

## **UPDATE: Sydney Light Rail Class Action**

On 31 July 2020, the Sydney Light Rail Class Action proceedings were listed for a directions hearing before his Honour Justice Garling. The purpose of the directions hearing was to outline a timetable to prepare the matter for hearing including the completion of the discovery process and the service of the parties' lay and expert evidence.

During the course of the directions hearing, his Honour raised concerns in relation to the tight timetable that would have had to be applied in order for the matter to be ready for hearing in May 2021. The legal representatives for both parties agreed with his Honour's concerns.

As a result, the Court made an order vacating the May 2021 hearing date and set down the matter for hearing on 30 August 2021.

While we have taken every step possible to avoid any further delays, the three month adjournment of the hearing places the plaintiffs in a better position to pursue their claims than if the hearing remained in place for May 2021 as:

1. The plaintiffs will have more time to engage their experts and prepare their expert evidence. The plaintiffs intend to lead expert evidence in a range of disciplines including planning, procurement and programming, environmental impacts (noise, vibration, dust and dirt), traffic impacts, retail business impacts and damages. This evidence is complex and relies on the defendant's discovery, completion of which is not likely to be due until the end of September 2020.
2. The parties will have more time to confer with a view to reducing the issues to be determined at hearing and allow any settlement discussions to be explored.
3. If any settlement discussions occur prior to the hearing, the plaintiffs will need to have an understanding of the total damages suffered by group members in order to negotiate any settlement amount. To do this we have engaged a damages expert to verify group members' losses. While some group members have already provided their requisite financial records, a large number still need to submit their records for verification.

**If you need assistance in relation to the above, you may contact us via [www.mitry.com.au/contact](http://www.mitry.com.au/contact) or on +61 2 9222 2833.**

**Mitry Lawyers**