

OUTCOME DETAILS

**Supreme Court - Civil
at Supreme Court Sydney
on 16 September 2020**

2018/00009555-001 / Statement of Claim: Owen Brewster v BMW AUSTRALIA LTD
consent short minutes of order. The Court orders:

- 1 Pursuant to rule 9.1 of the Uniform Civil Procedure Rules 2005 (NSW), the Court gives leave to the Defendant to file and serve the Cross-Summons at Annexure A of these orders (Cross-Summons).
- 2 Pursuant to rule 28.2 of the Uniform Civil Procedure Rules 2005 (NSW), the Court makes an order for the separate decision of the following question of law: Does the Court have the power pursuant to s 173 of the Civil Procedure Act 2005 (NSW) to make an order requiring group members in this matter who have not signed a litigation funding agreement with Regency Funding Pty Ltd to pay an amount to that funder out of the proceeds of any settlement by way of return on expenditure, commission or other similar remuneration to the funder?
- 3 Pursuant to rule 1.21(1)(a) of the Uniform Civil Procedure Rules 2005 (NSW) the proceedings be removed into the Court of Appeal for determination of the question.
- 4 The notice of motion filed by the Plaintiff on 14 August 2018 be dismissed with costs reserved.
- 5 Costs of this notice of motion be reserved.

Justice J Sackar

Signed

Date