



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1812/2017

**GREGORY JOHN LENTHALL** and others named in the schedule  
Plaintiffs

**WESTPAC BANKING CORPORATION ABN 33 007 457 141** and others named in the  
schedule  
Defendants

### **ORDER**

**JUDGE:** JUSTICE LEE

**DATE OF ORDER:** 29 October 2018

**WHERE MADE:** Sydney

#### **THE COURT ORDERS THAT:**

1. The proceedings of Gregory Lenthall & Ors v Westpac Banking Corporation & Anor (NSD1812/2017) be stayed pending the determination of the respondents' application for leave to appeal, and any appeal of, the orders of Justice Lee dated 28 September 2018.
2. Notwithstanding Order 1:
  - a. Leave be granted to the applicants to amend the definition of group members in the Second Further Amended Originating Application and the Third Further Amended Statement of claim, pursuant to s 33K(1) of the *Federal Court of Australia Act 1976* (Cth), with such leave to be exercised by 4pm on 31 October 2018.
  - b. Leave be granted to file and serve a Third Further Amended Statement of Claim, with such leave to be exercised by 4pm on 31 October 2018.
  - c. The Referee is to:
    - i. continue to obtain such documents from the alternative insurers which in his opinion are expedient to obtain in order to continue the necessary work;



- ii. continue to work on the comparison schedules referred to by Mr Cowpe on 29 October 2018.
  - d. The parties have leave to approach the Associate of Lee J in relation to discovery.
  - e. Orders 24 and 25 of the orders dated 29 January 2018 be vacated.
  - f. Orders 18 to 23 of the orders dated 1 August 2018 be vacated.
  - g. By 4:00pm on 31 October 2018, the applicants file and serve any expert evidence from Dr Katherine Hunt (filing not to include annexures or exhibits) upon which they intend to rely in relation to the advice that a reasonably competent financial advisor ought to have provided the Applicants.
3. The subpoena issued to Deloitte Touche Tohmatsu dated 9 October 2018 be set aside.

Date that entry is stamped: 5 November 2018

*Warrick Soden*  
Registrar



**Schedule**

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Second Plaintiff	SHARMILA LENTHALL
Third Plaintiff	SHANE THOMAS LYE
Fourth Plaintiff	KYLIE LEE LYE
Second Defendant	WESTPAC LIFE INSURANCE SERVICES LIMITED ABN 31 003 149 157
Intervener	JUSTKAPITAL LITIGATION PTY LIMITED