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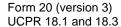
THE SUPREME

SOUTH

given.

Principal Registrar & Chief Executive Officer





NOTICE OF MOTION

COURT DETAILS

Court Supreme Court of New South Wales

Division Common Law

List Professional Negligence

Registry Sydney

2017/279308 Case number

TITLE OF PROCEEDINGS

Amy Rickhuss First plaintiff

12 Number of plaintiffs

First defendant The Cosmetic Institute Pty Ltd (In Liquidation)

Number of defendants 19

FILING DETAILS

Van Huu Anthony Nguyen, Victor Lee, Chi-Vien Duong Person seeking orders

> (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

PCN: 45509 NSW Ref: LRB:MUC:993524 Legal representative reference

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.

Doc ID 957144773/v1 Doc ID 957144773/v1

ORDERS SOUGHT

- 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.
- 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".
- In the alternative, pursuant to s 166 of the *Civil Procedure Act 2005* (NSW), the seventh to fifteenth defendants be declassed from the representative proceeding
- 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

Street address Law Courts Building, 184 Phillip Street, Sydney

Postal address Supreme Court of NSW, GPO Box 3, Sydney NSW 2001,

Australia

Telephone 1300 679 272