

**SUPREME COURT OF NEW SOUTH WALES**  
**ASSOCIATE'S RECORD OF PROCEEDINGS**

Reference:

**CLASS ACTION**

**FILE NO:** 2018/9555

**PARTIES:** Owen Brewster v BMW Australia Ltd

**DATE:** 21 August 2019 – CHAMBERS/no appearances

**CORAM:** SACKAR J

**APPEARANCES:** Counsel:

Plf: Mr J Sheahan QC, Ms R Mansted  
Def/ BMW: T Prince

**Solicitors:** Plf: Quinn Emanuel Urquhart & Sullivan (Damian Scattini)

Def: Ashurst Australia (John Pavlakis)

Adjourned: **To: 5 September – 2pm**  
**For: hearing of Opt out and Registration**  
**Application**  
**Before: Sackar J**

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**VERDICT/ORDER/DIRECTION**

**Expert Evidence**

1. Orders 12 – 15 of the orders entered 21 June 2019 are vacated.
2. The Plaintiff is to inform the Defendant of any proposed extension to the timing for the service of any expert reports in respect of liability and quantum on which he intends to rely, and any consequential proposed variation to the date in Order 12 of the orders entered 21 June 2019, by **30 August 2019**.

### **Opt Out and Registration Application**

3. The Plaintiff is to respond to the Defendant's proposed wording regarding an Opt Out and Registration notice and proposed distribution orders by **23 August 2019**.
4. The Defendant is to reply to any proposed changes by the Plaintiff regarding an Opt Out and Registration notice and proposed distribution orders by **2 September 2019**.
5. The hearing of the Opt Out and Registration Application is stood over to **5 September 2019** at **2:00pm** with an estimate of half a day.

### **Mediation**

6. Order 16 of the orders entered 21 June 2019 is varied so that mediation is to occur no later than **29 February 2020** and be conducted with a mediator as agreed by the parties by **22 November 2019**, or in default of agreement by that date, the Joint Protocol will apply.

### **Hearing**

7. Order 1 of the orders entered 6 November 2018 is varied so that the matter is listed for hearing on **4 May 2020** for 10 weeks.

### **Further Directions**

8. The parties have liberty to restore on 24 hours' notice.
9. Costs reserved.



