

OUTCOME DETAILS

**Supreme Court - Civil
at Supreme Court Sydney
on 19 March 2019**

2017/00347082-001 / Summons: Nakali Pty Limited v SURFSTITCH GROUP LIMITED

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.

1. With respect to the plaintiff's motion dated 7 March 2019 seeking to join as a second defendant Chubb Insurance Australia Limited (Motion) Chubb is to serve its evidence in response by 27 March 2019 and the motion be stood over to 29 March 2019 in the Motions list.
2. The parties, including Chubb Insurance Australia Limited, take part in a mediation to be convened by 31 May 2019 (Mediation).
3. The identity of the mediator to be agreed between the parties.
4. The plaintiff to provide the first defendant and Chubb with position papers 14 days prior to the Mediation.
5. The first defendant and Chubb to provide the plaintiff with position papers 7 days prior to the Mediation.
6. The Plaintiff's Settlement Approval application dated 4 July 2018 be listed for further directions on a date after Mediation (Approval Application).
7. The costs of the Mediation to be shared between the parties and Chubb Insurance Australia Limited equally.
8. Subject to further order, the Contradictor, Mr Donnellan, be excused from further participation in the proceeding.
9. The parties have liberty to apply on 3 days' notice.
10. Costs be reserved.

The Court notes:

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.

Justice D Hammerschlag

Signed

Date