

## OUTCOME DETAILS

**Supreme Court - Civil  
at Supreme Court Sydney  
on 13 September 2023**

**2019/00122037-006 / Notice of Motion Civil - Lendlease Corporation Limited v David William Pallas & Julie Ann Pallas as trustees for the Pallas Family Superannuation Fund**

The following hearing dates are vacated:

15 Sep 2023 09:15 AM

Reason: Directions of List Judge

Other Reason: Matter transferred to Court of Appeal

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**2019/00122037-001 / Summons: David William Pallas & Julie Ann Pallas as trustees for the Pallas Family Superannuation Fund v Lendlease Corporation Limited**

The following hearing dates are vacated:

15 Sep 2023 09:15 AM

Reason: Application to vacate granted

Other Reason:

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

### Short Minutes of Order

1 Pursuant to Uniform Civil Procedure Rules 2005 (UCPR) rule 1.21(1), the proceedings be removed into the Court of Appeal for the purpose of the Court of Appeal hearing and determining the question set out in paragraph 2 pursuant to UCPR r 28.2.

2 Pursuant to UCPR 28.2, the Court of Appeal hear and determine the following question (Question):

Notwithstanding the decision in *Wigmans v AMP Ltd* (2020) 102 NSWLR 199 and having regard to the decision in *Parkin v Boral Ltd* (2022) 291 FCR 116, does the Supreme Court of NSW have power pursuant to sections 175(1), 175(5) and 176(1) of the Civil Procedure Act 2005 (NSW) (CPA) or otherwise to approve a notice to Group Members of the right to register to participate in any settlement of the proceedings or opt out of the proceedings for the purposes of CPA section 162 containing the following notation: Upon any settlement of this proceeding the parties, alternatively, the defendant, will seek an order, which, if made, has the effect of providing that any Group Member who by a registration date: (i) has not registered; or (ii) has not opted out in accordance with the orders made by the Court, will remain a Group Member for all purposes of this proceeding but shall not, without leave of the Court, be permitted to seek any benefit pursuant to any settlement (subject to Court approval) of this proceeding that occurs before final judgment.

3 The costs of any contradictor appointed by the Court of Appeal for the hearing of the Question be paid by the defendants.

4 The directions hearing listed on 15 September 2023 be vacated.

5 The matter be listed before the Registrar of the Court of Appeal on 18 September 2023.

Notation:

1 Section 162(4) of the Civil Procedure Act 2005 (NSW) provides that except with the leave of the Court, the hearing of representative proceedings must not commence earlier than the date before which a group member may opt out of the proceedings.

2 The form of opt out notice to be distributed to group members cannot be agreed between the parties and/or submitted for approval by the Court until the Court of Appeal determines the Question.

3 The parties request that the Question be heard and determined expeditiously.

Acting Chief Judge in Equity M .Ball

Signed

Date