



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 24 May 2024 and has been accepted for filing under the *High Court Rules 2004*. Details of filing and important additional information are provided below.

Details of Filing

File Number: S52/2024
File Title: Birketu Pty Ltd ACN 003 831 392 & Anor v. Atanaskovic & C
Registry: Sydney
Document filed: Form 27B - Appellant's chronology
Filing party: Appellants
Date filed: 24 May 2024

Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties and whenever the document is reproduced for use by the Court.

Form 27B – Appellant’s chronology

Note: see rule 44.02.3.

S52/2024

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

S52/2024

BETWEEN:

BIRKETU PTY LTD
ACN 003 831 392
First Appellant

WIN CORPORATION PTY LTD
ACN 000 737 404
Second Appellant

and

JOHN LJUBOMIR ATANASKOVIC
First Respondent

LAWSON ANDREW JEPPS
Second Respondent

MAURICE JOCELYN CASTAGNET
Third Respondent

APPELLANTS’ CHRONOLOGY

Part I: Certification

This chronology is in a form suitable for publication on the internet.

Part II:

Date	Event	Source
25 May 2018	The First and Second Respondents commenced Proceedings No. 2018/164411 against the Appellants to recover professional fees and disbursements totaling \$1,093,648 pursuant to	AJ[2] (CAB 53)

	seven invoices issued in respect of having acted for the Appellants in six matters.	
9 August 2019	Hammerschlag J, delivered judgment for the First and Second Respondents for \$928,982 (relating to six of the seven invoices) and reserved for further consideration the seventh ("the investigation invoice") relating to a retainer to investigate the circumstances in which the First and Second Respondents' former employed solicitor Brody Clarke, had perpetrated frauds on the First Appellant.	AJ[3] (CAB 53)
15 May 2020	Hammerschlag J held that the First and Second Respondents were not entitled to recover on the investigation invoice, except to a very small extent, and gave judgment for them for an additional \$14,930 and otherwise dismissed the summons: <i>Atanaskovic and persons named in Schedule A t/as Hartnell v Birketu Pty Ltd - Supervisory Jurisdiction</i> [2020] NSWSC 573.	AJ[3] (CAB 53)
19 June 2020	Hammerschlag J delivered judgment in proceedings 2018/164411 and made orders, <i>inter alia</i> that: the First Appellant to pay the First and Second Respondents' costs of the proceedings up to and including 16 September 2019, attributable to its claim on the six invoices, assessed on the ordinary basis (order 2); and that the First and Second Respondents were to pay the First Appellant's costs of the proceedings from 10 August 2019 (the date of the final Judgment), assessed on the indemnity basis (order 3): <i>John Ljubomir Atanaskovic and the persons named in Schedule A trading as</i>	AJ[5] (CAB 54)

	<i>Atanaskovic Hartnell v Birketu Pty Ltd - Costs</i> [2020] NSWSC 779 (Costs Judgment).	
24 December 2021	The First and Second Respondents served a copy of its proposed application for costs assessment on the First Appellant.	PJ[4] (CAB 9)
13 January 2022	The First Appellant wrote to the First and Second Respondents objecting to the entirety of its claim for professional costs for work done by the First and Second Respondents' employed solicitors.	PJ[4] (CAB 9)
24 January 2022	The First and Second Respondents responded to the 13 January 2022 letter taking issue with the First Appellant's objection.	PJ[4] (CAB 9)
1 February 2022	The First and Second Respondents filed their application for costs assessment pursuant to order 2 of <i>Hammerschlag J</i> made on 19 June 2020: <i>Costs Assessment Proceeding: 2022/029349</i> .	AJ[7] (CAB 54)
17 February 2022	The Third Respondent wrote to the First Appellant and the Second and Third Respondents confirming that he had been appointed as Costs Assessor in relation to the Costs Assessment Proceeding.	PJ[5] (CAB 9)
9 March 2022	The First Appellant made submissions to the Third Respondent in relation to jurisdiction and the future conduct of the Costs Assessment Proceeding.	PJ[5] (CAB 9-10)
10 March 2022	The First and Second Respondents made submissions to the Third Respondent pertaining to costs agreements entered into between the First and Second Respondents and their Counsel.	PJ[5] (CAB 10)

16 March 2022	The First and Second Respondents made further submissions to the Third Respondent, addressing the First Respondent's 9 March 2022 submissions.	PJ[5] (CAB 10)
23 March 2022	The Third Respondent granted an extension of time to the First Appellant to put on further submissions in response to the First and Second Respondents' submissions of 10 and 16 March.	PJ[5] (CAB 10)
6 April 2022	The First Appellant made further submissions to the Third Respondent in response to the First and Second Respondents' submissions of 10 and 16 March.	PJ[5] (CAB 10)
22 April 2022	The Third Respondent wrote to the parties regarding orders 2 and 3 of the Costs Judgment and making directions regarding the Costs Assessment Proceedings (22 April Email).	PJ[6] (CAB 10)
6 May 2022	The First Appellant wrote to the Third Respondent that the 22 April Email constituted a finding capable of appeal and requested the Third Respondent's formal reasons for his decision set out in the 22 April Email.	PJ[7] (CAB 11)
6 July 2022	The First Appellant reiterated the request for the Third Respondent's formal reasons for his decision set out in the 22 April Email.	PJ[7] (CAB 11)
6 July 2022	The Third Respondent responded to the First Appellant's request, rejecting it.	PJ[7] (CAB 11)
2 August 2022	The Appellants filed a Summons in the Supreme Court of New South Wales for judicial review of the Third Respondent's decision in his 22 April Email.	AJ[8] (CAB 55)
26 October 2022	Judgment handed down by Brereton JA: <i>Birketu v Castagnet</i> [2022] NSWSC 1435.	CAB 5-37

14 November 2022	The First and Second Respondents filed a Notice to Appeal in the Court of Appeal of New South Wales.	CAB 38-43
15 December 2023	Judgment handed down by the Court of Appeal: <i>Atanaskovic v Birketu Pty Ltd</i> [2023] NSWCA 312.	CAB 44-161
11 January 2024	The Appellants file an application for special leave to appeal.	
11 April 2024	Special leave to appeal to the High Court of Australia granted to the Appellants.	CAB 168-9
23 April 2024	The Appellants' filed Notice of Appeal with the High Court of Australia pursuant to the grant of leave on 11 April 2024.	CAB 170-3
3 May 2024	The Third Respondent filed Notice of Submitting Appearance with the High Court of Australia.	CAB 174-5

Dated: 22 May 2024

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