

OUTCOME DETAILS

**Supreme Court - Civil
at Supreme Court Sydney
on 25 September 2020**

**2018/00353304-001 / Summons: Ashita Tomi Pty Ltd as trustee for Esskay Super Fund
v RCR TOMLINSON LTD trading as RCR Tomlinson Ltd**

This matter is listed for Directions (Commercial) on 4 December 2020 9:45 AM before the Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 5 Minutes

The following hearing dates are vacated:

06 Nov 2020 09:45 AM

Reason: Directions of List Judge

VERDICT ORDER OR DIRECTION

I make the orders in the document entitled Consent Order dated today's date and placed with the papers

CONSENT ORDER

TERMS OF ORDER MADE BY THE COURT BY CONSENT

Disclosure

1. The first defendant is to provide discovery by no later than 5pm on 25 September 2020, all unredacted copies of all Board Packs prepared during the Material Period [where claims for privilege are not pressed], to the extent not yet discovered.

2. The first defendant is to provide discovery by no later than 5pm on 23 October 2020 of documents held by the first defendant in respect of the custodians identified in Annexure A to these orders, to the extent not yet discovered.

3. If the first defendant fails to comply with order (1) and/or (2) above, the first defendant is to file and serve, within 48 hours, an affidavit setting out precisely the nature of the default, together with an explanation for the reason for the default.

4. The plaintiffs to notify the first defendant if they intend to press for the production of any further categories of documents by way of compliance with paragraph 1 of the Orders by 5pm on 30 November 2020.

Expert Evidence

5. Order 2 of the Orders be vacated.

Case Management

6. The directions hearing currently listed on 6 November 2020 be vacated and in lieu thereof the proceedings be listed for directions on 4 December 2020.

7. Liberty to apply on 1 day notice.

Justice D Hammerschlag

Signed

Date