

## OUTCOME DETAILS

**Supreme Court - Civil  
at Supreme Court Sydney  
on 20 March 2020**

**2019/00193556-001 / Summons: Kerry Michael Quirk v Suncorp Portfolio Services Limited in its capacity as trustee for the Suncorp Master Trust**

This matter is listed for Directions (Commercial) on 3 July 2020 9:45 AM before the Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 5 Minutes

I make the orders in the document entitled Short Minutes of Order which I have initialled, dated today's date and placed with the papers.

Justice D Hammerschlag

Signed

Date

20/03/20.

Forms 43 (Version 3), 44 (Version 3)  
UCPR 36.11, 36.1A

## SHORT MINUTES OF ORDER

### COURT DETAILS

Court	Supreme Court of New South Wales
Division	Equity Division
List	Commercial
Registry	Sydney
Case number	2019/193556

### TITLE OF PROCEEDINGS

Plaintiff	<u>Kerry Michael Quirk</u>
First defendant	<u>Suncorp Portfolio Services Limited in its capacity as trustee for the Suncorp Master Trust</u>
Number of defendants	<u>3</u>

### PREPARATION DETAILS

Prepared for	<b>Suncorp Portfolio Services Limited in its capacity as trustee for the Suncorp Master Trust, First Defendant</b>	
Legal representative	Alexander Basil Morris, King & Wood Mallesons	
Legal representative reference	ABM/AV	
Contact name and telephone	Armen Varvachtian	(02) 9296 2845, (02) 9296 2495
Contact email	alexander.morris@au.kwm.com armen.varvachtian@au.kwm.com	

### THE COURT ORDERS:

#### *Discovery*

- 1 The parties serve any proposed categories for discovery in the proceeding by 3 April 2020.
- 2 By 17 April 2020, each party is to provide a response in relation to any proposed categories of documents for discovery by that party, indicating:
  - (a) whether it or he agrees to the proposed categories; and
  - (b) to the extent it or he does not agree, why it or he does not agree and any alternative categories of documents it or he agrees to discover.

3 By 1 May 2020:

- (a) the parties are to email the Associate to Hammerschlag J short minutes of order in agreed form setting out any agreed categories for discovery and timetable for discovery in the proceeding, including for agreement on an electronic discovery protocol; or
- (b) if the categories for discovery proposed by any party are not agreed, that party is to file and serve any application for discovery, together with any affidavits in support of any such application, which is to be made returnable on a date, after 29 May 2020, to be determined as being mutually convenient to the parties and the Court.

4 If any party files an application of the kind referred to in Order 3(b) above, the other parties are to file any affidavits in response to it by 15 May 2020.

5 If any party files an application of the kind referred to in Order 3(b) above, that party is to file any affidavits in reply by 22 May 2020.

6 If any party files an application of the kind referred to in Order 3(b) above, each party is to file and serve on every other party any submissions it or he wishes to rely upon by 29 May 2020.

*Opt-out process: notices to group members and ancillary orders*

7 By 3 April 2020, the plaintiff serve on the defendants proposed notices to group members (“**Proposed Notices**”) and any proposed orders for the distribution of the Proposed Notices, the date to be fixed by the Court for the closure of the opt out notice period and related matters.

8 By 17 April 2020, the defendants are to provide the plaintiff with their comments on the Proposed Notices and proposed orders.

9 By 1 May 2020:

- (a) the parties are to email the Associate to Hammerschlag J short minutes of order in agreed form setting out proposed orders for the approval and distribution of the Proposed Notices; or
- (b) if the parties cannot agree, the plaintiff is to file and serve any application in respect of the Proposed Notices and any ancillary orders he seeks, together with any affidavits in support of any such application, which is to be made returnable on a date, after 29 May 2020, to be determined as being mutually convenient to the parties and the Court.

- 10 If an application of the kind referred to in Order 9(b) above is filed, the respondents are to file any affidavits in response to it by 15 May 2020.
- 11 If the plaintiff files an application of the kind referred to in Order 9(b) above, he is to file any affidavits in reply by 22 May 2020.
- 12 If the plaintiff files an application of the kind referred to in Order 9(b) above, each party is to file and serve on every other party any submissions it or he wishes to rely upon by 29 May 2020.

*Other*

- 13 The plaintiff have leave, nunc pro tunc, to file the Amended Summons which was filed on 20 December 2019.
- 14 The listing of this matter for directions on 20 March 2020 be vacated.

~~15~~ The parties are to liaise with a view to agreeing a date for the hearing of any application of the kind referred to in orders 3(b) or 9(b) above or, if no such application is to be filed, a date for a further case management conference, and are to approach the Associate to Hammerschlag J for the purpose of having the matter listed for that purpose.

15 Subject to any earlier listing the proceedings are listed for a further case management conference on 3rd July 2020

- 16 Liberty to apply on three clear days' written notice.

**SIGNATURES**

**Plaintiff**

Kerry Michael Quirk, the Plaintiff, consents.

Signature of legal representative



Capacity Solicitor on the record, Bill Petrovski

Date of signature 19 March 2020

**First Defendant**

Suncorp Portfolio Services Limited in its capacity as trustee for the Suncorp Master Trust, the First Defendant, consents.

Signature of legal representative

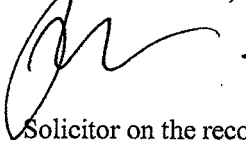
Capacity Solicitor on the record

Date of signature

**Second Defendant**

Geoffrey Edward Summerhayes, the Second Defendant, consents.

Signature of legal representative



Capacity

Solicitor on the record

Date of signature

18/03/2020 -

**Third Defendant**

Sean Carroll, the Third Defendant, consents.

Signature of legal representative

Capacity

Solicitor on the record

Date of signature

**SEAL & SIGNATURE**

Court seal

Signature

Capacity

Date

**NOTICE**

Subject to limited exceptions, no variation of a judgment or order can occur except on application made within 14 days after entry of the judgment or order.

**Second Defendant**

Geoffrey Edward Summerhayes, the Second Defendant, consents.

Signature of legal representative

Capacity

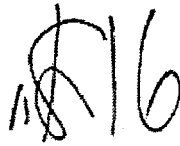
Solicitor on the record

Date of signature

**Third Defendant**

Sean Carroll, the Third Defendant, consents.

Signature of legal representative



Capacity

Solicitor on the record

Date of signature

19 March 2020

**SEAL & SIGNATURE**

Court seal

Signature

Capacity

Date

**NOTICE**

Subject to limited exceptions, no variation of a judgment or order can occur except on application made within 14 days after entry of the judgment or order.

**PARTY DETAILS**

**PLAINTIFFS**

Kerry Michael Quirk  
**Plaintiff**

**DEFENDANTS**

Suncorp Portfolio Services Limited in its capacity as  
trustee for the Suncorp Master Trust  
**First defendant**

Geoffrey Edward Summerhayes  
**Second Defendant**

Sean Carroll  
**Third Defendant**