

**SHORT MINUTES OF ORDER****COURT DETAILS**

Court Supreme Court of New South Wales  
Division Equity  
Registry Sydney  
Case number 2015/306222

**TITLE OF PROCEEDINGS**

Plaintiffs **Innes Creighton**  
Defendants **Australian Executor Trustees Limited**  
**ACN 007 869 794**

**TITLE OF THIS CROSS-CLAIM**

First Cross-claimant **Australian Executor Trustees Limited**  
Second Cross-claimant **IOOF Holdings Limited**  
First cross-defendant **AXIS Specialty Europe SE**  
Second cross-defendant **Willis Australia Limited**

**COURT DETAILS**

Court Supreme Court of New South Wales  
Division Equity  
Registry Sydney  
Case number 2015/171592

**TITLE OF PROCEEDINGS**

Plaintiffs **John Smith and Rosemary Smith**

Defendants **Australian Executor Trustees Limited**  
**ACN 007 869 794**

**TITLE OF THIS CROSS-CLAIM**

First Cross-claimant **Australian Executor Trustees Limited**

Second Cross-claimant **IOOF Holdings Limited**

First cross-defendant **AXIS Specialty Europe SE**

Second cross-defendant **Willis Australia Limited**

**FILING DETAILS**

Filed for **Australia Executor Trustees Limited and IOOF Holdings Limited, Cross-Claimants**

Filed in relation to **Cross-claim**

Legal representative **Mark Wilks, Corrs Chambers Westgarth**

Legal representative reference **9116109**

Contact name and telephone **Mark Wilks, (02) 9210 6159**

Contact email **[mark.wilks@corrs.com.au](mailto:mark.wilks@corrs.com.au)**

The Court orders that:

### Pleadings

- 1 The cross-claimants file and serve amended cross-claims in the form of Annexure "A" to the cross-claimants' notices of motion dated 11 August 2016 on or before 23 August 2016.
- 2 The third and fourth cross-defendants file and serve defences to the amended cross-claims on or before ~~20 September~~ <sup>4 October</sup> 2016.
- 3 The cross-claimants file and serve any replies to the defences of the third and fourth cross-defendants on or before ~~4~~ <sup>13</sup> October 2016.

### Discovery

- 4 The first cross-defendant provide discovery of the documents identified in Annexure "B" and the second cross-defendant provide discovery of the documents identified in Annexure "C" to the cross-claimants' notices of motion dated 11 August 2016 on or before 29 August 2016.

### Evidence

- 5 Orders 5, 6 and 7 made by the Court on 6 June 2016 be vacated.
- 6 The cross-claimants file and serve lay evidence on which they intend to rely on or before ~~30 September~~ <sup>14 October</sup> 2016.
- 7 The cross-defendants file and serve lay evidence on which they intend to rely on or before ~~28 October~~ <sup>14 November</sup> 2016.
- 8 The cross-claimants file and serve expert evidence and lay evidence in reply on which they intend to rely on or before ~~25 November~~ <sup>14 December</sup> 2016.
- 9 The cross-defendants file and serve expert evidence on which they intend to rely on or before ~~3 February~~ <sup>24 March</sup> 2017.
- 10 On or before ~~24 February~~ <sup>21 March</sup> 2017, the experts for the cross-claimants and cross-defendants:

- (a) meet and confer with any other expert witness within the same area of expertise, such meeting to be conducted in the absence of the parties, their employees or agents and the parties' legal representatives;
- (b) cooperate in the prompt delivery to the parties' legal representatives of a joint report identifying:
  - (i) the areas of agreement and disagreement between them; and
  - (ii) where there is a disagreement, a short statement explaining the basis of the disagreement; and
- (c) the parties and their legal or other representatives shall not direct or instruct an expert witness as to whether to agree or disagree with any other expert witness in the meeting, or as to the basis or terms upon which the expert may agree or disagree with any other expert or have any communication with the expert during the course of the conclave or the preparation of the joint report.

11 ~~8~~ Subject to further order, the evidence of the parties' experts shall be adduced in accordance with a protocol for concurrent evidence, to be agreed between the parties or as otherwise ordered.

#### Hearing and further directions

12 ~~9~~ Vacate the provisional listing of the hearing of the cross-claims commencing on 30 January 2017.

13 ~~10~~ Provisionally list the cross-claims for hearing with the balance of the proceedings commencing on <sup>9 May</sup> ~~insert~~ 2017, with the intention that evidence and submissions on the cross-claims be heard following the conclusion of evidence and submissions on the plaintiffs' claims in the proceedings.

14 ~~N~~ The cross-claims be stood over for further directions before Ball J on *2 December 2016*

15 ~~12~~ Liberty to apply on three days' notice.