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NOTICE OF MOTION

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
List	Professional Negligence
Registry	Sydney
Case number	2017/279308

TITLE OF PROCEEDINGS

First plaintiff	Amy Rickhuss
Number of plaintiffs	12
First defendant	The Cosmetic Institute Pty Ltd (In Liquidation)
Number of defendants	19

FILING DETAILS

Person seeking orders	Van Huu Anthony Nguyen, Victor Lee, Chi-Vien Duong (aka Charles Wong), Anh Huy Tang, Napoleon Po-Han Chiu, Daniel Kwok, Pedro Miguel da Silva Valente, Farheen Ali, James Francis Christopher Kenny, seventh to fifteenth defendants
Filed in relation to	Plaintiffs' claim
Legal representative	Leonie Beyers HWL Ebsworth Lawyers
Legal representative reference	PCN: 45509 NSW Ref: LRB:MUC:993524 Court User No: 1290
Contact name and telephone	Leonie Beyers, +61 2 9334 8555
Contact email	lbeyers@hwle.com.au

PERSON AFFECTED BY ORDERS SOUGHT

Amy Rickhuss, Kylie Pollock, Jessica Bruen, Kirsty-Anne Rowlands, Lily Knowland, Tiffany Rutherford, Alysha Axen, Sherine Zahr, Emma Love, Candiece Gielisse (née Bailey), Ali Turner, Stefanie Sanchez, the plaintiffs

HEARING DETAILS

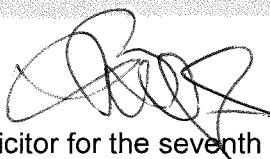
This motion is listed at 10:00 am on 12 April 2021 before Garling J.

ORDERS SOUGHT

- 1 Pursuant to Pt 14, r 28 of the *Uniform Civil Procedure Rules 2005* (NSW), the Second Further Amended Statement of Claim be struck out:
 - a. in whole; or
 - b. in the alternative, in part, including:
 - i. the Plaintiffs' list of common questions of fact or law: paragraph 25;
 - ii. the misleading and deceptive conduct claim paragraphs: paragraphs 23 and 90 to 96;
 - iii. the ACL claim paragraphs premised on statutory implied terms and guarantees: paragraphs 82 to 90 and 96;
 - iv. the claims that the surgical defendants acted in breach of duty of care to the group members: paragraphs 81C to 81K; and
 - v. the rolled up nature of the pleading addressing causation, and damage: paragraph 96.
- 2 Further, or in the alternative, pursuant to s 183 of the *Civil Procedure Act 2005* (NSW), the Plaintiffs' list of common questions of fact or law pleaded at paragraph 25 be struck out in whole or in part, with the plaintiffs to:
 - a. serve a revised list of common questions of fact or law; and
 - b. to provide reasons in respect of each such common question as to how it is alleged that the question is common to all group members (in the sense the questions are in respect of, or arise out of, the same, similar or related circumstances of the group members), and the bases upon which it is alleged that any such common question is "substantial".
- 3 Further, or in the alternative, pursuant to s 166 of the *Civil Procedure Act 2005* (NSW), an order for the declassing of the representative proceeding.
- 4 Any orders in relation to leave being given for the filing of any cross-claims pursuant to Pt 1, r 12 and Pt 9, r 1 of the *Uniform Civil Procedure Rules 2005* (NSW) are deferred until after the interlocutory applications are heard and determined.
- 5 Costs.
- 6 Such further order as the Court considers fit.

SIGNATURE

Signature of legal representative



Capacity

Solicitor for the seventh to fifteenth defendants

Date of signature

19 March 2021

NOTICE TO PERSON AFFECTED BY ORDERS SOUGHT

If you do not attend, the court may hear the motion and make orders, including orders for costs, in your absence.

REGISTRY ADDRESS

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