

10 BETWEEN: **EXPENSE REDUCTION ANALYSTS GROUP PTY LIMITED**  
First Appellant

**ERA INSURANCE SERVICES PTY LIMITED**  
Second Appellant

**EXPENSE REDUCTION ANALYSTS AUSTRALASIA PTY LIMITED**  
Third Appellant

**STUART ROY MICHAEL**  
Fourth Appellant

**RONALD CLUCAS**  
Fifth Appellant

**CHARLES FREDERICK MARFLEET**  
Sixth Appellant

**ERAGICS LIMITED**  
Seventh Appellant



30 **EXPENSE REDUCTION ANALYSTS INTERNATIONAL LIMITED**  
Eighth Appellant

**KEITH JOHN CHAPMAN**  
Ninth Appellant

**ANTHONY FREDERICK DORMER**  
Tenth Appellant

and

40 **ARMSTRONG STRATEGIC MANAGEMENT AND MARKETING PTY LIMITED**  
First Respondent

**ARMSTRONG CONSULTING PTY LIMITED**  
Second Respondent

**KENNETH ALAN ARMSTRONG**  
Third Respondent

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Filed on behalf of: The Appellants  
Date of document: 12 July 2013  
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## APPELLANTS' CHRONOLOGY

### PART I: Certification

I certify that the chronology is in a form suitable for publication on the Internet.

### PART II: Principal events leading to litigation

Date	Event	Appeal book reference
15 April 2011	Proceeding is transferred to the Supreme Court of New South Wales from the District Court.	
22 July 2011	The Supreme Court makes orders requiring the parties to give verified discovery by 21 September 2011.	
4-19 August 2011	Norton Rose Fulbright Australia ( <b>NRFA</b> ) review documents provided by the fourth defendant.	
16 September 2011	NRFA provided with further documents for review by the fourth defendant.	
23 September 2011	The Supreme Court makes orders extending the time for the parties to give verified discovery to 7 October 2011.  In connection with this order it was agreed, <i>inter partes</i> , that the defendants would provide informal discovery of the documents that had at that time been reviewed.	
23 September 2011	NRFA provided with further documents for review from the fifth defendant, the ninth defendant and Truman Hoyle Lawyers (the former solicitors for the first, second and third	

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		defendants when the proceedings were in the District Court).	
10	27 September 2011	NRFA provided with further documents for review by the fourth defendant.	
20	29 September 2011	NRFA provide Marque Lawyers with CD of documents by way of informal discovery (such CD containing images of each of the documents in dispute in the current proceeding ( <b>Disputed Documents</b> )).	
30	October 2011	Verified lists of documents for each of the fourth, fifth, sixth, ninth and tenth defendants (the <b>Individual Defendants</b> ) served by NRFA on Marque Lawyers.	
40		The verified list provided on behalf of fourth defendant contained the Disputed Documents in the first (non-privileged) table in the list of documents.  The first and third defendants did not give discovery by way of separate lists of documents. Rather, the lists by the fifth, sixth, ninth and tenth defendants included documents that had been provided to NRFA by Dormers Commercial Lawyers & Consultants, the solicitors for the the first and third defendants .  The second, seventh and eighth defendants did not give discovery and have not appeared in the main proceedings.	
50	13 October 2011	Marque Lawyers write to NRFA requesting the bases on which privilege is claimed over	

		certain documents listed in the verified lists of documents.	
10	19 October 2011	NRFA provide Marque Lawyers with CDs containing (what were believed to be) all non-privileged and redacted documents of the Individual Defendants (as listed in the verified lists of documents).  The CD containing the documents of the fourth defendant contained images of the Disputed Documents.	
20	20 October 2011	Marque Lawyers forward the CDs to the third plaintiff for inspection.	
30	24 October 2011	NRFA write to Marque Lawyers claiming legal advice privilege over certain documents provided and referred to as Documents 737, 742 and 746.	
40	7 November 2012	The third plaintiff provides Marque Lawyers with comments on some of the documents produced by the fourth defendant (and it is not established precisely which of those documents were the subject of the third plaintiff's comments, and therefore it is not shown that at that stage he had made comments on any of the Disputed Documents).	
50	21 November 2012	Marque Lawyers write to NRFA requesting the bases on which privilege is claimed over Documents 737 and 742.	
	25 November 2011	Hannah Marshall of Marque Lawyers commences inspection of the defendants'	

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	discovered documents and notes that a number of documents appear to record communications between one or more of the directors of the corporate defendants and solicitors.	
25 November 2011	Marque Lawyers write to NRFA noting that a number of documents in the fourth defendant's verified list of documents appear to record communications between one or more of the directors of the corporate defendants and solicitors.	
5 December 2011	The third plaintiff provides Marque Lawyers with further comments on discovered documents produced by the Individual Defendants.	
6 December 2011	NRFA write to Marque Lawyers noting that production of certain privileged documents was inadvertent and does not constitute waiver of such privilege, requesting that all copies of the privileged documents be returned to NRFA and seeking an undertaking that the relevant documents will not be used or relied upon.	
12 December 2011	Marque Lawyers write to NRFA noting that its clients have no obligation to return the privileged documents and that any privilege has been waived	
23 December 2011	The Individual Defendants file a Notice of Motion seeking orders restraining the plaintiffs from making any further use of certain documents identified in the Schedule	

	attached to the Notice of Motion.	
10 24 February 2012	An Amended Notice of Motion is filed adding further documents to the Schedule and joining the first, second, third, seventh and eighth defendants as applicants.	

Dated: 12 July 2013



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