

## ORDER

### COURT DETAILS

|             |                                  |
|-------------|----------------------------------|
| Court       | Supreme Court of New South Wales |
| Division    | Common Law                       |
| List        | Professional Negligence          |
| Registry    | Sydney                           |
| Case number | 2017/279308                      |

### TITLE OF PROCEEDINGS

|                      |   |
|----------------------|---|
| Plaintiff            | <b>AMY RICKHUSS</b>   |
| Number of plaintiffs | 5   |
| First defendant      | <b>The Cosmetic Institute Pty Ltd (in liquidation)<br/>(ACN 153 061 155)</b>                |
| Second defendant     | <b>The Cosmetic Institute Parramatta Pty Limited (in liquidation)<br/>(ACN 144 469 036)</b> |
| Third defendant      | <b>TCI Bondi Junction Pty Limited (in liquidation)<br/>(ACN 165 531 895)</b>                |
| Fourth defendant     | <b>TCI Southport Pty Ltd (in liquidation)<br/>(ACN: 605 603 423)</b>                        |
| Fifth defendant      | <b>Eddy Dona</b>  |
| Number of defendants | 5   |

### PREPARATION DETAILS

|                                |   |
|--------------------------------|---|
| Prepared for                   | <b>The plaintiffs</b>   |
| Legal representative           | Armando John Gardiman<br>Turner Freeman<br>Level 12<br>160 Sussex Street<br>SYDNEY NSW 2000 |
| Legal representative reference | Sally.Gleeson:\M161245.U44  |
| Contact name and telephone     | Sally Gleeson 02 8222 3333  |

**TERMS MADE BY THE COURT:**

1. Pursuant to 162(1) of the *Civil Procedure Act*, the date before which group members may opt out of the proceedings be fixed at 15 July 2019.
  - (a) Pursuant to section 175 of the *Civil Procedure Act*, the Opt-out Notice annexed to these orders be given to group members according to the following procedure:
    - (i) On or before 13 May 2019, the plaintiffs to cause the Notice to be displayed on the website of the plaintiffs' solicitors, <http://www.turnerfreeman.com.au>, and to remain so displayed.
    - (b) On or before 13 May 2019, the plaintiffs to post the abridged Notice on the plaintiffs' solicitors' Facebook page and Twitter account.
    - (c) On or before 13 May 2019, the plaintiffs to cause a paid advertisement in terms of the abridged Notice to be advertised on Facebook, Twitter and Instagram, in accordance with paragraph 19(b) of the affidavit of Sally Gleeson sworn 2 May 2019.
    - (d) Pursuant to 58.2 of the *Uniform Civil Procedure Rules* the plaintiffs' solicitors to provide the fifth defendant with a list of persons who have filed and served opt out notices by 30 July 2019.
2. The fifth defendant to provide discovery, including serving a list of discovered documents, in accordance with rule 21.2 of the *Uniform Civil Procedure Rules* in response to the plaintiffs' classes of documents dated 8 March 2019 (and agreed to by the fifth defendant on 1 April 2019), by 24 May 2019.
3. By 24 May 2019, the fifth defendant to provide to the plaintiffs an affidavit identifying those documents over which he claims privilege and the basis for the claim for privilege, those documents being in packet S14 as produced by the liquidator on 26 March 2019 (claim for privilege made on 18 April 2019).
4. Plaintiff to file and serve any application for access to the documents referred to in the previous order by 7 June 2019.
5. Plaintiffs' Notice of Motion filed 17 April 2019 seeking default judgment against the first to fourth defendants be dismissed.
6. Leave to apply before Garling, J on 24 hours' notice.
7. Matter listed for further Directions before Garling, J on 1 August 2019, 9:30 am.

**SIGNATURES**

**PLAINTIFF**

Amy Rickhuss and Ors,  
the Plaintiffs consent.

Signature of legal representative

Capacity

Armando Gardiman  
Solicitor for the Plaintiffs by his Partner, Sally Gleeson

Date of signature

**FIRST, SECOND, THIRD AND  
FOURTH DEFENDANTS**

The Cosmetic Institute Pty Ltd &  
ORS, the first to fourth defendants  
consent.

Signature of legal representative

Signature of or on behalf of party if  
not legally represented

Capacity

Date of signature

**FIFTH DEFENDANT**

Eddy Dona, Fifth defendant,  
consents.

Signature of legal representative

Signature of or on behalf of party if  
not legally represented

Capacity

Solicitor for the Fifth defendant

Date of signature

**SEAL AND SIGNATURE**

Court seal

Signature

Capacity

Date made or given

Date entered

**NOTICE**

Subject to limited exceptions, no variation of a judgment or order can occur except on application made within 14 days after entry of the judgment or order.