

OUTCOME DETAILS

**Supreme Court - Civil
at Supreme Court Sydney
on 8 March 2019**

2017/00193375-001 / Summons: TW McConnell Pty Ltd ACN 000 217 890 as trustee for the McConnell Superannuation Fund v SURFSTITCH GROUP LIMITED

VERDICT ORDER OR DIRECTION (Justice Hammerschlag):

1. With respect to the plaintiff's Motion dated 6 March 2019 seeking to join Chubb Insurance, Chubb is to serve its evidence in response by 27 March 2019 and the Motion is stood over to the 29 March 2019.

2. Plaintiff granted leave to file in Court an Amended Notice of Motion in the form which I have initialled and dated today's date. The Motion is listed for hearing at 9:15am on 29 March 2019.

3. I make the orders in the document entitled SHORT MINUTES OF ORDER which I have initialled, dated today's date and placed with the papers.

4. Parties have liberty to apply on three days' notice.

SHORT MINUTES OF ORDER:

1. The order requiring a mediation to occur between the Plaintiff and the Second Defendant before 29 March 2019 be vacated.

2. With respect to the plaintiff's motion dated 6 March 2019 seeking to join as a third defendant, Chubb Insurance Australia Limited ("Motion"), Chubb is to serve its evidence in response by 27 March 2019 and the "Motion" is stood over to 29 March 2019 in the Motion List.

3. The parties, Chubb Insurance Australia Limited, International Litigation Partners No 18 Pte Ltd and Vannin Capital Operations Limited take part in a mediation to be convened by 31 May 2019 ("Mediation").

4. The identity of the mediator to be agreed between the parties.

5. The parties to notify the Court of the date from the Mediation by 31 March 2019.

6. The plaintiff, International Litigation Partners No 17 Pte Ltd and Vannin Capital Operations Limited to provide the other Mediation participants with position papers 14 days prior to the "Mediation".

7. The First Defendant, the Second Defendant and Chubb Insurance Australia Limited to provide the other Mediation participants with position papers 7 days prior to the "Mediation".

8. The costs of the "Mediation" to be shared between the parties and Chubb Insurance Australia Limited equally.

9. The Plaintiff's Amended Settlement Approval application dated 1 November 2018 be listed on 29 March 2019.

10. Subject to further order, the Contradictor, Mr Donnellan be excused from further participation in the proceedings.

11. The parties have liberty to apply on 3 days' notice.

12. Costs be reserved.

The Court Notes:

7. Any application for costs in respect of, or arising from, the Approval Application will be fixed for hearing on a date after, and subject to the outcome of, the "Mediation".

2017/00193375-013 / Notice of Motion Civil - TW McConnell Pty Ltd ACN 000 217 890 as trustee for the McConnell Superannuation Fund v SURFSTITCH GROUP LIMITED

Justice D Hammerschlag

Signed

Date