



Form 46A

Rule 46.04(1)

Case: S ECI 2020 04789

Filed on: 28/04/2021 12:23 PM

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

S ECI 2020 04789

BETWEEN

BEECHAM MOTORS PTY LTD (ACN 010 580 551)

Plaintiff

and

GENERAL MOTORS HOLDEN AUSTRALIA NSC PTY LTD (ACN 603 486 933)

Defendant

SUMMONS

Date of document: 28 April 2021
Filed on behalf of: the defendant
Prepared by:
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To: the plaintiff

You are summoned to attend before the Court on the hearing of an application by the defendant for the following orders:

1. Pursuant to rule 23.02 of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic) (**Rules**):
 - (a) paragraph 5(f); and
 - (b) particular C to paragraph 11,of the plaintiff's amended statement of claim be struck out.
2. Pursuant to section 33N(1)(b), (c) or (d) of the *Supreme Court Act 1986* (Vic) (**Act**), this proceeding no longer continue under Part 4A of that Act.

3. Alternatively to paragraph 2 above, paragraph 2 of the “Common Questions of Law or Fact” in the plaintiff’s amended statement of claim be struck out pursuant to rule 23.02(c) of the Rules.
4. The plaintiff pay the defendant’s costs of and incidental to this application.

The application will be heard before the Honourable Justice Nichols at Supreme Court, William Street, Melbourne, at 10:30am on 14 July 2021.

FILED 28 April 2021

This summons was filed by Norton Rose Fulbright Australia, of Level 38, Olderfleet, 477 Collins Street, Melbourne, Victoria, solicitors for the defendant.