



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID1494/2016

TPT PATROL PTY LTD AS TRUSTEE FOR AMIES SUPERANNUATION FUND
Applicant

MYER HOLDINGS LIMITED
Respondent

ORDER

JUDGE: JUSTICE BEACH


DATE OF ORDER: 27 March 2017

WHERE MADE: Melbourne

THE COURT ORDERS THAT:

1. The respondent's interlocutory application dated 3 March 2017 be dismissed.
2. The notice to produce served by the respondent upon the applicant on 3 March 2017 and each of the subpoenas issued by the respondent on 14 March 2017 in this proceeding be set aside.
3. The costs of the respondent's interlocutory application dated 3 March 2017, the notice to produce served by the respondent upon the applicant on 3 March 2017, each of the subpoenas issued by the respondent on 14 March 2017 and the applicant's interlocutory application dated 20 March 2017 be reserved.
4. The parties make electronic discovery on or before 15 May 2017 as follows:
 - (a) the applicant make standard discovery in accordance with r 20.14 of the *Federal Court Rules 2011* (Cth); and
 - (b) the respondent make discovery of the categories set out in the annexure to this order.
5. A further case management hearing be listed for 9.30am on 2 June 2017.
6. The respondent file and serve its application for security for costs and any supporting material by 4.00pm on 7 April 2017.
7. The applicant file and serve any material in response to the respondent's application for security for costs by 4.00pm on 28 April 2017.
8. Any security for costs application be listed for 9.30am on 5 May 2017.
9. Costs reserved.

Date that entry is stamped: 27 March 2017


Registrar



Annexure

Documents in the following categories which were created in the period between 1 February 2014 and 19 March 2015 in respect of the respondent's financial performance on a whole of business basis in the 2015 financial year (**Myer's FY15 performance**):

- a. Financial budgets, forecasts and reports (including drafts) given to or by any MSM concerning Myer's FY15 performance;
- b. Communications to, from or between any MSM concerning Myer's FY15 performance;
- c. Drafts of any ASX, public or media disclosure or announcement concerning Myer's FY15 performance (collectively, **disclosure concerning Myer's FY15 performance**);
- d. Documents recording any advice to or from, or discussion with, or consideration or decision by, any MSM concerning Myer's FY15 performance or disclosure concerning Myer's FY15 performance.

Note: "MSM" means any member of the board of directors or senior management of the respondent during FY15, including the CEO, deputy CEO, CFO, General Counsel, Legal Counsel, Executive General Managers, company secretary, and their personal assistants or secretaries if documents were sent to them on behalf of their principals.