

# OUTCOME DETAILS

**Supreme Court - Civil  
at Supreme Court Sydney  
on 4 March 2022**

**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 3 June 2022 9:45 AM before the Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 5 Minutes

**VERDICT ORDER OR DIRECTIONS**

The Court has considered the respective position papers and the Affidavit of Damian John Scattini affirmed 3 March 2022 and considers the plaintiff should be given the extension it seeks but that a guillotine order should be imposed. The Court does not consider that the extension will have any material impact on the date this matter will come to trial.

1. His Honour Justice Hammerschlag makes the orders in the document entitled Short Minutes of Order which are initialled, dated today's date and placed with the paper.
2. The matter is stood over for Directions to 3 June 2022.
3. Liberty to apply on three days' notice.

**SHORT MINUTES OF ORDER:**

Terms of order made by the court.

Expert Evidence:

1. Order 1 of the orders made on 11 October 2021 is varied such that the time for the plaintiffs to serve their expert evidence in chief is extended to:
  - a) 25 March 2022, in respect of the Civil Engineer's report; and
  - b) 20 May 2022, in respect of any other expert evidence upon which the plaintiffs intent to reply.
  - 1A. Evidence not served in accordance with these directives may not be relied on without leave.
2. Order 2 of these orders made on 11 October 2021 is varied such that the time for the plaintiffs provisional list of documents upon which they intend to reply is extended to 27 May 2022.

Case Management

3. The matter be listed for further directions on 3 June 2022.
4. Liberty to apply on 3 days' notice.

Justice D .Hammerschlag

Signed

Date