

<b>FILE NO :</b>	<b>19/147031:</b> <b>20/359004</b>
<b>PARTIES :</b>	Cornish Group Spring Farm v Council of Camden Danny MOUSSA v Camden Council
<b>DIVISION :</b>	COMMON LAW
<b>DATES :</b>	14.3.2024
<b>CORAM :</b>	GARLING J

**GARLING J MAKES THE FOLLOWING ORDERS:**

1. Grant leave to the plaintiff to file a 2<sup>nd</sup> Further Amended Statement of Claim (2FASOC) in the form annexed to the Notice of Motion filed 12.2.2024.
2. Order that any such 2FASOC be filed and served on or before 4pm 21.3.24.
3. Order the plaintiff to pay the costs of and occasioned by the filing and service of the 2FASOC.
4. Order the 2<sup>nd</sup> defendant to pay the plaintiff's costs of the Notice of Motion filed on 12.2.24.
5. Exclude from that order for costs, any costs of the preparation, filing and service of the affidavit of Andre Adams filed 12.2.24 and any costs of obtaining the report of C&A Surveyors dated 5.2.24.
6. Order that the 1<sup>st</sup> and 3<sup>rd</sup> defendants pay their own costs of the Notice of Motion.
7. Reserve judgment on the plaintiff's Amended Notice of Motion dated 15.12.23.
8. Extend the time fixed by Order 13 of the orders of the Court made 12.12.23 up to and including 23.4.24.
9. Fix the matter for further directions before Garling J on 3.5.24.
10. Note that the parties intend to commence the mediation on 10.4.24 with The Hon J L Allsop SC.
11. Order that the contents of the affidavit of Andre Adams filed 12.2.24, be taken to be served as part of the plaintiff's evidence in chief on the proceedings.
12. Order that the expert report of Christopher P Hill Registered Surveyor dated 5.2.24, served on 6.2.24, be taken to be part of the plaintiff's evidence in chief on the proceedings.
13. Liberty to apply.

**GARLING J MAKES THE FOLLOWING FURTHER ORDERS in each of the matters presently listed before him:**

1. Order that the parties have leave to disclose or use any evidence including any documents produced or served in these proceedings in or for the purposes of the proceedings 19/147031, notwithstanding r21.7 of the UCPR 2005, or the implied undertaking recognised in *Hearne v Street* [2008] HCA 36.
2. Order that the parties have leave to disclose or use any evidence including any documents produced or served in these proceedings in or for the purposes of the

proceedings 20/359004, notwithstanding r21.7 of the UCPR 2005, or the implied undertaking recognised in *Hearne v Street* [2008] HCA 36.