

SHORT MINUTES OF ORDER

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Equity
Registry	Sydney
Case number	2015/171592

TITLE OF PROCEEDINGS

Plaintiffs	John Smith and Rosemary Smith
Defendants	Australian Executor Trustees Limited

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Equity
Registry	Sydney
Case number	2015/306222

TITLE OF PROCEEDINGS

Plaintiffs	Innes Creighton
Defendants	Australian Executor Trustees Limited

The Court orders that:

- 1 The time for compliance with order 5 of the orders made on 3 October 2017 (service of opt out notices) be extended to 5pm on 30 October 2017.
- 2 The time for compliance with order 6 of the orders made on 3 October 2017 (plaintiffs' notification to other parties regarding opt out notices) be extended to 3 November 2017.
- 3 The time for compliance with order 7 of the orders made on 3 October 2017 (defendant and cross-defendants' notification of their positions on proposed opt out notices) be extended to 9 November 2017.
- 4 In place of order 8 made on 3 October 2017, by 13 November 2017, the Plaintiffs file and serve a motion, or competing motions as the case may be, seeking orders:
 - (a) approving a form of notice (**Smith opt out notice**) proposed to be given to persons who are group members of both proceeding 2015/171592 (**Smith**

Proceeding) and the Creighton Proceeding for the purpose of section 162 of the *Civil Procedure Act 2005* (NSW) (**Act**);

- (b) approving a form of notice (**Creighton opt out notice**) proposed to be given to persons who are group members of the Creighton Proceeding only for the purpose of section 162 of the Act;
- (c) approving notices from each Plaintiff (**further notices**) proposed to be given to persons who are group members of both the Smith Proceeding and the Creighton Proceeding with the Smith Opt Out Notice pursuant to section 175 of the Act; and
- (d) as to:
 - (i) the proposed manner and timing of the giving of the Smith opt out notice, the Creighton opt out notice and the further notices; and
 - (ii) the selection, appointment and costs of an independent lawyer for the purpose of assisting persons who are group members of both the Smith Proceeding and the Creighton Proceeding in making an election as to which proceeding (if any) of which that group member wishes to remain part.

5 In place of order 9 made on 3 October 2017, in the event that the Defendant or one of the Plaintiffs disputes one or both of the Opt Out Application(s):

- (a) By 13 November 2017, the parties to the dispute file and serve any evidence in relation to the Opt Out Application(s);
- (b) By 20 November 2017, the parties to the dispute file and serve their submissions in relation to the Opt Out Application(s); and
- (c) By midday on 23 November 2017, the parties to the dispute file and serve any submissions in reply in relation to the Opt Out Application(s).

Date: 25 October 2017