begins working with Securrency with the common goal of introducing polymer banknotes to Nigeria.	FFC[8] CAB157
2.	2004	Dr Berry incorporates, Second Appellant GSC. as a special purpose vehicle.	PJ[48] CAB23
3.	2 February 2006	Effective commencement date of the Agency Agreement (backdated from March 2007 version).	PJ[93] CAB36 FFC[11] CAB158 ABFM58
4.	9 May 2006	Dr Berry transfers 40% share in GSC to Mr Harding on the basis of Mr Chapman's instruction that the Securrency board wanted Mr Harding to hold the share.	PJ[87] CAB34
5.	3 June 2006	Mr Brown and Mr Wilmshurst meet with Dr Berry in Mumbai to negotiate Dr Berry's agency agreement.	PJ[89] CAB35 PJ[94] CAB38
6.	5 June 2006	Nigerian Security Printing and Minting PLC (NSPM) places an order with Securrency for 20,000 reams of polymer for the printing of N20 denomination.	PJ[98] CAB39
7.	11 March 2007	Mr Chapman meets Dr Berry at London Heathrow airport and gives him the second version of the Agency Agreement, referring to ECOWAS territories.	PJ[95] CAB38

	Date	Event	Source/Reference
8.	9 July 2007	Mr Chapman emails Mr Ellery and attaches JH Marketing's 2006 company profile.	PJ[106] CAB41
9.	27 July 2007	Paladin Limited is incorporated in the Seychelles (and subsequently changed its name to SPT on 26 May 2008).	PJ[124] CAB47 PJ[243] CAB80-81 FFC[151] CAB198
10.	1 August 2007	Mr Curtis writes to Dr Berry proposing a variation of the Agency Agreement.	PJ[113] CAB42 ABFM97
11.	15 August 2007	Mr Chapman's Memorandum to Mr Ellery and Mr Brown refers to Dr Berry's " <i>ongoing health issues</i> " and proposes SPT Ltd and JH Marketing (Africa 2000) Ltd.	PJ[114] CAB43 FFC[121] CAB191 ABFM100
12.	20 August 2007	Mr Ellery writes to Mr Chapman enclosing copy of draft Agency Agreement for JH Marketing (Africa 2000) Ltd.	PJ[124] CAB47 FFC[151] CAB198
13.	20 November 2007	Contec commences arbitration proceedings in respect of the CERPAC project.	PJ[9] CAB12
14.	20 or 21 November 2007	Dr Berry, Mr Brown and Governor Soludo meet at the Metropole Hotel. Governor Soludo seeks a commitment from Securrency in regards to the opacification plant.	PJ[137] – [143] CAB50-AB52 FFC[110] AB188 - 189
15.	3 – 5 December 2007	Mr Brown, Mr Chapman and Mr Mamo prepare and comment on drafts of letter addressed to the Governor.	PJ[145] – [151] CAB52-AB54 FFC[161] CAB200
16.	31 December 2007	Retrospective date of termination of the Agency Agreement according to the Termination Letter.	PJ[13] CAB13 PJ[221] CAB75 FFC[16] CAB160
17.	1 January 2008	Effective date of agency agreements with JH Marketing (Africa 2000) Ltd.	PJ[175] CAB61 FFC[226] CAB215
18.	1 January 2008	Effective date of SPT's appointment as agent.	PJ[159] CAB57 FFC[123] - [126] CAB191 - 192
19.	1 January 2008	Securrency internal 'Request for appointment of an agent' document for SPT	PJ[152] CAB54 FFC[118] CAB190

	Date	Event	Source/Reference
20.	15 January 2008	Securrency writes to SPT Ltd stating it will conduct due diligence, with a view to the eventual appointment of SPT Ltd as agent for Nigeria, but states <i>“In the interim, we are happy for you to perform some of the agency functions we have discussed.”</i>	PJ[158] – [160] CAB56-57
21.	23 January 2008	NSPM (the Mint) revalidates an order for 10,000 reams of opacified polymer from Securrency.	PJ[161] CAB57
22.	21 or 26 January 2008	Mr Chapman’s handwritten note to Mr Ellery requesting release for Dr Berry due to his <i>“continuing ill health which is necessitating extended hospital stays in India and preventing Dr Berry’s travel to Nigeria.”</i> Mr Ellery makes a notation dated 30 January 2008, to the effect that <i>“Hugh Brown confirmed the above to be correct”</i> .	PJ[164] - [171] CAB58-60 FFC[121], [124]- [126] CAB191-192 ABFM102
23.	6 February 2008	JH Marketing (Africa 2000) Ltd executes an agency agreement with Securrency for the territory of Nigeria & ECOWAS States.	PJ[175] CAB61 FFC[226] CAB215
24.	11 February 2008	Securrency writes to NSPM and accepts the revalidated order from 23 January 2008.	PJ[176] CAB61 FFC[226] CAB215
25.	13-14 February 2008	Mr Ellery writes to and emails Mr Chapman (CC Mr Brown and Mr Curtis) attaching the termination letter to Dr Berry and a copy of the execution page of the JH marketing agreement.	PJ[178]-[180] CAB62 FFC[226] CAB215
26.	24 February 2008	Mr Chapman meets Dr Berry at Dr Berry’s home in London. Dr Berry signs the Termination Letter dated 14 February 2008 which purported to terminate the Agency Agreement from 31 December 2007.	PJ[182], [183] CAB63 FFC[136]-[138] CAB194-195
27.	9 March 2008	Numerous text messages from Mr Chapman to Dr Berry regarding legal structure and draft document.	PJ[232] – [234] CAB78
28.	16 March 2008	Two letters from Mr Chapman to GSC one dealing with the conditions for the consideration of supply of Guardian Polymer substrate, the other dealing with the conditions in respect of an opacification plant.	PJ[237] CAB79 FFC[100] CAB186

	Date	Event	Source/Reference
29.	24 March 2008	Meeting between Mr Chapman, Dr Berry and Governor Soludo at the Metropole Hotel London.	PJ[240] CAB80 FFC[110] CAB188-189
30.	30 June 2008	Hypothetical termination date found by the Full Court (based on cl 3.2 notice being given on 1 June 2008).	FFC[228] CAB216
31.	14 August 2008	Final award is published in the Contec arbitration.	PJ[258] CAB83
32.	18 – 20 August 2008	Dr Berry and Mr Chapman exchange text messages.	PJ[261] – [262] CAB84-CAB85
33.	25 August 2008	Mr Ellery, on behalf of Securrency, sends a letter to SPT Ltd Seychelles' address, confirming SPT Ltd's appointment as agent of Securrency.	PJ[264] CAB85
34.	29 September 2008	Text from Dr Berry to Mr Chapman regarding discussions with Governor Soludo.	PJ[268] CAB86
35.	15 – 28 November 2008	Text messages between Dr Berry and Mr Chapman asking when Mr Chapman would be back in the UK and making arrangements to meet at Dr Berry's house.	PJ[271] CAB86
36.	May 2009	Media reports allege Securrency engaged in bribery.	PJ[275] CAB87
37.	Early 2009	Mr Chapman causes his company Swingaxle to make payments to Mr Okoyomon of NSPM with funds from SPT.	PJ[17] CAB14 PJ[163] CAB58 PJ[244] CAB81
38.	16 March 2009	NSPM places further order for 16,000 reams of polymer substrate of N5, N10 and N50 denominations.	PJ[274] CAB87
39.	3 June 2009	Text message from Dr Berry to Mr Chapman stating that he is " <i>staying action just on your word and hoping something positive materialises</i> ".	PJ[276] CAB88
40.	29 September 2009	Letter of demand from Dr Berry to Securrency.	PJ[287] CAB91

	Date	Event	Source/Reference
41.	1 – 5 October 2009	Mr Ellery seeks comments from Mr Brown and Mr Chapman in response to Dr Berry’s letter of demand.	PJ[293] – [297] CAB92-CAB93
42.	19 April 2010	Dr Berry sends a “Notice of Dispute” to Securrency.	PJ[298] CAB93
43.	July/ August 2010	Board of Securrency resolves to terminate all agents worldwide (2010 Policy Decision).	PJ[301] CAB94 PJ [324] CAB102 FFC[174] CAB203
44.	30 October 2010	Alternative termination date for Agency Agreement if calculated by reference to 2010 Policy Decision.	FFC[200]-[201] CAB210

10

Dated: December 2019



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