

IN THE SUPREME COURT OF WESTERN AUSTRALIA
REPRESENTATIVE PROCEEDINGS LIST



IN THE SUPREME COURT OF WESTERN AUSTRALIA

CIV/1878/2024

BETWEEN:

James Daniel BUCK and Ors

Plaintiffs

AND

**BGC RESIDENTIAL PTY LTD (ACN 052 543
450) (ACN ACN 052 543 450) and Ors**

Defendants

ORDERS OF JUSTICE HOWARD
MADE ON 26 AUGUST 2024



UPON HEARING Mr N J Landis for the plaintiffs, Ms J K Taylor SC and with her Ms H Hofmann for the second and third defendants and Mr S K Dharmananda SC and with him Mr N L Pham for the third defendant on 26 August 2024, AND UPON the minute of proposed orders agreed by the parties dated 26 August 2024, IT IS ORDERED that:

Pleadings

1. Subject to further order:
 - (a) by 4:00 pm on 25 October 2024, the defendants are to file and serve their defences;
 - (b) by 4:00 pm on 15 November 2024, the plaintiffs are to file and serve any reply.

Security for costs

2. By 4:00 pm on 20 September 2024, the plaintiffs are to provide security for the defendants' costs of the proceeding in a sum agreed, and in a form agreed by the parties or ordered by the court.

3. In the event the sum for security in Order 2 above cannot be agreed:
 - (a) by 4:00 pm on 4 October 2024, the first and second defendants (jointly), and the third defendant, are each to file and serve any application for security for costs, and any affidavits in support, and a written submission in chief limited to 5 pages;
 - (b) by 4:00 pm on 18 October 2024, the plaintiffs jointly to file and serve any evidence in response and a written submission limited to 5 pages;
 - (c) by 4:00 pm on 25 October 2024, the first and second defendants (jointly), and the third defendant, are each to file and serve any written submission in reply limited to 2 pages; and
 - (d) the security for costs application be listed on 19 November 2024 at 10:30 am.

Strike out applications

4. By 4:00 pm on 20 September 2024, the first and second defendants (jointly) and the third defendant, are to each file and serve:
 - (a) any application for leave to make a strike out application out of time;
 - (b) together with any strike out application, any supporting evidence and a written submission limited to 10 pages.
5. In the event a strike out application is made by any of the defendants pursuant to Order 4 above:
 - (a) by 4:00 pm on 4 October 2024, the plaintiffs jointly are to file and serve any evidence in response and a written submission limited to 10 pages;
 - (b) by 4:00 pm on 11 October 2024, any of the first and second defendants (jointly), and the third defendant, who has made a strike out application is to file and serve a written submission in reply limited to 4 pages; and
 - (c) the strike out application be listed on 19 November 2024 at 10:30 am.

Further directions and ancillary orders

6. Liberty to apply on 3 business days' notice in writing.
7. Costs reserved.

BY THE COURT



HONOURABLE JUSTICE M HOWARD