

**IN THE HIGH COURT OF AUSTRALIA  
SYDNEY REGISTRY**

No S170 of 2016

Between

**David Kendirjian**  
Appellant

and

**Eugene Lepore**  
First Respondent

and

**Jim Conomos**  
Second Respondent



**APPELLANT'S CHRONOLOGY**

**Part I: Certification for Internet Publication**

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

**Part II: Chronology**

<b>Date</b>	<b>Event</b>	<b>Reference</b>
21 Nov 1999	Appellant (" <b>Kendirjian</b> ") injured in a motor vehicle accident with vehicle driven by Ms Cheree Ayoub (" <b>Ayoub</b> ") and suffered injuries.	
2004	First Respondent (" <b>Lepore</b> ") commenced proceedings on behalf of Kendirjian against Ayoub in Parramatta District Court for damages (" <b>the Earlier Proceedings</b> ").  Ayoub admitted liability.	
Pre Aug 2006	Lepore briefed the Second Respondent (" <b>Conomos</b> ") to appear for Kendirjian at the hearing in the Earlier	

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	Proceedings.	
30 Aug 2006	<p>On the first day of hearing of the Earlier Proceedings, Ayoub’s lawyers communicated to Lepore and Conomos an offer to settle the Earlier Proceedings for \$600,000 plus costs (“<b>the Settlement Offer</b>”).</p> <p>Lepore and Conomos did not communicate the Settlement Offer to Kendirjian but merely of the fact that an offer had been made.</p> <p>Lepore and Conomos rejected the Settlement Offer absent any instructions from Kendirjian on the basis that it was “too low”.</p>	
13 Oct 2006	Delaney DCJ delivered judgment awarding Kendirjian \$308,432.75 damages.	
14 Aug 2008	Kendirjian’s appeal, which had been instituted upon Lepore’s advice, was dismissed: <i>Kendirjian v Ayoub</i> [2008] NSWCA 194	
Jan 2009	Kendirjian first discovered the substance of the Settlement Offer when Ayoub’s lawyer informed Kendirjian that Ayoub had offered to settle the Earlier Proceedings for \$600,000 plus costs.	
9 Oct 2012	Kendirjian commenced proceedings against Lepore and Conomos in Sydney District Court (“ <b>the District Court Proceedings</b> ”).	
15 Mar 2013	Amended Statement of Claim in the District Court Proceedings filed in court.	
15 Apr 2013	Amended Defence filed by Conomos in the District Court	

	Proceedings	
22 Apr 2013	Amended Defence filed by Lepore in the District Court Proceedings	
29 Jul 2013	Notice of Motion filed by Lepore to dismiss the District Court Proceedings pursuant to Uniform Civil Procedure Rules 13.4(1) on the basis he was protected from suit by advocates immunity	
31 Jul 2013	Notice of Motion filed by Conomos to dismiss the District Court Proceedings pursuant to Uniform Civil Procedure Rules 13.4(1) on the basis he was protected from suit by advocates immunity	
18 Oct 2013	Notice of Motion filed by Kenderjian seeking leave to file a Further Amended Statement of Claim in the District Court Proceedings	
11 & 12 Dec 2013	The Motions filed by Lepore, Conomos and Kenderjian in the District Court Proceedings were listed for hearing by Taylor SC DCJ	
16 May 2014	Taylor SC DCJ dismissed Kenderjian's District Court Proceedings pursuant to UCPR 13.4(1).	
18 Aug 2014	Kenderjian filed Summons Seeking Leave to Appeal in the Court of Appeal of the Supreme Court of NSW	
21 May 2015	Court of Appeal of the Supreme Court of NSW grants Kenderjian leave to appeal and dismisses his appeal: <i>Kenderjian v Lepore</i> [2015] NSWCA 132.	
1 Jun 2015	Court of Appeal of the Supreme Court of NSW varies order 4 it made on 21 May 2015 to read "Order the Applicant to	

	pay the First Respondent's costs of the application for leave to appeal and to appeal on an ordinary basis to 15 October 2014 and thereafter on an indemnity basis."	
17 Jun 2015	Application for special leave to High Court of Australia filed	
22 June 2015	Amended Application for special leave to High Court of Australia filed	
17 Jun 2016	Grant of special leave	

**Dated: 21<sup>st</sup> July 2016**

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