

OUTCOME DETAILS

**Supreme Court - Civil
at Supreme Court Sydney
on 16 April 2021**

2019/00193556-003 / Notice of Motion Civil - Kerry Michael Quirk v Suncorp Portfolio Services Limited in its capacity as trustee for the Suncorp Master Trust

This matter is listed for Motion on 2 June 2021 10:00 AM before the Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 5 Minutes

The Court has considered the respective position papers and considers that the appropriate way to proceed is for there to be a hearing to determine which common questions are appropriate at this time for the initial trial (a Merck order), before dealing with the plaintiff's Motion for additional discovery.

The parties' attention is drawn to the approach taken in *Richmond Valley Council v JLT Risk Solutions Pty Ltd* [2021] NSWSC 383 with respect to the framing of common questions.

His Honour does not consider that there should be a page limit on submissions on the assumption that no limit is necessary to ensure appropriate brevity.

His Honour has made the following orders and directions:

1. The Motion for a Merck order is fixed for hearing on 2 June 2021.
2. By no later than 7 May 2021, the plaintiff is to circulate its statement of proposed common questions.
3. By no later than 21 May 2021, the defendants are to provide their responses to the plaintiff's formulations and provide their statement of proposed common questions.
4. In the week prior to 31 May 2021, the parties are to contact the Commercial List Researcher, Mr Tom St John (tom.stjohn@courts.nsw.gov.au) with respect to the platform on which the hearing will be held. At that time, his Honour is likely to be in a position to inform the parties as to who will be the hearing Judge.
5. The plaintiff's Motion for further discovery is stood over to 2 June 2021 for directions.
6. Liberty to apply on three days' notice.

Justice D Hammerschlag

Signed

Date