

BETWEEN:

Westpac Banking Corporation (ABN 007 457 141)
First Appellant

Westpac Life Insurance Services Limited (ABN 31 003 149 157)
Second Appellant

10

and



Gregory John Lenthall
First Respondent

Sharmila Lenthall
Second Respondent

Shane Thomas Lye
Third Respondent

20

Kylie Lee Lye
Fourth Respondent

JustKapital Litigation Pty Limited
Fifth Respondent

APPELLANTS' CHRONOLOGY

30 PART I: CERTIFICATION AS TO SUITABILITY FOR PUBLICATION

1. I certify that this chronology is in a form suitable for publication on the internet.

PART II: CHRONOLOGY OF PRINCIPAL EVENTS

Date	Event	Reference to Core Appeal Book (CAB) or Book of Further Materials (BFM) (Page and paragraph number)
22 September 2017	<p>Gregory Lenthall, the First Respondent, entered into:</p> <ul style="list-style-type: none"> • Funding Agreement with JustKapital Litigation Pty Limited (<i>JKL</i>), the Fifth Respondent; and • Cost Agreement and Costs Disclosure with Shine Lawyers. <p>Between this date and March 2018, the Second, Third and Fourth Respondents also entered into agreements with JKL and Shine Lawyers.</p>	<p>BFM 6, 39</p> <p>CAB 75 [4]</p>
12 October 2017	<p>Proceedings NSD 1812 of 2017 were commenced in the Federal Court of Australia (<i>Substantive Claim</i>) by the First and Second Respondents (as First and Second Applicants in the Substantive Claim) against the Appellants (as Respondents in the Substantive Claim).</p>	<p>CAB 75 [3]</p>
23 March 2018	<p>The First and Second Respondents filed an interlocutory application for common fund orders (the <i>First Common Fund Application</i>) in the Substantive Claim.</p>	<p>CAB 75 [4]</p>
18 April 2018	<p>A notice was sent to potential Group</p>	<p>CAB 14-16 [9]</p>

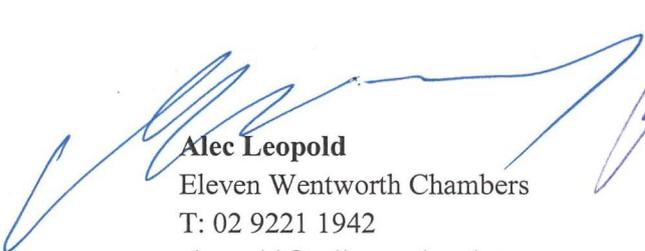
Date	Event	Reference to Core Appeal Book (CAB) or Book of Further Materials (BFM) (Page and paragraph number)
	Members informing them that the First and Second Respondents had sought common fund orders.	
29 May 2018	Hearing of the First Common Fund Application before Lee J.	CAB 75 [5]
15 June 2018	JKL filed an Interlocutory Application seeking leave to intervene in the First Common Fund Application.	CAB 119 (index reference only)
18 June 2018	The First to Fourth Respondents filed an amended interlocutory application for common fund orders (the <i>Amended Common Fund Application</i>) in the Substantive Claim.	CAB 5-7
26 – 27 June 2018	Hearing of the Amended Common Fund Application before Lee J.	CAB 10; 17 [12]
18 September 2018	Lee J delivered judgment in <i>Lenthall v Westpac Life Insurance Services Limited</i> [2018] FCA 1422.	CAB 8-34
28 September 2018	Lee J made orders in <i>Lenthall v Westpac Life Insurance Services Limited ABN 31 003 149 157</i> [2018] FCA 1422.	CAB 35-55
8 October 2018	The Appellants filed an application for leave to appeal the orders of Lee J of 28 September 2018 (<i>FCAFC Appeal</i>).	CAB 74 [1]

Date	Event	Reference to Core Appeal Book (CAB) or Book of Further Materials (BFM) (Page and paragraph number)
15 October 2018	Shine Lawyers provided its undertaking (signed on 9 October) to the Court.	CAB 120 (index reference only)
16 October 2018	JKL provided its undertaking (signed on 8 October) to the Court.	CAB 119 (index reference only)
26 October 2018	JKL filed an application for a stay of the Substantive Claim pending the outcome of the FCAFC Appeal.	-
29 October 2018	The stay application was heard by Lee J. Lee J made orders staying the proceedings pending the outcome of the FCAFC Appeal.	-
16 November 2018	The Appellants filed an Amended Application for leave to appeal (annexing Notice of Appeal) in the FCAFC Appeal.	CAB 56-61
4 – 5 February 2019	<p>Concurrent hearing of:</p> <ul style="list-style-type: none"> • the Amended Application for leave to appeal and the appeal in the FCAFC Appeal before the Full Court of the Federal Court of Australia, comprising Allsop CJ, Middleton and Robertson JJ; and • the separate question (stated by Sackar J in <i>Owen Brewster v BMW Australia Ltd</i> [2018] NSWSC 1602) by the New South 	CAB 72 and 74[1]

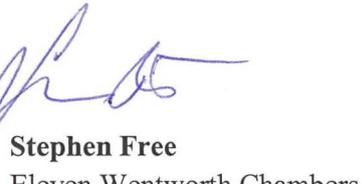
Date	Event	Reference to Core Appeal Book (CAB) or Book of Further Materials (BFM) (Page and paragraph number)
	Wales Court of Appeal, comprising Meagher JA, Ward JA and Leeming J.	
1 March 2019	Full Federal Court delivered judgment and made orders in <i>Westpac Banking Corporation v Lenthall</i> [2019] FCAFC 34. New South Wales Court of Appeal delivered judgment in <i>Brewster v BMW Australia Ltd</i> [2019] NSWCA 35.	CAB 68-114 CAB 115-117
29 March 2019	The Appellants filed an Application for special leave to appeal to the High Court of Australia (<i>SLA</i>).	CAB 130
12 April 2019	JKL filed a submitting appearance, save as to costs in the SLA.	-
15 May 2019	The High Court of Australia (Gordon and Edelman JJ) ordered that the Appellants be granted special leave to appeal.	CAB 129-131
28 May 2019	The Appellants filed a Notice of Appeal and Notice of a Constitutional Matter.	CAB 132-135 CAB 136-141

Date	Event	Reference to Core Appeal Book (CAB) or Book of Further Materials (BFM) (Page and paragraph number)
29 May 2019	The Notice of Appeal and Notice of a Constitutional Matter were served on the Respondents and the Attorneys-General of the Commonwealth, States and Territories.	CAB 132-135 CAB 136-141

Dated 19 June 2019



Alec Leopold
Eleven Wentworth Chambers
T: 02 9221 1942
aleopold@selbornechambers.com.au



Stephen Free
Eleven Wentworth Chambers
T: 02 9233 7880
sfree@elevenwentworth.com



Celia Winnett
6th Floor Selborne
T: 02 8915 2673
cwinnett@sixthfloor.com.au