

SECOND FURTHER AMENDED SUMMONS

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Equity Division
List	Commercial List
Registry	Sydney
Case number	2018//371447

TITLE OF PROCEEDINGS

Plaintiff	Richmond Valley Council
Defendant	Jardine Lloyd Thompson Pty Ltd ABN 69 009 098 864

FILING DETAILS

Filed for	Richmond Valley Council, Plaintiff
Legal representative	Michelle Fox Quinn Emanuel Urquhart & Sullivan
Legal representative reference	06975-00004
Contact name and telephone	Michelle Fox, 02 9146 3500

HEARING DETAILS

This summons is listed for an initial case conference at

TYPE OF CLAIM

Commercially misleading conduct

Insurance

RELIEF CLAIMED

On the grounds stated in the Second Further Amended Commercial List Statement (CLS), the Plaintiff claims for itself and on behalf of Group Members:

- 1 Damages.
- 2 Further or alternatively, equitable compensation.
- 3 Further or alternatively, in the event the Plaintiff and Group Members so elect, an account of profits.
- 4 Pre-judgment and post-judgment interest.
- 5 Costs and interest on costs pursuant to s 101(4) of the *Civil Procedure Act 2005* (NSW).
- 6 Such further or other order as the Court considers appropriate.

REPRESENTATIVE PROCEEDING

Group Members

- 1 The Group Members to whom this proceeding relates to are those councils referred to in paragraph 2 of Part C of the CLS, being councils constituted by the *Local Government Act 1993* (NSW):
 - (a) to which the Defendant provided insurance broking services at any time during the period from 1 January 2009 to 3 December 2018 (the **Relevant Period**);
 - (b) which, at any time during the Relevant Period, obtained Property and/or Public Liability and Professional Indemnity insurance through the "NSW Local Government (Jardine Lloyd Thompson) Mutual Liability Scheme"; and
 - (c) which has, as at the date of filing the Second Further Amended Commercial List Statement, consented in writing to being a group member in this proceeding.

Nature of claims and relief sought

- 2 The nature of the claims made by the Plaintiff on behalf of itself and Group Members are set out in Part A of the CLS.
- 3 The relief sought by the Plaintiff on behalf of itself and Group Members is set out above.

Common questions of law and fact

- 4 The questions of law or fact common to the claims of Group Members are set out in Part B of the CLS.

SIGNATURE OF LEGAL REPRESENTATIVE

I certify under clause 4 of Schedule 2 to the Legal Profession Uniform Law Application Act 2014 that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that the claim for damages in these proceedings has reasonable prospects of success.

I have advised the plaintiff that court fees may be payable during these proceedings. These fees may include a hearing allocation fee.

Signature

Capacity

Solicitor on record

Date of signature

NOTICE TO DEFENDANT

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the relief claimed in the summons and for the plaintiff's costs of bringing these proceedings.

Before you can appear before the court you must file at the court an appearance in the approved form.

HOW TO RESPOND

Please read this summons very carefully. If you have any trouble understanding it or require assistance on how to respond to the summons you should get legal advice as soon as possible.

You can get further information about what you need to do to respond to the summons from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.
- The court registry for limited procedural information.

Court forms are available on the UCPR website at www.ucprforms.justice.nsw.gov.au or at any NSW court registry.

REGISTRY ADDRESS

Street address	Law Courts Building, 184 Phillip Street, Sydney
Postal address	Supreme Court of NSW GPO Box 3 Sydney NSW 2001
Telephone	1300 679 272

FURTHER DETAILS ABOUT PLAINTIFF**Plaintiff**

Name Richmond Valley Council
Address 10 Graham Place
Casino NSW 2470

Legal representative for plaintiff

Name Michelle Fox
Practising certificate number 46188
Firm Quinn Emanuel Urquhart & Sullivan
Address Level 15
111 Elizabeth Street
Sydney NSW 2000
Telephone +61 2 9146 3500
Email michellefox@quinnemanuel.com;
Electronic service address michellefox@quinnemanuel.com;

DETAILS ABOUT DEFENDANT**Defendant**

Name **Jardine Lloyd Thompson Pty Ltd**
ABN 69 009 098 864
Address Level 37, Grosvenor Place
225 George Street
Sydney NSW 2000