

# OUTCOME DETAILS

**Supreme Court - Civil  
at Supreme Court Sydney  
on 28 February 2020**

**2018/00353304-001 / Summons: Ashita Tomi Pty Ltd as trustee for Esskay Super Fund  
v RCR TOMLINSON LTD trading as RCR Tomlinson Ltd**

This matter is listed for Directions (Commercial) on 24 April 2020 9:45 AM before the Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 5 Minutes

VERDICT ORDER OR DIRECTION made by HH Justice Hammerschlag:

1. I make the orders in the document entitled Proposed Orders which I have initialled, dated today's date and placed with the papers.
2. The proceedings are stood over to the directions list on 24th April 2020.
3. Parties have liberty to apply on three days' notice.

## TERMS OF ORDER MADE BY THE COURT BY [CONSENT]

Amended Summons

1. The Plaintiffs be granted leave to file and serve:
  - (a) an Amended Summons to correct the matters raised in the letter from the solicitors for the Plaintiffs to the solicitors for the Third Defendant dated 25 September 2019; and
  - (b) an Amended Commercial List Statement (ACLS) to correct the matters raised paragraph 5 in the letter from the solicitors for the Plaintiffs to the solicitors for the Third Defendant dated 18 October 2019, and make any other corrections in respect of any other matters to which the defendants consent, prior to filing the ACLS.
2. By 6 March 2020, the Plaintiffs are to file the Amended Summons and Amended Commercial List Statement mentioned in order 1 above.
3. By 13 March 2020, the Third Defendant is to file and serve his Commercial List Response to the Amended Commercial List Statement.

Common fund order:

4. Orders 7 and 8 of the orders made by his Honour, Justice Hammerschlag on 8 November 2019 (8 November 2019 Orders), be set aside.
5. Any person who has given an undertaking to the Court pursuant to Order 8 of the 8 November 2019 Orders be released from such undertaking.
6. The orders made by his Honour Justice Hammerschlag on 15 August 2019 be varied nunc pro tunc such that Orders 2.1 and 2.2 of those orders be struck out.

Evidence and discovery:

7. By 6 March 2020, the parties are to confer and endeavour to agree upon the form and scope of the disclosure process.
8. By 8 April 2020, the Plaintiffs are to:
  - (a) serve any lay evidence upon which they intend to rely; and
  - (b) serve a document identifying the nature of any expert evidence upon which they intend to rely.
9. The matter be listed for further directions on 24 April 2020.
10. Liberty to restore on 3 days' notice.

Justice D Hammerschlag

Signed

Date