



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: 09/12/2021 04:30 PM

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

**AMENDED SUMMONS**

**Pursuant to Order 1 of the Orders of the Honourable Justice Nichols dated 22 October 2021**

Date of Document: ~~2 February~~ 8 December 2021

Solicitors Code: 104638

Filed on behalf of: The Plaintiffs

Telephone: 02 8076 8090

Prepared by: Amanda Banton, Banton Group

Ref: 2424

Email: Amanda.Banton@bantongroup.com

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, that percentage being 40% inclusive of GST (GCO AmountRate).

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~~Rate.
3. Such further orders as the Court thinks just.
4. Costs.

The application will be heard by Justice Nichols on 24 February 2022 at .....

FILED ~~2 February 2021~~ 18 December 2021

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