



Issued: 8 February 2018 2:34 PM

## JUDGMENT/ORDER

### COURT DETAILS

Court	Supreme Court of NSW
Division	Common Law
List	Common Law General
Registry	Supreme Court Sydney
Case number	2014/00223271

### TITLE OF PROCEEDINGS

First Plaintiff	David Moore
First Defendant	Scenic Tours Pty Limited

### DATE OF JUDGMENT/ORDER

Date made or given	15 November 2017
Date entered	15 November 2017

### TERMS OF JUDGMENT/ORDER

GARLING J MAKES THE FOLLOWING ORDERS:

1. On the plaintiff's personal claim against the defendant, I order that there be judgment for the plaintiff in the sum of \$16,539.85.
2. Order that the common issues stated for determination be answered in the form of the Answers in the document described as "Answers to Common Issues Stated for Determination" dated today and initialled by Garling J.
3. With respect to the plaintiff's Notice of Motion filed 13/11/2017, I order that the return date of 17/11/2017 be vacated. Order that it be made returnable before Garling J today.
4. Adjourn the Notice of Motion to 29 June 2018 at 9.30am before Garling J.
5. Order that in the event that the defendant does not file any summons for leave to appeal by 30/11/2017, then all security provided on the plaintiff's behalf totalling \$440,000 for the defendant's costs of the proceedings, is to be released forthwith.
6. Order that in the event that the defendant files a summons for leave to appeal by 30/11/2017, then the defendant is to take all reasonable and practicable measures to ensure that the appellate proceedings are prosecuted diligently and with all due expedition.
7. Order that in the event than any summons for leave to appeal or notice of appeal filed by the defendant is dismissed, then all security provided on the plaintiff's behalf for the defendant's costs of the proceedings is thereafter to be released forthwith.
8. Order that the costs of the proceedings, save for the order for costs contained in Order 2 made on 31/8/2017, and all previous specific costs orders made in the proceedings, are reserved.
9. Order until further order, that Order 2 of the Orders made on 31/8/2017 be stayed. Note that such stay is subject to Order 6 above with respect to the conduct of the appellate proceedings.
10. Adjourn the proceedings for further directions to 9.30am on 29/6/2018 before Garling J.
11. Grant the parties liberty to apply on 3 days' notice.

## SEAL AND SIGNATURE



Signature                      Chris D'Aeth  
Capacity                      Principal Registrar  
Date                              8 February 2018

If this document was issued by means of the Electronic Case Management System (ECM), pursuant to Part 3 of the Uniform Civil Procedure Rules (UCPR), this document is taken to have been signed if the person's name is printed where his or her signature would otherwise appear.

## FURTHER DETAILS ABOUT Plaintiff(s)

### First Plaintiff

Name                              David Moore  
Address                            109 Berkeley Street  
    SPEERS POINT NSW 2284

Telephone

Fax

E-mail

Client reference

### Legal representative for plaintiffs

Name                              Benjamin Hemsworth  
Practicing certificate number    51908  
Address                            Level 10  
    32 Walker Street  
    NORTH SYDNEY NSW 2060  
DX address                        DX 10502 North Sydney NSW  
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## FURTHER DETAILS ABOUT Defendant(s)

### First Defendant

Name                              Scenic Tours Pty Limited  
Address                            50 Hunter Street  
    NEWCASTLE NSW 2300