

OUTCOME DETAILS

**Supreme Court - Civil
at Supreme Court Sydney
on 4 December 2019**

**2018/00076580-019, 2018/00076580-018, 2018/00076580-020 / Notice of Motion Civil -
Gunns Plantations Limited (in Liquidation) v Giabal Pty Ltd**

Notice of Motion granted

HH gives leave to the first and second defendants to file in court notice of motion dated 3 December 2019 and affidavit of Irene Solomonidis sworn 3 December 2019.

HH makes an order in terms of paragraphs 1(a) and (b) of the first and second defendants' notice of motion dated 26 November 2019.

HH makes an order in terms of paragraph 1 of the first and second defendants' notice of motion dated 28 November 2019.

HH makes an order in terms of paragraph 1 of the first and second defendants' notice of motion dated 3 December 2019 and orders that paragraph 5 of the Notice to Produce served on 3 December 2019 also be set aside.

HH reserves the question of costs in relation to the discontinuance.

HH directs that the plaintiff pay the first and second defendants' costs of their notices of motion dated 26 November 2019, 28 November 2019 and 3 December 2019.

HH stands the matter over for directions on 13 December 2019.

Paragraphs 1(a) and (b) of the Notice of Motion dated 26 November 2019

1. Orders:

(a) revoking the leave granted to the Plaintiffs by order 1A made on 13 April 2018 pursuant to sub-section 500(2) of the Corporations Act 2001 (Cth) to commence and continue this Proceeding against the First and Second Defendants;

(b) granting leave to discontinue the Amended Second Cross-Claim Cross-Summons filed by the First and second Defendants on 31 August 2019.

Paragraphs 1 of the Notice of Motion dated 28 November 2019

1. The Notice to Produce to Court served by the Plaintiffs on the First and Second Defendants on 28 November 2019 be set aside.

Paragraphs 1 of the Notice of Motion dated 3 December 2019

1. Paragraphs 1 to 4 of the Notice to Produce to Court served by the Plaintiffs on the First and Second Defendants on 3 December 2019 be set aside.

**2018/00076580-004, 2018/00076580-009, 2018/00076580-008, 2018/00076580-010,
2018/00076580-001 / Cross Summons 001: Andrew Gray v Gunns Plantations Limited
(in Liquidation), Cross Summons 003: Wayne Leonard Chapman v Andrew Gray,
Cross Summons 002: Gunns Plantations Limited (in Liquidation) v Andrew Gray,
Cross Summons 004: John Eugene Gay v Gunns Plantations Limited (in Liquidation),
Summons: Giabal Pty Ltd v Gunns Plantations Limited (in Liquidation)**

This matter is listed for Directions (Commercial) on 13 December 2019 9:45 AM before the
Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 5 Minutes

HH stands the matter over for directions on 13 December 2019.

Justice M Ball

Signed

Date