



Principal Registrar &
Chief Executive Officer



Form 20 (version 3)
UCPR 18.1 and 18.3

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	plaintiff's 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 on 24 June 2022 before His Honour Justice Garling.

ORDERS SOUGHT

- 1 Pursuant to r 36.16(1) of the *Uniform Civil Procedure Rules 2005* (NSW), r 36.17 of the *Uniform Civil Procedure Rules 2005* (NSW) (the slip rule) and the general power of the Court, order 5 made by his Honour Justice Garling on 20 May 2022 be varied such that:
 - a. order 1 sought in the Notice of Motion filed on 19 March 2021 by the 7th to 15th defendants be dismissed; and
 - b. the balance of the Notice of Motion filed on 19 March 2021 by the 7th to 15th defendants be stood over to Friday, 24 June 2022.
- 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 annexed to the 4FASOC 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 In the alternative, pursuant to s 166 of the *Civil Procedure Act 2005* (NSW), the seventh to fifteenth defendants be declassified from the representative proceeding
- 4 Any orders in relation to leave being given for the filing of any cross-claims pursuant to rr 1.12 and 9.1 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

3 June 2022

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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