



FORM 46A

Rule 46.04(1)

**IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST**

Case: S ECI 2020 03281

Filed on: 02/02/2021 10:36 AM

No. S ECI 2020 03281

B E T W E E N

ANTHONY BOGAN

First Plaintiff

MICHAEL THOMAS WALTON

Second Plaintiff

-and-

THE ESTATE OF PETER JOHN SMEDLEY DECEASED

First Defendant

ANDREW GERARD ROBERTS

Second Defendant

PETER GRAEME NANKERVIS

Third Defendant

JEREMY CHARLES ROY MAYCOCK

Fourth Defendant

KPMG (A FIRM) ABN 51 194 660 183

Fifth Defendant

SUMMONS

Date of Document: 2 February 2021

Solicitors Code: 104638

Filed on behalf of: The Plaintiffs

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Prepared by: Amanda Banton, Banton Group

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To: First to Fifth Defendant

You are summoned to attend before the Court on the hearing of an application by the first and second plaintiffs for orders that:

1. Pursuant to s 33 ZDA(1)(a) of the *Supreme Court Act 1986* (Vic), the legal costs payable to the Banton Group be calculated as a percentage of the amount of any award or settlement that may be recorded in the proceedings (**GCO Amount**).
2. Pursuant to s 33ZDA(1)(b) of the *Supreme Court Act 1986* (Vic), that the Plaintiff and all group members be liable for payment of the legal costs order pursuant to the GCO Amount.
3. Such further orders as the Court thinks just.

4. Costs.

The application will be listed for directions by audio-visual hearing on 5 February 2021.

FILED 2 February 2021

This summons was filed by Amanda Banton of Banton Group, solicitor for the first and second plaintiff.