

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

Reference:

CLASS ACTION

FILE NO: 2017/378526

PARTIES: Akuratiya Kularathne v Honda Australia Pty Ltd

DATE: 26 June 2019 – THIRD TRANCHE

CORAM: SACKAR J

APPEARANCES: Counsel:

NO APPEARANCES – ORDERS IN CHAMBERS

Plf: Mr J Sheahan QC, Ms R Mansted
Def/Honda: D T Wong

Solicitors: Plf: Quinn Emanuel Urquhart & Sullivan (Damian Scattini)
Def: K & L Gates (Timothy Webster)

Adjourned:

To:
For:
Before: Sackar J

MATTER LISTED FOR HEARING – 2 MARCH 2020 (EST 12 WEEKS)
COMMON QUESTIONS judgment: 11 December 2018 [2018] NSWSC 1868

VERDICT/ORDER/DIRECTION

Consent orders which Sackar J signs, dates and places with the papers.
Order that:

1. Pursuant to rule 42.21(1) of the Uniform Civil Procedure Rules 2005 (NSW), the Plaintiff provide security for the Defendant's costs of the proceedings from 1 November 2018 to 1 March 2019, inclusive, in the amount of \$200,000 within 15 business days of the date of this order (Third Tranche).
2. The security referred to in order 1 be provided by payment of money into the Sydney Registry of the Supreme court of New South Wales.

3. If the Plaintiff fails to provide the Third Tranche in full, the proceeding will be stayed as against the Defendant until payment for the Third Tranche or any outstanding part of it is provided or until the proceeding is dismissed.
4. Orders 1 to 3 are made without prejudice to the Defendant's right to seek an order from the Court for further security for its costs.
5. The security referred to in order 1 (or parts thereof) shall be released to the Defendant upon the Defendant obtaining any final costs order, as assessed, against the Plaintiff at any time after or prior to the final resolution of the Proceeding.
6. The security referred to in order 1 cannot otherwise be released unless there is written consent of the Plaintiff and the Defendant, or other of the Court.
7. Liberty to restore on 24 hours notice.