

SHORT MINUTES OF ORDER

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
List	Common Law General
Registry	Sydney
Case number	2020/00359004

TITLE OF PROCEEDINGS

Plaintiff	DANNY MARIELLE MOUSSA
First Defendant	CAMDEN COUNCIL
Second Defendant	CORNISH GROUP SPRING FARM PTY LTD ACN 120 837 381
Third Defendant	SMEC TESTING SERVICES PTY LTD (IN LIQUIDATION) ACN 101 164 792
Fourth Defendant	SMECTS HOLDINGS PTY LTD ACN 063 746 823

PREPARATION DETAILS

Prepared for	DANNY MARIELLE MOUSSA , Plaintiff
Filed in relation to	Plaintiff's Claim
Legal representative	André Joseph Adams, Mayweathers
Legal representative reference	210733
Contact name and telephone	André Joseph Adams, 02 8020 5720
Contact email	andre.adams@mayweathers.com.au

TERMS OF ORDER

The Court orders that:

- 1 Pursuant to section 162 of the *Civil Procedure Act 2005* (NSW) (**the Act**), 4.00pm (Sydney Time) on 23 December 2021 (**Deadline**) be fixed as the date before which a Group Member (as defined in the Amended Statement of Claim filed on 17 September 2021 (**ASOC**)) may opt out of the proceeding.

Notices

- 2 Pursuant to ss 175(1) and 176(1) of the Act, the form and content of the notice (**Notice to Group Members**) in Schedule A, and the newspaper notice (**Newspaper Notice**) in Schedule B be approved.
- 3 Pursuant to s 183 of the Act, the notice set out in Schedule C to this Order that is a modification of Form 115 (**Opt Out Notice**) be approved for this proceeding for the purpose of r 58.2(1) of the *Uniform Civil Procedure Rules 2005* (NSW) (**the UCPR**).

Distribution of the Notices

- 4 Pursuant to ss 176(2) of the Act, notice is to be given to Group Members by no later than 4.00 pm (Sydney Time) on 12 November 2021 according to the following procedure:
- (a) the Plaintiff cause the Notice to Group Members and Opt Out Notice to be displayed on the Plaintiff's solicitor's website, <https://www.mayweathers.com.au/spring-farm.html>, continuously until the Deadline;
 - (b) the Plaintiff cause the Notice to Group Members and Opt Out Notice to be displayed on the website of Omni Bridgeway Limited (ABN 45 067 298 088, Authorised Representative No. 1283703) (**Omni Bridgeway**) <https://portal.omnibridgeway.com/cases/register/spring-farm-class-action-overview>, continuously until the Deadline;
 - (c) the Plaintiff cause an advertisement in the terms of the Newspaper Notice to be published in the legal notices or equivalent section in one weekday edition of The Sydney Morning Herald;
 - (d) the Plaintiff cause the Notice to Group Members and the Opt Out Notice to be delivered to the contact email address, where an email is available, or failing that, by ordinary post, to each Group Member (of whom they are otherwise aware);
 - (e) for the purpose of the email distribution in accordance with Order 5(d) above, the Plaintiff will cause a copy of the Notice to Group Members and Opt Out Notice to be attached to a cover email with the content in Schedule D; and
 - (f) for the purpose of any postal distribution in accordance with Order 4(d) above, the Plaintiff will cause a copy of the Notice to Group Members and Opt Out Notice to be sent in an envelope addressed to the person or entity (or, if the name of the person or entity is not known, addressed to "the Homeowner") with a cover letter with the content in Schedule D.
- 5 Pursuant to s 162(2) of the Act and r 58.2(1) of the UCPR, any Group Member who wishes to opt out of this proceeding must, on or before the Deadline, deliver a completed Opt Out Notice to the Registry of the Supreme Court of New South Wales.
- 6 If, on or before the Deadline, the solicitors for any party receive a notice purporting to be an Opt Out Notice referable to this proceeding, those solicitors are to file such notice in the Registry of the Supreme Court of New South Wales within 48 hours of receiving it and the notice shall be treated as an Opt Out Notice received by the Court at the time when it was received by the solicitors.
- 7 The solicitors for the Plaintiff and the First, Second, Third and Fourth Defendants each be granted leave to inspect the Court file and to copy any Opt Out Notices filed by Group Members.

- 8 The Notice to Group Members, the Newspaper Notice and the Opt Out Notice may be amended by the Plaintiff before they are emailed, posted, displayed or published in order to correct any website or email address or telephone number or other non-substantive error.
- 9 The costs of and incidental to the procedure set out in Order 4 above are to be borne by the Plaintiff in the first instance on the basis that those costs will subsequently fall to be dealt with by the Court as part of the costs of the proceeding.
- 10 The parties have liberty to apply on 48 hours' written notice.

SEAL AND SIGNATURE

Court seal

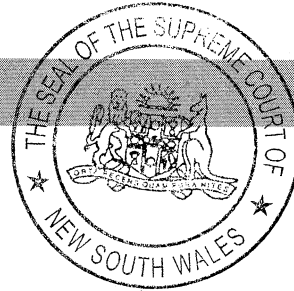
Signature

Capacity

Date made or given

Date Entered: 27 October 2021


Justice Peter Garling



NOTICE

Subject to limited exceptions, no variation of a judgment or order can occur except on application made within 14 days after entry of the judgment or order.