

# OUTCOME DETAILS

**Supreme Court - Civil  
at Supreme Court Sydney  
on 6 September 2021**

**2018/00076580-022, 2018/00076580-008, 2018/00076580-023, 2018/00076580-004, 2018/00076580-010, 2018/00076580-009, 2018/00076580-001 / Cross Summons 005: Robin Gray v Catlin Australia Pty Ltd, Cross Summons 002: Gunns Plantations Limited (in Liquidation) v Andrew Gray (KPMG Partner), Cross Summons 006: Robin Gray v Wayne Leonard Chapman, Cross Summons 001: Andrew Gray (KPMG Partner) v Gunns Plantations Limited (in Liquidation), Cross Summons 004: Robert Watson and Erica Gay as the legal personal representatives for the estate of the late John Eugene Gay v Gunns Plantations Limited (in Liquidation), Cross Summons 003: Wayne Leonard Chapman v Andrew Gray (KPMG Partner), Summons: Giabal Pty Ltd v Gunns Plantations Limited (in Liquidation)**

This matter is listed for Directions (Commercial) on 12 November 2021 9:45 AM before the Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 5 Minutes

The Court has considered the respective position papers and is satisfied that it is appropriate to impose a guillotine order on the plaintiffs having regard to the extensive period of time the plaintiffs have had to serve their evidence and for which these proceedings have been on foot. The Court does not consider it appropriate to require the plaintiffs to serve a list of documents upon which they intend to rely at this point. His Honour is not persuaded by the plaintiff's submission that it is not now in a position to provide a draft of its proposed amendment. The Court has made the following orders:

1. Order 5 of the Short Minutes of Order made on 24 June 2021 is vacated.
2. The time for the plaintiffs to serve their lay and expert evidence is extended to 1 October 2021. Evidence not served in accordance with this direction may not be relied on without leave.
3. By 1 October 2021, the plaintiffs are to serve on the defendants any proposed Third Further Amended Summons and proposed Second Further Amended Commercial List Statement.
4. By 11 October 2021, any defendant who/which opposes the amendment is to notify the plaintiffs and the other parties in writing of that fact and to provide brief reasons why. If no defendant notifies any opposition, the plaintiffs may file and serve the amendments forthwith, in which event any amended Cross-Claim Response is to be filed and served not later than 21 days after service.
5. The parties are to confer with a view to identifying with precision, and agreeing, by 5 November 2021 the common questions of fact and law for determination at the initial trial.
6. The proceedings are stood over for directions to 12 November 2021.
7. Liberty to apply on three days' notice.

Justice D Hammerschlag

Signed

Date