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Ball J

Form 3A (version 4)
UCPR 6.2

SHORT MINUTES OF CONSENT ORDER

24 May 2017

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Equity
List	Representative Proceedings
Registry	Sydney
Case number	2016/86790

TITLE OF PROCEEDINGS


First plaintiff	Australian Retirement Group Pty Limited ACN 097 623 704
Second Plaintiff	Peter Walsh
Defendant	Commonwealth Bank of Australia ACN 123 123 124


FILING DETAILS

Filed for	First and Second Plaintiffs
Legal representative	Jan Saddler, Shine Lawyers
Contact name and telephone	Jan Saddler, (07) 3006 6061
Contact email	jsaddler@shine.com.au

Short Minutes

1. The Plaintiffs provide security for the costs of the Defendant in the proceeding up to the commencement of trial by way of bank guarantee in the sum of \$3,300,000.
2. The security be payable in the following tranches:
 - (a) \$363,000 for work to date within 28 days of the date of this order;
 - (b) \$693,000 within 28 days of orders being made for the Defendant to serve its lay evidence;
 - (c) \$231,000 within 28 days of orders being made for the Defendant to serve its expert evidence;
 - (d) \$1,221,000 within 28 days of orders being made for disclosure;
 - (e) \$132,000 within 28 days of orders being made for any ADR/settlement discussions; and
 - (f) \$660,000 within 28 days of the proceeding being listed for trial.
3. If the Plaintiffs fail to make any of the payments by the date specified in order 2, the proceeding be stayed.
4. The Plaintiffs pay the Defendant's costs of the motion from 5 May 2017 and the remainder of the Defendant's costs of the motion be costs in the cause.


for Jan S. Miller
Solicitor for the Plaintiffs


Solicitor for the Defendant

24 May 2017