

OUTCOME DETAILS

**Supreme Court - Civil
at Supreme Court Sydney
on 29 May 2020**

2017/00193375-001 / Summons: TW McConnell Pty Ltd ACN 000 217 890 as trustee for the McConnell Superannuation Fund v SURFSTITCH GROUP LIMITED

This matter is listed for Hearing on 20 October 2020 10:00 AM before the Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 1 Days

VERDICT ORDER OR DIRECTION

I make the orders in the document entitled Short Minutes Order dated today's date and placed with the papers.

SHORT MINUTES ORDER

OTHER MATTERS

The Court notes that:

A. By agreeing to these orders, the Contradictor does not consent to a grant of leave pursuant UCPR, 20.24(2) for the plaintiff to adduce its proposed further evidence on costs filed on 25 and 26 May (further costs evidence) at the approval hearing, and reserves the right to object to some or all of that evidence.

B. In the event that the Contradictor seeks to issue notices to produce or subpoenas in relation to the further costs evidence, the Contradictor is to seek liberty to apply for such further orders as may be appropriate.

TERMS OF ORDER MADE BY THE COURT BY CONSENT

1. By 9 June 2020, the defendants file and serve any affidavits and written submissions in respect of the settlement approval application and a schedule of any objections to the plaintiff's evidence.

2. By 12 June 2020, the Contradictor (to the extent that he wishes to object to the proposed settlement or any term of the Settlement Distribution Scheme) file and serve:

a. Any written submission in support of his objection to the proposed settlement (including any submission concerning the grant of leave for the plaintiff to adduce the further costs evidence); and

b. A schedule of objections to the plaintiff's evidence, including any objections to the granting of leave pursuant to UCPR, 20.24(2) , stating the grounds for each objection.

3. By 17 June 2020, the plaintiff is to file and serve on the Contradictor and other parties:

- a. Any response to the evidentiary objections of the defendant and/or the Contradictor; and
 - b. Any submissions in reply (including any submission in reply concerning the grant of leave for the plaintiff to adduce the further costs evidence).
4. By 17 June 2020 the plaintiff is to serve on each party and the Contradictor an index of the proposed Court book (Plaintiff's Proposed Court Book Index) for the hearing of the plaintiff's application for approval of the settlement of the proceeding (Settlement Approval Application).
 5. By 12.00pm on 22 June 2020, the defendants and contradictor are to advise the Plaintiffs of any proposed amendments to the Plaintiff's Proposed Court Book Index.
 6. By 23 June 2020, the plaintiffs file and serve an electronic court book for the Settlement Approval Application that includes the documents included in the indexes prepared in accordance with orders 3 and 4 above.
 7. By 24 June 2020, the Deed Administrators file and serve an electronic court book in relation to their application filed in the proceedings on 6 May 2002 (Justification Application).
 8. No later than 5 working days before the hearing the plaintiff shall file, paginated and indexed, two copies of the Court Book intended to be tendered at the hearing. The index of documents should indicate:
 - a. Documents the tender of which is agreed and, in relation to the documents as to which there is no agreement, which documents they are and whether lodged on behalf of the plaintiff or on behalf of any other party to the proceedings, and, if so, which party;
 - b. On the body of any affidavit which is the subject of any unresolved objection, the portions of the affidavits which are the subject of any such objection.
 9. Compliance with orders 5 to 8 is to be by delivery to the trial Judge's Associate or, if the identity of the trial Judge is unknown at the time for compliance, by delivery to the List Judge's Associate.
 10. The hearing of the plaintiff's application for approval of the settlement of the proceedings and the Justification Application are listed to be heard at 10:00am on 20th October 2020 on an estimate of one day plus.
 11. The parties have liberty to apply on 48 hours' notice.
 12. Costs reserved.

Justice D Hammerschlag

Signed

Date