

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

The Court orders that:

Pleadings

- 1 The time for the cross-claimants to file and serve a reply to the defence of AXIS Specialty Europe SE be extended to 11 August 2016.
- 2 Any notice of motion for leave to amend the first cross-claims be filed (by providing a copy to the Associate to his Honour Ball J) and served by 11 August 2016.

~~Discovery~~

- 3 ~~The first cross-defendant provide discovery of the documents identified in Annexure A and the second cross-defendant provide discovery of the documents identified in Annexure B on or before 29 August 2016.~~

Evidence

- 4 The date in order 5 made by the Court on 6 June 2016 be varied to 26 September 2016.
- 5 The date in order 6 made by the Court on 6 June 2016 be varied to 21 November 2016.
- ~~6 The date in order 7 made by the Court on 6 June 2016 be varied to 12 December 2016.~~

Further directions

- 7 The cross-claims be stood over for further directions before Ball J on ^{16 August} ~~5 September~~ 2016 at 9.30am.
- 8 Liberty to apply on three days' notice.

Annexure A

Categories of documents for discovery from AXIS Specialty Europe SE

1. All documents recording or referring to the provision or potential provision of professional indemnity insurance by AXIS Speciality Europe SE (**AXIS**) and/or any related body corporate for IOOF Holdings Limited (**IOOF**) and/or Australian Executor Trustees Limited (**AET**) in the period 1 January 2010 to date.
2. All documents comprising the hard copy and/or electronic file(s) created and/or maintained by or on behalf of AXIS for the purposes of the following policies of professional indemnity insurance underwritten by AXIS for IOOF and its subsidiaries:
 - (a) policy number 311731 for the period of insurance from 4pm on 14 November 2010 to 4pm on 31 October 2011;
 - (b) policy number 311731 for the period of insurance from 4pm on 30 November 2011 to 4pm on 31 October 2012;
 - (c) policy number 311731 for the period of insurance from 4pm on 30 November 2014 to 4pm on 30 November 2015.
3. All documents comprising the guidelines published by or on behalf of AXIS and/or any related body corporate recording or referring to the basis upon which AXIS and/or any related corporate body could or should provide professional indemnity insurance cover to financial institutions of the same or similar nature to IOOF and/or AET in the period from 1 January 2010 to date.
4. All versions of the standard Financial Institutions Professional Indemnity Insurance Policy wording issued by AXIS and/or any related body corporate in the period 1 January 1998 to date.
5. All documents recording or referring to any claim or potential claim against AET in connection with Provident Capital Limited dated in the period 27 June 2012 to 3 September 2015.
6. All documents recording, referring to, or created in connection with:
 - (a) the letter from AXIS to Willis Australia Limited (**Willis**) dated 16 March 2015;
 - (b) the letter from AXIS to Willis dated 3 September 2015;with respect the proceeding brought by Innes Creighton against AET.
7. All correspondence between AXIS and the excess insurers in relation to the policies listed at paragraph 2 above in relation to the claim or potential claim identified against AET at paragraph 5 above.

Annexure B**Categories of documents for discovery from Willis Australia Limited**

1. All documents recording or referring to:
 - (a) IOOF Holdings Limited's (**IOOF**) Financial Lines Invitation to Tender dated 17 May 2010; and
 - (b) Willis Australia Limited's (**Willis**) Tender Response dated 9 July 2010.
2. All documents recording or referring to any identification, review, evaluation and/or analysis of IOOF's and/or AET's insured and/or insurable risks undertaken by or on behalf of Willis in the period 1 January 2008 to date.
3. All policy and/or procedure manuals maintained by or on behalf of Willis applicable to the provision of financial lines insurance broking services by Willis for clients in the period 1 January 2008 to date.
4. All correspondence between Willis and any insurer recording or referring to the provision or potential provision of professional indemnity insurance for IOOF and/or Australian Executor Trustees Limited (**AET**) in the period 1 January 2008 to date.
5. All documents recording, referring to or comprising the marketing of IOOF's professional indemnity risks in the period from 1 January 2008 to date.
6. All documents recording or referring to the nature of the business and/or services provided by AET in the period 1 January 2008 to date.
7. All documents recording or referring to the negotiation of, and procurement by, Willis of the following following policies of professional indemnity insurance for IOOF and its subsidiaries:
 - (a) policy number 311731 issued by AXIS Speciality Europe SE (**AXIS**) for the period of insurance from 4pm on 14 November 2010 to 4pm on 31 October 2011;
 - (b) policy number 311731 issued by AXIS for the period of insurance from 4pm on 30 November 2011 to 4pm on 31 October 2012;
 - (c) policy number 311731 issued by AXIS for the period of insurance from 4pm on 30 November 2014 to 4pm on 30 November 2015.
8. All documents recording or referring to fees charged by Willis to IOOF for the provision of financial lines insurance broking services in the period 1 January 2010 to date.
9. All documents recording or referring to the provision of insurance broking services by Willis for:
 - (a) debenture issuers under chapter 2L of the Corporations Act 2001 (Cth); and/or

(b) trustees with respect to debenture issuers under chapter 2L of the Corporations Act 2001 (Cth) (other than AET);

in the period 1 January 2008 to date.

10. All documents forming the contents of any hard copy or electronic files maintained by or on behalf of Willis with respect to IOOF and/or AET.