



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

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Details of Filing

File Number: M21/2024
File Title: Bogan & Anor v. The Estate of Peter John Smedley (Deceased)
Registry: Melbourne
Document filed: Fifth Respondent's Chronology
Filing party: Defendant
Date filed: 18 Apr 2024

Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties and whenever the document is reproduced for use by the Court.

IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY

BETWEEN:

ANTHONY BOGAN
First Applicant

MICHAEL THOMAS WALTON
Second Applicant

and

THE ESTATE OF PETER JOHN SMEDLEY (DECEASED)
First Respondent

ANDREW GERARD ROBERTS
Second Respondent

PETER GRAEME NANKERVIS
Third Respondent

JEREMY CHARLES ROY MAYCOCK
Fourth Respondent

KPMG (A FIRM) ABN 51 194 660 183
Fifth Respondent

FIFTH RESPONDENT'S CHRONOLOGY

PART I: CERTIFICATION

1. This chronology is in a form suitable for publication on the internet.

PART II: CHRONOLOGY

Date	Event	Reference
19 August 2014 to 4 April 2016	Class members acquired shares in Arrium Ltd. Arrium published three financial statements and conducted a capital raising. The relevant board	ASOF [4], [6], [11]-[22] (CRB 68-71)

	meetings, committee meetings and financial statement signings occurred in Sydney, and the relevant locations in respect of the capital raising (including the underwriter) were all in Sydney.	
December 2017	Applicants engaged Ms Amanda Banton in the Sydney office of solicitors Squire Patton Boggs. Costs disclosure was made by Ms Banton in accordance with the <i>Legal Profession Uniform Law</i> (NSW) and the costs agreement was governed by the laws of New South Wales. This was true of all subsequent costs agreements.	ASOF, [36]; (CRB 72)
1 July 2020	Section 33ZDA of the <i>Supreme Court Act 1986</i> (Vic) commenced.	ASOF, [82] (CRB 77)
14 August 2020	Representative proceedings commenced by the applicants in the Supreme Court of Victoria.	ASOF, [83] (CRB 77)
2 November 2020	Applicants served the writ and statement of claim on the respondents	ASOF, [84] (CRB 77)
23 November 2020	KPMG wrote to the applicants that New South Wales was the more appropriate forum for the proceedings.	ASOF, [85] (CRB 78)
2 February 2021	Applicants applied for a group costs order (GCO) under s 33ZDA of the <i>Supreme Court Act</i> .	ASOF, [86] (CRB 78)
26 February 2021	KPMG applied to transfer the proceedings to the Supreme Court of New South Wales.	ASOF, [88] (CRB 78)
31 March 2021	Supreme Court of Victoria (Nichols J) directed that the GCO application be determined first.	ASOF, [93] (CRB 78)

3 May 2022	Supreme Court of Victoria (John Dixon J) made a GCO.	ASOF, [102] (CRB 79-80)
10 May 2022	KPMG applied to remove the proceedings into this Court.	ASOF, [105] (CRB 80)
18 November 2022	KPMG's removal application refused by this Court.	ASOF, [114] (CRB 81)
7 May 2023	Supreme Court of Victoria (Nichols J) reserved three questions for the consideration of the Victorian Court of Appeal under s 17B(2) of the <i>Supreme Court Act</i> .	CRB 18
26 October 2023	Victorian Court of Appeal granted leave to answer the reserved questions and answered the questions.	CRB 24
7 March 2024	Proceedings removed to this Court.	CRB 465

Dated: 18 April 2024



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