

OUTCOME DETAILS

**Supreme Court - Civil
at Supreme Court Sydney
on 26 February 2021**

2019/00193556-001 / Summons: Kerry Michael Quirk v Suncorp Portfolio Services Limited in its capacity as trustee for the Suncorp Master Trust

This matter is listed for Directions (Commercial) on 26 March 2021 9:45 AM before the Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 5 Minutes

VERDICT ORDER OR DIRECTION

Hammerschlag J

His Honour has considered the respective position papers and considers that the process of identifying common questions should commence now and not await outcome of the plaintiffs Motion for Further Discovery. This will facilitate bringing the proceedings to hearing expeditiously. Accordingly, his Honour considers that a hybrid of the orders sought by the plaintiff and the defendants should be made. At present his Honour is unable to accommodate the hearing dates for the Motion and will do so, in cooperation with the parties, when the evidence on the Motion is complete and the other steps contemplated by these orders have occurred.

1. The plaintiff has leave to amend its Notice of Motion filed on 4 May 2020 in the form served on the defendants on 23 February 2021
2. An Amended Notice of Motion is to be filed and served as soon as practicable.
3. The defendants are to file and serve any evidence responding to the Motion by 12 March 2021.
4. The plaintiff is to file and serve any further evidence intended to be relied upon by 23 March 2021.
5. The matter is stood over to 26 March 2021 for allocation of a hearing date of the Motion.
6. The length of the position papers to be provided by the parties under the presently operating Protocol in respect of the listing on 26 March 2021 may not exceed 10 pages for each party.
7. By 12 March 2021 the plaintiff is to serve on the defendants a list of the questions of fact or law which he contends are common to all group members
8. By 19 March 2021 the defendants are to indicate the extent of any agreement or disagreement with the plaintiff's list and where they disagree are to briefly indicate why.
9. Liberty to apply on 3 days' notice.

2019/00193556-003 / Notice of Motion Civil - Kerry Michael Quirk v Suncorp Portfolio Services Limited in its capacity as trustee for the Suncorp Master Trust

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Justice D Hammerschlag

Signed

Date