



Issued: 10 December 2014 3:06 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	10 December 2014
Date entered	10 December 2014

### TERMS OF JUDGMENT/ORDER

GARLING J MAKES THE FOLLOWING ORDERS:

1. Order the defendant file and serve a verified defence together with a list of questions of fact or law which it contends to be common in addition to those identified in the Statement of Claim on or before 4pm 24/12/14.
2. Order the plaintiff to file and serve a reply to the defence, if so advised, by 4pm 30/1/2015.
3. Direct the parties to confer and agree upon the form of, and protocol for electronic document management for the entirety of the proceedings, such conference to take place no later than 13/2/2015.
4. Order the defendant to provide discovery in accordance with r21.2 of the UCPR of all documents relevant to issues raised by paragraphs 11 and 12 of the Statement of Claim by 27/2/2015.
5. Order the plaintiff to serve in accord with r31.4 of the UCPR, all written statements of the oral evidence he intends to adduce at the hearing on any and all questions of fact to be decided at the hearing on or before 4pm 31/3/2015.
6. Order the defendant to serve in accordance with r31.4 of the UCPR all written statements of oral evidence it intends to adduce at the hearing on any and all questions of facts relevant to the hearing on or before 4pm 26/5/2015.
7. Order that at the time each of the plaintiff and defendant serves such written statements, each party is respectively to provide a list of documents upon which the parties will rely as part of its evidence in chief in the proceedings.
8. Order the plaintiff to serve all lay evidence in reply by written statement in accordance with r31.4 of the UCPR by 4pm 23/6/2015.
9. Order the plaintiff to serve in accordance with r31.27 of the UCPR all expert evidence he intends to adduce in chief at the hearing on any and all questions of expert opinion by 4pm 23/6/2015.
10. Order the defendant to serve in accordance with r31.27 of the UCPR all expert evidence up which it intends to rely at the hearing by 4pm 21/7/2015.
11. Order the plaintiff to serve any expert report in reply by 4pm 11 /8/2015.
12. Order that the parties have liberty to apply on 3 days' notice to restore matter before Garling J.
13. Proceedings stood over to 2pm 27/2/2015 for further case conference before Garling J.
14. Direct that no later than 13/2/2015, the plaintiff is to provide to the defendant and the Court the form of orders and notice which it is proposed to be given for the purpose of the Opt Out procedure.

15. Order that if the defendant wishes to file any motion seeking relief with respect to the issues surrounding the acting for the plaintiff by his present solicitor, that such motion and all affidavit material in support is to be filed and served by 4pm 10/2/2015.

16. Grant leave to make such motion returnable before Garling J at 2pm on 27/2/2015.

17. Order that the plaintiff if so advised, is to file and serve all evidence with respect to any such motion upon which he wishes to rely by 4pm 23/2/2015.

18. His Honour notes that Legal Justice Pty Ltd, being relevantly the plaintiff's litigation funder, will deposit by 4pm 24/12/2014, the sum of \$200,000 into an identified and designated bank account by way of security for costs.

19. His Honour notes that Legal Justice Pty Ltd undertakes to the defendant that it will not withdraw that money other than by written agreement between the plaintiff and the defendant or after a period of 30 days' written notice given to the defendant or pursuant to a release from the undertaking or other order or judgment made by the Court.

20. Reserve to the defendant the right to apply for further security for costs.

21. Direct that when parties are ordered to file documents, in addition to filing documents in the Court Registry, an electronic copy is to be provided to my Associate.

## SEAL AND SIGNATURE



Signature                      R. De Leon (L.S.)  
Capacity                      Chief Clerk  
Date                              10 December 2014

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 has taken to have been signed if the person's name is printed where his or her signature would otherwise appear.