

OUTCOME DETAILS

**Supreme Court - Civil
at Supreme Court Sydney
on 13 December 2019**

2017/00294069-001 / Statement of Claim: Haliburton Charles David Findlay v DSHE Holdings Ltd (receivers and managers appointed)(in liquidation)

HH makes orders in terms of short minutes of order as amended, initialled and dated today's date.

Short Minutes of Order

The Court orders that:

Previous Orders

1 Orders 8, 10, 11, 19 and 23 made 25 July 2019 be vacated.

2 Orders 10, 11 and 12 made 4 October 2019 be vacated.

Evidence

3 The time for Deloitte to serve their expert equity capital markets evidence be extended to 31 January 2020.

4 The time for Deloitte to serve their expert evidence regarding auditing, share price inflation and class action losses be extended to 20 February 2020.

5 The Class Action Plaintiffs and the Cross-Claimants to serve all evidence in reply to the evidence served pursuant to orders 3 and 4 by 20 March 2020.

6 The Plaintiffs in 2017/81927 and 2017/81938 to serve all of their evidence, other than any report of Ms Holly Etlin in reply to the Defendants' evidence served in response and any lay evidence required to prove the information relied on by Ms Etlin by 20 December 2019.

7 The Plaintiffs in 2017/81927 and 2017/81938 to serve any report of Ms Holly Etlin in reply to the Defendants' evidence served in response and any lay evidence required to prove the information relied on by Ms Etlin by 27 January 2020.

Expert Conferences

8 The following Expert Conferences are to take place:

- (a) Accounting;
- (b) Ability to Pay Creditors;
- (c) Inventory;
- (d) Logistics;
- (e) Equity Capital Markets;
- (f) Auditing;

- (g) Share Price Inflation / Valuation;
- (h) Class Action Losses.

9 The Accounting Expert Conference is to commence in the week of 23 March 2020, and attended by:

- (a) Wayne Basford;
- (b) Michael Potter;
- (c) Chris Westworth;
- (d) Brian Morris; and
- (e) any expert retained by the Deloitte Parties who prepares a report that responds to Mr Basford's report(s), Mr Potter's reports dated 24 September 2018, 16 October 2018 or 20 June 2018 or Mr Westworth's reports in response to Mr Basford or Mr Potter.

The Joint Report of the Accounting Expert Conference is to be filed and served by 3 April 2020.

10 The Ability to Pay Creditors Expert Conference is to commence in the week of 10 February 2020 and attended by:

- (a) Martin Dougall;
- (b) Brian Silvia; and
- (c) any expert retained by the Deloitte Parties who prepares a report that responds to Mr Dougall's report or Mr Silvia's report.

The Joint Report of the Ability to Pay Creditors Expert Conference is to be filed and served by 2 March 2020.

11 The Inventory Expert Conference and the Logistics Expert Conference are to commence on or before the week of 16 March 2020.

The Joint Reports of the Inventory Expert Conference and the Logistics Expert Conference (if run separately) or the Joint Report of the joint Inventory and Logistics Expert Conference (if run jointly) are / is to be filed and served by 30 March 2020.

12 The Equity Capital Markets Expert Conference is to commence in the week of 23 March 2020, and attended by:

- (a) Rowan Johnston;
- (b) Stuart Nash; and
- (c) any expert retained by the Deloitte Parties who prepares a report that responds to the reports of Mr Rowan Johnston or Mr Nash

The Joint Report of the Equity Capital Markets Expert Conference is to be filed and served by 3 April 2020.

13 The Auditing Expert Conference is to commence in the week of 30 March 2020, and attended by:

- (a) Andrew Archer;
- (b) Chris Westworth;
- (c) Brian Morris; and

(d) any expert retained by the Deloitte Parties who prepares a report that responds to Mr Archer's report, Mr Morris' report or Mr Westworth's report concerning the audits / reviews conducted by Deloitte.

The Joint Report of the Auditing Expert Conference is to be filed and served by 10 April 2020.

14 The Share Price Inflation / Valuation Expert Conference is to commence in the week of 23 March 2020, and attended by:

- (a) Michael Potter;
- (b) Frank Torchio;
- (c) W Scott Dalrymple; and
- (d) any expert retained by the Deloitte Parties who prepares a report that responds to Mr Potter's reports dated 29 October 2019 or 20 June 2019, Mr Torchio's reports or Mr Dalrymple's report regarding share price inflation.

The Joint Report of the Share Price Inflation / Valuation Expert Conference is to be filed and served by 3 April 2020.

15 The Class Action Losses Expert Conference is to commence in the week of 13 April 2020, and attended by:

- (a) Dawna Wright;
- (b) W Scott Dalrymple; and
- (c) any expert retained by the Deloitte Parties who prepares a report that responds to Ms Wright's reports or Mr Dalrymple's report in response to Ms Wright.

The Joint Report of the Inventory Expert Conference is to be filed and served by 24 April 2020.

16 The parties are to comply with any reasonable direction given to them by the Facilitator with respect to:

- (a) the location of the Expert Conferences;
- (b) the experts to participate in the Expert Conferences;
- (c) the matters to be addressed by each expert in the Expert Conferences and / or the Joint Reports;
- (d) the documents or information to be provided to the Facilitator; and
- (e) the questions to be dealt with in the Joint Reports.

17 The Facilitator's fees and expenses with respect to each of the Expert Conferences, including any preparation for each of the Expert Conferences, are to be paid by the parties who have retained experts participating in the relevant Expert Conference in proportion to the number of experts participating in the relevant Expert Conference.

Common Questions

18 The Defendants to proceedings 2017/294069 and 2018/52431 to provide the Class Action Plaintiffs with any proposed revisions to the revised list of common issues of law or fact served on 26 November 2019 by 20 December 2019.

19 In the event no agreement is reached between the parties as to the common issues of law or fact, the Class Action Plaintiffs are to file and serve a notice of motion for determination of common issues, together with any evidence in support by 30 January 2020.

Pleadings

20 Not made.

21 Not made.

22 Not made.

Justice M Ball

Signed

Date