

# OUTCOME DETAILS

**Supreme Court - Civil  
at Supreme Court Sydney  
on 11 November 2021**

**2018/00076580-008, 2018/00076580-001, 2018/00076580-004, 2018/00076580-010, 2018/00076580-009 / Cross Summons 002: Gunns Plantations Limited (in Liquidation) v Andrew Gray (KPMG Partner), Summons: Giabal Pty Ltd v Gunns Plantations Limited (in Liquidation), Cross Summons 001: Andrew Gray (KPMG Partner) v Gunns Plantations Limited (in Liquidation), Cross Summons 004: Robert Watson and Erica Gay as the legal personal representatives for the estate of the late John Eugene Gay v Gunns Plantations Limited (in Liquidation), Cross Summons 003: Wayne Leonard Chapman v Andrew Gray (KPMG Partner)**

This matter is listed for Directions (Commercial) on 10 December 2021 9:45 AM before the Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 5 Minutes

The following hearing dates are vacated:

12 Nov 2021 09:45 AM

Reason: Application to vacate granted

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

Short Minutes of Order

The Court orders that:

1. The directions hearing listed on 12 November 2021 be vacated.
2. The Plaintiffs are to serve a proposed Second Further Amended Commercial List Statement (SFACLS) by 12 November 2021.
3. The Defendants are to inform the Plaintiffs whether they consent to the filing of the SFACLS by 26 November 2021.
4. If there is no objection to the filing of the SFACLS, it is to be filed and served by 30 November 2021.
5. If the SFACLS is filed and served in accordance with Order 4 above:
  - 5.1 the Plaintiffs are to pay the Defendants' costs thrown away by reason of the amendments to the SFACLS;
  - 5.2 the Defendants are to file and serve any Commercial List Response to the SFACLS by 21 December 2021;
  - 5.3 the Cross Claimants are to file and serve any Amended Commercial List Cross-Claim Statements by 21 December 2021;
  - 5.4 any Defendant wishing to file a new Cross Claim, to serve any proposed Commercial List Cross Claim Statement by 21 December 2021;

5.5 the Cross-Defendants to any Commercial List Cross-Claim Statements served in accordance with Order 5.4 are to inform the Cross-Claimants whether they consent to the filing of any such Commercial List Cross-Claim Statements by 11 January 2021;

5.6 if there is no objection to the filing of Commercial List Cross-Claim Statements, those pleadings are to be filed and served by 18 January 2021;

5.7 the Cross-Defendants are to file and serve any Commercial List Cross-Claim Responses to any Commercial List Cross-Claim Statements filed in accordance with Order 5.6 by 11 February 2022; and

5.8 the Plaintiffs are to file and serve any Replies to any Commercial List Response by 11 February 2022.

6. Order 5 of the orders made on 6 September 2021 be vacated.

7. If any party the subject of Order 3 does not consent to the filing of the proposed SFACLS, the Plaintiffs are to file and serve any notice of motion seeking leave to file the Proposed SFACLS and any supporting affidavit by 3 December 2021.

8. The Proceedings be listed for a directions hearing on 10 December 2021.

9. Liberty to restore on 3 days' notice.

Justice M Ball

Signed

Date