

OUTCOME DETAILS

**Supreme Court - Civil
at Supreme Court Sydney
on 6 September 2018**

2018/00076580-001 / Summons: Giabal Pty Ltd v Gunns Plantations Limited (in Liquidation)

I make the orders in the document entitled Consent Order which I have initialled, dated today's date and placed with the papers.

1. The Plaintiffs provide a total sum of \$70,000 in security for the first stage of costs of the Third and Fifth to Ninth Defendants (Defendants) in these proceedings up to close of pleadings (Security).

2. The Security will be made by way of a payment into a controlled monies account in the joint names of the solicitors on the record for the Plaintiffs and the Defendants on or before 3 October 2018 (subject to any restrictions/delays imposed by the bank issuing the controlled monies account)

3. Upon final orders being made in these proceedings:

3.1 the applicable amount of the Security will be paid to the Defendants within two business days :

(a) of an order that the Plaintiffs pay the Defendants' costs; and

(b) the Plaintiffs and the Defendants agreeing the quantum of costs, or failing agreement, the Defendants obtains a certificate of determination of costs which is registered as a judgement with the Supreme Court of NSW, or

3.2 the applicable amount of Security (plus any interest) will be paid to the Plaintiffs within two business days where :

(a) no order has been made that the Plaintiffs pay the Defendants' costs;

(b) any costs order in favour of the Defendants is less than any costs order in favour of the Plaintiffs; or

(c) there is remaining Security (plus any interest) after the payment to the Defendants in accordance with orders 3.1 (a)-(b) above.

4. The Plaintiffs and the Defendants may by agreement direct payment of the Security on terms other than those set out in order 3.

5. The Plaintiffs have liberty to apply to the Court to substitute the form of the Security on 5 business days' notice to the Defendants.

6. The Defendants are riot precluded from applying for further security in relation to future costs in these proceedings.

7. The hearing of the Defendants' Motion seeking security for costs listed for 9.15am on 7 September 2018 be vacated.
8. There be no order as to costs in respect of the Defendants' Motion filed on 6 July 2018.

Justice D Hammerschlag

Signed

Date