

OUTCOME DETAILS

**Supreme Court - Civil
at Supreme Court Sydney
on 6 March 2020**

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

This matter is listed for Directions (Commercial) on 20 March 2020 9:45 AM before the Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 5 Minutes

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. The hearing of approved settlement approval application is to be heard on a date to be arranged with the Associate of Ball J.

Short Minutes of Order

Terms of Order made by the Court by consent

1. The plaintiff have leave to file a further amended notice of motion in support of the plaintiff's application for settlement of this proceeding (Settlement Approval Application) by 4.00pm on 6 March 2020.
2. By 4.00pm 27 March 2020, the plaintiff file and serve any supplementary affidavit and written submissions in respect of the Settlement Approval Application.
3. Orders 12, 13, 15, 16 and 18 of the orders of this Court made on 12 November 2019 are vacated.
4. By 4.00pm on:
 - (a) 17 April 2020, the defendants file and serve any affidavit and written submissions in respect of the Settlement Approval Application; and
 - (b) 22 April 2020, the Contradictor (to the extent that he wishes to object to the proposed settlement or any term of the Settlement Distribution Scheme) file and serve any written submissions in support of his objection.

Confidential materials

5. On or before 27 March 2020 the plaintiff file any confidential affidavit and/or confidential submissions on which it intends to rely in respect of the plaintiff's Settlement Approval Application and in relation to which it intends to seek a confidentiality order.
6. In relation to any confidential affidavit and/or confidential submissions on which the plaintiff proposes to rely on 27 March 2020:
 - (a) provide to the Associate to the presiding judge the original and one copy of any such affidavit and/or submissions in an envelope marked with the details of the proceeding and a notation that it is a "Confidential [Affidavit or Submissions] for Purposes of the Settlement Approval Application – not to be opened other than by order of the Court or a Judge"; and

(b) to serve copies of such material on the Contradictor.

Further notice

7. Not made.

8. By 11 March 2020, the Contradictor provide to the parties any proposed form of supplementary notice which he proposes to be sent to group members and any proposed orders modifying the opt-out and/or registration process.

9. On 13 March 2020, the Contradictor and parties meet and confer to seek to agree the form of notice and any further orders as contemplated in order 8.

10. Matter listed for further directions on 20 March 2020, at which time the Court will approve the form and manner of distribution of any further notice to be sent to group members and/or former group members who have opted out of the proposed settlement.

Adjournment

11. The Settlement Approval Application, be heard on a date to be arranged with the Associate to Ball J.

12. The parties have liberty to apply on 48 hours' notice.

13. Costs reserved.

Justice D Hammerschlag

Signed

Date