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REFERENCE

**SUPREME COURT OF NEW SOUTH WALES
ASSOCIATE'S RECORD OF PROCEEDINGS**

CLASS ACTION

FILE NO:	2017/279308		
PARTIES:	Amy RICKHUSS v The Cosmetic Institute Ltd		
DIVISION :	Common Law		
DATES :	11.12.20		
CORAM :	Garling J		
APPEARANCES:	D Graham SC / S Tzouganatos	(P)	
	NO APPEARANCE	(D1-D4)	
	R May	(D5)	
	D Ratnam	(D6)	
	C Ernst	(D7-15 inclusive)	
	Mr Olsen	(D16)	
	J Tesarsch J	(D17)	
	Williams (Ms)	(D18)	
	P Mann	(D19)	
ADJOURNMENT:	Garling J – interlocutory applications issues 10am 12.4.2021 (3 day est)		

HEARING DATE:

GARLING J MAKES THE FOLLOWING ORDERS:

1. Pursuant to r31.28 of the UCPR, the plaintiffs are to serve all expert reports, in a form which complies with r31.27 of the UCPR, upon which they intend to rely in chief on any and all common issues to be decided in the proceedings and on the issues relating to the plaintiffs' injuries and disabilities on the 17th to 19th defendants on or before 18.12.2020.
2. On or before 24.12.20, the plaintiffs are to serve on the defendants an amended list of all documents upon which they propose to rely at the hearing of the proceedings, which list specifies:
 - (a) the type of document;

- (b) the title, if any, of the document;**
 - (c) the date of the document; and**
 - (d) a brief description of the contents of the document.**
- 3. The plaintiff is to serve on all defendants a copy of all documents, in electronic form, discovered by them to any party, if such service has not already occurred, as soon as reasonably practicable, but no later than 24.12.2020.**
 - 4. The 5th defendant is to serve is to serve on all other defendants and the plaintiff, a copy of all documents, in electronic form, discovered by him to any party, if such service has not already occurred, as soon as reasonably practicable, but no later than 24.12.2020.**
 - 5. The plaintiff, and the 5th to 19th defendants inclusive, are granted leave to have access to all documents produced on all subpoenas issued to date in these proceedings, including leave to copy all such documents.**
 - 6. Any party in possession of any document pursuant to the provision of Orders 2 to 5 inclusive, is to treat the documents, and any copies, and the contents thereof, as confidential. The documents and information is only to be disclosed to the lawyers for the parties, and anyone employed by, or who assists, or else who provides instructions to, those lawyers for the purpose of these proceedings without leave of the Court.**
 - 7. Order the plaintiffs to provide to lawyers for the 17th to 19th defendants, a list identifying the names of all known group members by 5.2.2021, upon the condition that the lawyers for the 17th to 19th defendants do not disclose the names of those individuals to anyone else, except for the purpose of the proper preparation of these proceedings, and the obtaining of instructions. The individuals whose names are contained on the list provided by the plaintiff in accordance with this Order, are not to be contacted directly or indirectly approached without the consent of the plaintiff's lawyers or the leave of the Court.**
 - 8. Order the defendants to file and serve Defences to the Second Further Amended Statement of Claim filed 10.12.2020 by 26.2.2021.**
 - 9. Any party is to file and serve any Notice of Motion together with affidavits in support, and an outline of submissions, by 4pm 12.3.2021 with respect to the following matters:**
 - (a) any application pursuant to r28.2 of the UCPR seeking a separate determination of any issue in the proceedings including any questions of fact and/or law which are said to be common to the plaintiff and group members, and/or any, and if so which, of the defendants; and**
 - (b) any application pursuant to s166 of the Civil Procedure Act 2005 for the proceedings, in whole or in part, to no longer continue under Pt 10 of the Civil Procedure Act; and**
 - (c) any other interlocutory application of any kind in which orders are sought with respect to the form and content of the proceedings, and whether and if so how, the issues in the proceedings are to be determined in a just, quick and cheap manner; and**
 - (d) any application seeking to strike out any part of any pleading pursuant to r14.28 of the UCPR.**

10. Any party opposing any of the orders sought by any party in accordance with Order 9 are to file any affidavits upon which they rely and an outline of submissions by 26.3.2021.
11. Grant leave to any party filing a motion in accordance with Order 9 to make the motion returnable on 12.4.2021 before Garling J at 10am.
12. The time for compliance with Order 9 made on 4.9.2020, directing that, pursuant to r31.28 of the UCPR that each defendant is to serve all expert reports, in a form which complies with r31.27 of the UCPR upon they intend to rely on the issues relating to the plaintiffs' injuries and disabilities be extended to 14.5.2021.
13. List the proceedings for hearing to 12.4.2021 at 10am before Garling J.

TIME RECORD

10.42	Matter called – appearances noted.
10.42	Submissions by parties.
12.12	Bench orders to be formulated and provided to parties from Chambers.
12.13	Next matter.

