

SHORT MINUTES OF ORDER

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Equity
List	Commercial
Registry	Sydney
Case number	2017/234966

TITLE OF PROCEEDINGS

Plaintiff	Alan Smith
Defendant	KPMG Financial Advisory Services (Australia) Pty Ltd ACN 007 363 215

DATE OF SHORT MINUTES OF ORDER

Date
Date entered

TERMS OF SHORT MINUTES OF ORDER

- 1 Upon the undertaking of Edgar George Tredrea that, for so long as he is the plaintiff, to the extent the Court awards costs in favour of the defendant in respect of the period prior to his becoming the plaintiff, he will consent to an order that such costs be borne and paid by him, an order pursuant to section 171(1) of the *Civil Procedure Act 2005 (NSW)* that the Applicant, Edgar George Tredrea, be substituted as the Plaintiff and representative party in the proceedings in place of Alan Smith.
- 2 The Applicant pay the Defendant's costs of this Notice of Motion, such costs to be payable in accordance with reg 42.7(2) of the *Uniform Civil Procedure Rules 2005 (NSW)*.
- 3 Such further or other orders as this Honourable Court thinks fit.

The Court Notes that:

- 1 Pursuant to the terms of a Representative Proceeding Funding Agreement dated 18 December 2017, LCM Operations Pty Limited has provided Edgar George Tredrea with an indemnity in respect of any adverse costs orders which may be made against him in these proceedings.

SIGNATURES

Edgar George Tredrea (Applicant) and Alan Smith (Plaintiff) consent

Signature of legal representative



Capacity

*Solicitor for the Plaintiff and Applicant,
by his Partner, Anne Elizabeth Freeman*

Date of signature

9.2.18

**KPMG Financial Advisory Services (Australia) Pty Ltd ACN 007 363 215 (Defendant)
consents**

Signature of legal representative



Capacity

Solicitor

Date of signature

9-2-18

SEAL AND SIGNATURE

Court seal

Signature

Capacity

Date