

**SUPREME COURT OF NEW SOUTH WALES
ASSOCIATES' RECORD OF PROCEEDINGS**

FILE NUMBER: 2018/00145792; 2018/00309329; 2018/00310082;
2018/00310103; 2018/00310118

NAME OF MATTER: Wigmans v AMP Ltd
Fernbrook v AMP Ltd
Wileypark v AMP Ltd
Georgiou v AMP Ltd
Komlotex v AMP Ltd

DATE: 23 May 2019

CORAM: Ward CJ in Eq

APPEARANCES:

Wigmans v AMP Ltd
Plaintiff: AM Hochroth
Defendant: I Ahmed

Fernbrook v AMP Ltd
Plaintiff: N Rapoport
Defendant: I Ahmed

Wileypark v AMP Ltd
Plaintiff: R Sandhu
Defendant: I Ahmed

Georgiou v AMP Ltd
Plaintiff: J Burnett
Defendant: I Ahmed

Komlotex v AMP Ltd
Plaintiff: G Donneelon
Defendant: I Ahmed

VERDICT, ORDER OR DIRECTION:

Judgment delivered.

Orders:

- 1) Pursuant to r 28.5 of the Uniform Civil Procedure Rules 2005 (NSW), order that proceeding 2018/310118 (the Komlotex proceeding) be consolidated with proceeding 2018/309329 (the Fernbrook proceeding) and that the consolidated proceeding be known as *Komlotex Pty Ltd v AMP Limited* (Consolidated proceeding).

- (2) Order that the plaintiff in the Komlotex proceeding and the plaintiff in the Fernbrook proceeding (together, the joint plaintiffs) be, respectively, the first plaintiff and the second plaintiff in the Consolidated proceeding.
- (3) Order that the joint plaintiffs be represented by one firm of solicitors (being, until further order, the current solicitors for the plaintiff in the Komlotex proceeding, Maurice Blackburn).
- (4) Order that the costs to date of each of the Komlotex proceeding and the Fernbrook proceeding be treated as costs in the Consolidated proceeding.
- (5) Order that the joint plaintiffs have liberty to seek, on any application for approval of a settlement of the Consolidated proceeding or for approval of costs following judgment, orders for approval of the costs referred to in order 4 above.
- (6) Subject to the payment into Court on behalf of the joint plaintiffs of the sum of \$5 million as security for the defendant's costs (without prejudice to the defendant's ability from time to time to seek the provision of further security order, pursuant to s 67 and s 183 of the Civil Procedure Act 2005 (NSW) and in the inherent power of the Court, that the following proceedings be permanently stayed:
 - (i) 2018/00145792 (Wigmans v AMP Limited);
 - (ii) 2018/310082 (Wileypark Pty Ltd v AMP Limited); and
 - (iii) 2018/310103 (Andrew Georgiou v AMP Limited).
- (7) Reserve the question of the costs of the various motions brought by the plaintiffs in each of the proceedings referred to in order 6 above and the costs of the plaintiff in the Komlotex proceeding in respect of its notices of motion seeking a stay of the proceedings referred to in order 6 above; with a view to dealing with the question of costs on the papers.
- (8) Liberty to apply on 48 hours' notice.
- (9) List the matter for directions on Wednesday, 29 May 2019 at 9.30am.