

OUTCOME DETAILS

**Supreme Court - Civil
at Supreme Court Sydney
on 25 November 2022**

**2018/00076580-028 / Notice of Motion Civil - Giabal Pty Ltd v Wayne Leonard Chapman
ORDERS/DIRECTIONS:**

Orders made in accordance with the Short Minutes of Order, initialled by Stevenson J, dated today and placed with the papers.

Further discovery from Tenth and Eleventh Defendants

1. The directions hearing for the Plaintiffs' Motion dated 25 October 2022 (Motion) be vacated.
2. Pursuant to Rule 21.2 of the Uniform Civil Procedure Rules 2005 (NSW), the Tenth and Eleventh Defendants provide discovery of the documents referred to in the categories listed in Annexure A to these orders by 22 December 2022.
3. The Tenth and Eleventh Defendants serve a list of documents to be produced pursuant to Order 1 and provide electronic copies of the documents referred to in that list to the parties by no later than 22 December 2022, and in accordance with the Electronic Discovery Protocol set out in Annexure B to the affidavit of Benjamin Renfrey sworn 20 November 2018.
4. The Plaintiffs' Motion be dismissed with no order as to costs.
5. Such further or other order(s) as the Court deems fit.

Justice J Stevenson

Signed

Date

Annexure A

In this Annexure A, capitalised terms have the same meaning as set out in the Plaintiffs' Second Further Amended Commercial List Statement filed on 28 May 2022 unless otherwise stated. Any reference to "communications" includes "electronic communications" as defined in the *Electronic Transactions Act 2000* (NSW).

| No. | Category |
|-----|---|
| 1. | KPMG (the Firm)'s audit files, including but not limited to any audit work papers, draft audit reports, notes and communications, for each of the audits of Gunns Ltd financial statements for the 2007 to 2011 financial years to the extent those papers refer to the Gunns Financing and Security Arrangements. |
| 2. | Any communications located in the Tenth Defendant's electronic mail box(es) between 1 January 2007 and 1 October 2011 referring to the Gunns Financing and Security Arrangements. |
| 3. | KPMG (the firm)'s audit files, including but not limited to any audit work papers, draft audit reports, notes and communications in relation to the GPL statutory audit file (as referred to in KPG.001.005.0167 at KPG.001.005.0182) for the financial years 2007 to 2011 to the extent the GPL statutory audit file refers to the Gunns Financing and Security Arrangements and GPL's guarantee of Gunns Ltd's liabilities. |
| 4. | KPMG (the Firm)'s audit files, including but not limited to any audit work papers, draft audit reports, notes and communications in relation to the audit of GPL's compliance with its Australian Financial Services Licence audit file (as referred to in KPG.001.005.0167 at KPG.001.005.0182), for the financial years 2007 to 2011 to the extent the GPL statutory audit file refers to the Gunns Financing and Security Arrangements and GPL's guarantee of Gunns Ltd's liabilities. |