

OUTCOME DETAILS

**Supreme Court - Civil
at Supreme Court Sydney
on 4 November 2021**

2018/00371447-001 / Summons: Richmond Valley Council v JLT Risk Solutions Pty Ltd

1 Pursuant to r. 28.2 of the Uniform Civil Procedure Rules 2005 (NSW), in the event that the plaintiff succeeds on the cause of action pleaded in paragraphs 19 to 26 of the Third Further Amended Commercial List Statement dated 30 June 2021 and elects for an account of profits, the following questions be heard and determined, separately and subsequent to all other issues at the initial trial of the proceeding:

- a. the quantification of any account of profits; and
- b. whether the defendant should be ordered to account for such profits to the plaintiff.

2 The hearing and determination of the questions in paragraph 1 be on the basis of the evidence adduced and admitted in the proceeding on or before 4 November 2021, and no further evidence (save for documents marked for identification rather than tendered prior to 4 November 2021 in accordance with the interim suppression regime established by orders made on 15 October and 22 October 2021 and tendered after 4 November 2021).

3 The Court notes that the plaintiff will not be required to elect between remedies in respect of the cause of action pleaded in paragraphs 19 to 26 of the Third Further Amended Commercial List Statement dated 30 June 2021 until such time as specified by the Court by further direction.

FURTHER ORDERS MADE ON THE 4 NOVEMBER 2021:

1. By 5pm on 5 November 2021, each party on whose application an interim suppression order has been made in respect of any document or portion of the transcript of the hearing is to notify any third party who has an interest in applying for a suppression or non-publication order on a final basis of the following directions.
2. List for hearing at 9am on 12 November 2021 any application by any party or interested third party for any final order under the Court Suppression and Non-Publication Orders Act 2010 (NSW) in respect of any document or other evidence in these proceedings.
3. Direct that, by 4pm on 11 November 2021 any party or interested third party intending to seek such a final order file and serve on each party an affidavit in support of their application which must, inter alia, identify each document or other evidence in

respect of which the order is sought and the grounds in s 8 of the Court Suppression and Non-Publication Orders Act 2010 (NSW) on which the applicant relies.

4. Direct that a copy of any affidavit filed and served in accordance with order 3 above be sent to the Associate to Williams J at the email address: Chambers.WilliamsJ@courts.nsw.gov.au.

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The following hearing dates are vacated:

08 Nov 2021 10:00 AM 05 Nov 2021 10:15 AM

Reason: Request of Associate

Other Reason:

Justice K Williams

Signed

Date