

Case: 2018/00310118 **OPEN**

Komlotex Pty Ltd v AMP LIMITED

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2018/00310118-001 / Statement of Claim: Komlotex Pty Ltd v AMP LIMITED /

ORDERS

Her Honour, Ward CJ in Eq, makes the following orders:

Evidence and Opt Out Orders

1. Order 5 made on 12 March 2020 be amended such that by 4.00pm on 11 August 2020 the Plaintiffs serve any material on quantum and materiality upon which it intends to rely at mediation on a without prejudice basis.
2. Order 6 made on 12 March 2020 be amended such that by 4.00pm on 7 October 2020 the Defendant serve any material on quantum and materiality upon which it intends to rely at mediation on a without prejudice basis.
3. Order 8 made on 12 March 2020 be amended such that 4.00pm (AEDT) on 7 July 2020 (Class Deadline) be fixed as the date on or before which a Group Member (as defined in the Amended Commercial List Statement) may opt out of the proceeding.
4. Order 14 made on 12 March 2020 be amended such that, by 4.00pm (AEDT) on 11 August 2020, the Plaintiffs must deliver to the solicitors for the Defendant (in electronic form), a de-identified version of the information referred to in order 12 made on 12 March 2020.
5. Pursuant to s 176(1) of the Civil Procedure Act 2005 (NSW) (the Act), the form and content of the notice (Notice to Group Members) in Schedule A and the abridged notice (Abridged Notice) in Schedule B be approved.
6. Pursuant to s 183 of the Act, the notice set out in Schedule C to this Order that is a modification of Form 115 (Opt Out Notice) be approved for this proceeding for the purpose of r 58.2(1) of the Uniform Civil Procedure Rules 2005 (NSW) (UCPR).
7. Pursuant to s 176(2) of the Act, notice is to be given to group members by no later than 4pm on 28 April 2020 according to the following procedure:
 - (a) the plaintiffs are to display the Notice to Group Members and Opt Out Notice on the plaintiffs' solicitor's website, www.mauriceblackburn.com.au, continuously until the Class Deadline;
 - (b) the plaintiffs are to deliver the Notice to Group Members and the Opt Out Notice to the contact email address where an email is available, or failing that, by ordinary mail, to each group member who is a client of the plaintiffs' solicitors or whom they are otherwise aware;
 - (c) the defendant is to cause the Notice to Group Members and the Opt Out Notice to be sent to each person or entity listed in the defendant's share register as having purchased shares in the defendant between 10 May 2012 and 13 April 2018 inclusive, such notices to be sent by email where an email address is available, or failing that, by ordinary mail;
 - (d) the plaintiffs are to cause an advertisement in the terms of the Abridged Notice (Schedule B) to be published in the legal notices or equivalent section in one week day edition of The Australian Financial Review.
8. The defendant will provide to the plaintiffs an estimate of the disbursement costs of the defendant in complying with Order 7(c) above, and the costs shall be paid by the plaintiffs in the first instance but shall be costs in the cause.
9. Pursuant to s 162(2) of the Act and r 58.2(1) of the UCPR, any group member who wishes to opt out of this proceeding must, on or before the Class Deadline, deliver an Opt Out Notice to the Registry of the New South Wales Supreme Court.
10. If, on or before the Class Deadline, the solicitors for any party receive a notice purporting to be an opt out notice referable to this proceeding, those solicitors are to file such notice in the Registry of the Supreme Court of New South Wales within 7 days of receiving it and the notice shall be treated as an Opt Out Notice received by the Court at the time when it was received by the solicitors.
11. The solicitors for the plaintiffs and the defendant be granted leave to inspect the Court file and to copy any opt out notices filed by group members.

Claim Registration

12. The form and content of the Registration Form referred to in order 11 of the order made on 12 March 2020, be approved in the form of Schedule D to these Orders.
13. The Notice to Group Members, the Abridged Notice, the Opt Out Notice and the Registration Form approved pursuant to Orders 3, 4 and 10 above, may be amended by the plaintiffs before they are emailed, posted, displayed or published in order to correct any website or email address or telephone number or other non- substantive error.

Mediation

14. Order 17 made on 12 March 2020 be amended such that mediation in this matter is to be conducted by no later than 20 November 2020.

Further Directions

15. The matter be listed for further directions on 30 November 2020.
16. The parties have liberty to apply on 48 hours' written notice.
(ID 49653761)