

GARLING J MAKES THE FOLLOWING ORDERS:

1. Pursuant to s 177(1)(e) of the *Civil Procedure Act* 2005 (NSW) (the Act), the defendant pay damages (together with pre-judgment interest to 26.8.2022) to the group members identified in Annexure A attached to these orders in respect of their claims under s 267(3)(b) of the Australian Consumer Law (the Reduction in Value Claims) in the following total sums:
 - a. \$8,389,633.66
 - b. CA\$954,158.02
 - c. US\$262,297.79
 - d. NZ\$243,629.29.
2. Of the total amounts payable pursuant to Order 1, the amount payable to each group member is the amount set out in the column headed 'Damages + Interest' in the table in Annexure A to these orders. (Defendant to provide an agreed form or annexure A within 7 days)
3. The amounts set out at Order 1 above, namely the following sums in respect of the Reduction in Value Claims of the group members identified in Annexure A to these orders:
 - a. \$8,389,663.66
 - b. CA\$954,158.02
 - c. US\$262,297.79
 - d. NZ\$243,629.29be dealt with in accordance with Orders 9 to 11 made on 24.6.22.
4. Order 19 made on 24.6.22 be vacated.
5. The defendant to pay the plaintiff's costs of the proceedings up to 26.8.22 as agreed or assessed.
6. The Court answers common questions in accordance with the document entitled 'Common Questions & Answers' filed in Court today by the plaintiff.
7. On the defendant's undertaking to the Court to pursue its Summons for Leave to Appeal and/or Notice of Appeal with all due dispatch, enforcement of Orders 1 and 6 above be stayed, and Order 4 be stayed until the determination of the defendant's Summons for Leave to Appeal and/or Notice of Appeal.
8. The defendant to advise the plaintiff whether they consent to the orders set out in the plaintiff's draft Notice of Motion annexed to these orders ('the Draft Motion) by 4pm 31.8.22.
9. In the event that the defendant does consent to the orders set out in the Draft Motion, the parties are to deliver short minutes to the Associate to Justice Garling by 4pm Monday 5.9.22.
10. In the event that the defendant does not consent to the orders set out in the Draft Motion:

- a. the plaintiff is to file and serve any Motion in the form of the Draft Motion, along with any supporting evidence, by 4pm Monday 5.9.22;
 - b. the defendant is to file and serve any evidence in opposition to the Motion by 4pm Monday 19.9.22;
 - c. the plaintiff is to file and serve any evidence in reply by 4pm Monday 26.9.22;
 - d. the parties are to file and serve any written submissions (no more than 5 pages) by 4pm Friday 11.11.22;
 - e. the motion be listed for hearing before Justice Garling on 8.12.22.
11. Fix the motion for hearing before Garling J on 8.12.22.
 12. Stand the proceedings over for directions before Garling J 8.12.22.
 13. Liberty to apply.
 14. The Court notes that the defendant's Summons for Leave to Appeal (2022/140758) and Notice of Appeal (2022/136307) seeking to appeal from the orders made in these proceedings, are listed for concurrent hearing before the NSW Court of Appeal on 26-28 October 2022.

