

OUTCOME DETAILS

**Supreme Court - Civil
at Supreme Court Sydney
on 5 March 2021**

**2018/00076580-004, 2018/00076580-008, 2018/00076580-010, 2018/00076580-009,
2018/00076580-001 / Cross Summons 001: Andrew Gray (KPMG Partner) v Gunns
Plantations Limited (in Liquidation), Cross Summons 002: Gunns Plantations Limited
(in Liquidation) v Andrew Gray (KPMG Partner), 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 16 July 2021 9:45 AM before the Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 5 Minutes

VERDICT ORDER OR DIRECTION

His Honour has considered the respective position papers and does not propose to fix the matter for hearing or directing the defendants to serve their evidence until the plaintiff has served its evidence.

His Honour makes the Short Minutes of Order which His Honour has initialled, dated today's date and placed with the papers.

The proceedings are stood over to 16 July 2021.

Liberty to apply on three days' notice.

SHORT MINUTES OF ORDER

The Court orders that:

Pleadings

1. The time for the filing and service of List Responses by the 5th, 8th, 12th and 13th Defendants be extended to 12 March 2021.

Evidence

2. By 12 March 2021, the Plaintiffs are to confirm that the information provided to the other parties pursuant to order 1 of the Orders made by this Honourable Court on 12 December 2018 remains accurate and complete and, to the extent that the information does not remain accurate and complete, the Plaintiffs are to provide the other parties with further information necessary to enable the other parties to understand:

2.1 the areas of expertise in respect of which the Plaintiffs intend to rely on expert evidence; and

2.2 the general nature and extent of that expert evidence and the issues in the proceeding it will go to having regard to the Plaintiffs' Further Amended Commercial List Statement filed on 21 August 2020.

3. By 28 May 2021, the Plaintiffs are to serve any lay evidence and expert evidence upon which they intend to rely at the initial trial.

Cross-Claims

4. By 28 May 2021, the Cross-Claimants serve any lay evidence and expert evidence upon which they intend to rely in support of their cross-claim at the initial trial.

Discovery in the Proceedings from the Twelfth and Thirteenth Defendants

5. Given the application of Practice Note SC Gen 17, discovery in the proceedings from the Twelfth and Thirteenth Defendants is to be made electronically.

6. The Plaintiffs and the Twelfth and Thirteenth Defendants to confer with the view to agreeing by 2 April 2021:

6.1 the categories for discovery to be made by the Twelfth and Thirteenth Defendants;

6.2 the categories for discovery to be made by the Plaintiffs; and

6.3 if necessary, an Electronic Discovery Protocol.

7. To the extent that the parties do not reach agreement in accordance with Order 7 above, the parties may seek on or before 9 April 2021 to have the matter re-listed at the convenience of the Court no earlier than 16 April 2021.

8. In the absence of the matter being re-listed in accordance with order 9 above, the Twelfth and Thirteenth Defendants are to serve a list of documents to be produced pursuant to all agreed categories for discovery and provide an electronic copy of the documents contained in the list by 14 May 2021.

Identification of common questions

9. The parties are to confer with a view to identifying with precision and agreeing by 25 June 2021 the common questions of fact and law for determination at the initial trial.

10. Proceedings are listed on 16 July 2021.

11. Liberty to restore on 3 days' notice.

Justice D Hammerschlag

Signed

Date