

## OUTCOME DETAILS

**Supreme Court - Civil  
at Supreme Court Sydney  
on 28 June 2021**

**2016/00086790-001 / Statement of Claim: Australian Retirement Group Pty Limited v  
The Commonwealth Bank of Australia Limited**

This matter is listed for Directions (Commercial) on 8 October 2021 9:45 AM before the  
Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 5 Minutes

The Court has considered the respective position papers. In light of the opposition (including on the grounds of delay) to the plaintiffs' proposed reliance on an additional four affidavits, the Court declines to grant the plaintiffs leave to serve and rely upon serving such evidence at this stage.

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The Court considers that the appropriate way forward is for the plaintiff to serve the proposed additional four affidavits and then for it to bring a Motion for leave to rely on them coupled with an application for a ruling under s 192A of the Evidence Act 1995 (NSW) as to their admissibility.

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The Court has made the following orders.

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1. The plaintiffs are to serve the expert report of Graham Anderson by 13 August 2021 and the defendants are to serve any evidence in reply to it by 24 September 2021.

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2. By no later than 13 August 2021, the plaintiffs are to serve on the defendant the additional four affidavits (or statements of evidence described in paragraph 2 of the plaintiff's position paper for 25 June 2021) together with a Motion (supported by affidavit) for leave to rely on that material and for advance rulings with respect to it under s 192A of the Evidence Act 1995 (NSW). The Motion is to be made returnable on 3 September 2021.

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3. The matter is stood over for directions to 8 October 2021.

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4. Liberty to apply on three days' notice.

Justice D Hammerschlag

Signed

Date