

<b>FILE NO</b> :	<b>2021/10183</b>
<b>PARTIES</b> :	<b>Christopher John DUNNE v Moin &amp; Associates Ltd</b>
<b>DIVISION</b> :	Common Law
<b>DATES</b> :	26.4.24
<b>CORAM</b> :	Garling J

**GARLING J MAKES THE FOLLOWING ORDERS:**

1. The settlement of the proceedings on the terms set out in the Settlement Deed entered into between the plaintiffs, the defendant and the group members dated 12.4.24 is approved pursuant to s 173 of the Civil Procedure Act 2005 (NSW).
2. Grant leave to the plaintiffs to discontinue the proceedings.
3. Order the plaintiffs to file a Notice of Discontinuance on or before 29.5.24.
4. Order that each of the parties to the proceedings is to pay his, her or its own costs of the proceedings.
5. Order that, pursuant to s 175(4) of the Civil Procedure Act 2005, and being satisfied that it is just so to do, the application for approval of the settlement of these proceedings made pursuant to s 173 of the Civil Procedure Act 2005, is to be heard and determined without any further notice being given to the group members.
6. Order that:
  - a) the Deed of Settlement and Release dated 12.4.24 made between the plaintiffs, the group members and the defendant; and
  - b) the Advice on Settlement of Mr Jackson Wherrett of counsel, which is undated, be marked "Confidential" and placed in a sealed envelope in the file, which is not to be opened or accessed without leave of a judge of the Supreme Court.
7. Vacate the direction shearing presently fixed for 16 May 2024.
8. For the avoidance of doubt, declare that the late Christopher Ross-Smith, Mrs Judith Ross-Smith and Mr Brian Townsend do not fall within the definition of group members contained in the Amended Statement of Claim filed 29.11.22, and further, that they have no entitlement to participate in the approved settlement of these proceedings.
9. Liberty to apply.