

OUTCOME DETAILS

**Supreme Court - Civil
at Supreme Court Sydney
on 16 October 2023**

**2018/00353304-001 / Summons: Ashita Tomi Pty Ltd as trustee for Esskay Super Fund
v RCR TOMLINSON LTD trading as RCR Tomlinson Ltd**

The following hearing dates are vacated:

03 Nov 2023 10:00 AM

Reason: Application to vacate granted

Other Reason:

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

Short Minutes of Order

THE COURT NOTES:

1 The Plaintiffs and the Defendant have agreed to settle the Proceeding on the terms and conditions set out in the Deed of Settlement and Release dated 12 September 2023 (the Settlement Deed) (the RCR Settlement).

2 The RCR Settlement requires approval of the Supreme Court of New South Wales (Court) under s 173 of the Civil Procedure Act 2005 (NSW) (the Act).

3 The Plaintiffs and Defendant are conferring with respect to the application for approval of the RCR Settlement and have agreed to the below orders being made in the interim.

THE COURT ORDERS BY CONSENT

4 The directions hearing on 3 November 2023 be vacated.

5 Subject to: (i) any further order of the Court; and (ii) the Defendant having complied with its payment obligations under clause 2.1(a) of the Settlement Deed, the Defendant is relieved of its obligations to comply with any extant procedural order in the Proceeding and is not required to take any steps in relation to the Proceeding other than in accordance with these orders or as may be required to obtain approval of the RCR Settlement.

6 Not made.

7 Liberty to apply.

Acting Chief Judge in Equity M Ball

Signed

Date