

**SHORT MINUTES OF ORDER****COURT DETAILS**

Court	Supreme Court of New South Wales
Division	Equity
Registry	Sydney
Case number	2015/306222

**TITLE OF PROCEEDINGS**

Plaintiff	<b>Innes Creighton</b>
Defendant	<b>Australian Executor Trustees Limited ACN 007 869 573</b>

**COURT DETAILS**

Court	Supreme Court of New South Wales
Division	Equity
Registry	Sydney
Case number	2015/171592

**TITLE OF PROCEEDINGS**

Plaintiffs	<b>John Smith and Rosemary Smith</b>
Defendant	<b>Australian Executor Trustees Limited ACN 007 869 573</b>

**FILING DETAILS**

Filed for	<b>Marcus Jonathon Anderson Laithwaite and others</b> Cross Defendants to the Second Cross Claims
Filed in relation to	<b>Second Cross Claims</b>
Legal representative	Moira Saville, King & Wood Mallesons
Legal representative reference	602-0020449
Contact name and telephone	Amanda Beattie (02) 9296 2583
Contact email	amanda.beattie@au.kwm.com

**THE COURT ORDERS THAT:**

1. AET, the Cross Claimant to the Second Cross Claims, give discovery of all documents in its possession, power or custody which fall under the categories set out in Schedule 1 to these Orders.
2. The discovery to be given by AET pursuant to order 1 is to be given:
  - (a) by 15 December 2017, with such discovery to be given in tranches as the documents become available for discovery;
  - (b) to all parties to the proceedings.

3. Costs in respect of the Notice of Motion dated 29 September 2017 be costs in cause.
4. AET is to provide a further proposed Amended Statements of Cross Claim in the Second and Third Cross Claims by 20 November 2017.
5. The proceedings be listed for further directions on 24 November 2017.

## Schedule 1

### Categories of documents for discovery from AET

No.	Description
4	Any reports prepared by or for AET, the Receivers of Provident Capital Limited ( <b>Provident</b> ) or the Liquidators of Provident which refer to or evidence whether and when Provident was insolvent, and/or the financial position of Provident.
7	All board minutes, board reports or management reports for the period 2004 to June 2012 prepared by or for I.O.O.F Australia Trustees (NSW) Limited ( <b>I.O.O.F. (NSW)</b> ), AET or IOOF Holdings Limited which refer to Provident.
8	Any internal audit reports referring or relating to AET's or I.O.O.F (NSW)'s role as trustee of Provident for the period 2004 to 2012.
9	All external audit reports or reviews or reports to management by the auditors of I.O.O.F (NSW) or AET referring or relating to AET's or I.O.O.F (NSW)'s role as trustee of Provident, including, but not limited to, any audit conducted in respect of I.O.O.F (NSW)'s or AET's Australian Financial Service licence in the period 2004 to 2012 and FS70 and FS71 forms lodged with ASIC.
10	Any compliance or risk management review or report referring or relating to AET's or I.O.O.F (NSW)'s role as trustee of Provident for the period 2004 to 2012.
11	<del>All documents received or dispatched by AET acting as trustee of Provident in the period 2004-2012.</del>

**Notes:** The word "document" in the above categories has the same meaning as in the *Interpretation Act 1987* (NSW).

