



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: 31 May 2017

WHERE MADE: Melbourne

THE COURT ORDERS BY CONSENT THAT:

Particulars

1. By 14 July 2017, the applicant:
 - (a) specify the date in paragraph 21 of the statement of claim on which it relies; and
 - (b) provide proper particulars of the allegations in paragraphs 20 and 21 of the statement of claim that the respondent was “aware of” each of the matters in sub-paragraphs 19(a)-(e) of the statement of claim, including particularising:
 - (i) the officer or officers of the respondent who were aware of each matter;
 - (ii) when it is alleged each such officer of the respondent became aware of each such matter; and
 - (iii) how that awareness was obtained.

Lay evidence

2. By 31 August 2017, the applicant file and serve affidavits of the evidence of all lay witnesses whom it intends to call at the initial trial.
3. By 29 September 2017, the respondent file and serve affidavits of the evidence of all lay witnesses whom it intends to call at the initial trial.
4. By 31 October 2017, the applicant file and serve affidavits of the evidence of all lay witnesses whom it intends to call in reply at the initial trial.



Expert evidence

5. By 31 August 2017, the applicant file and serve the expert evidence upon which it intends to rely at the initial trial.
6. By 31 October 2017, the respondent file and serve the expert evidence upon which it intends to rely at the initial trial.
7. By 30 November 2017, the applicant file and serve all expert evidence in reply upon which it intends to rely at the initial trial.

Security for costs

8. By 30 June 2017, the parties seek to agree on an amount of security for the costs to be incurred by the respondent in the period from 3 June 2017 up to and including the next case management hearing.
9. By 14 July 2017, the respondent file and serve any application for security for costs and supporting material.
10. By 28 July 2017, the applicant file and serve any material in response to the respondent's application.
11. Any application for security for costs be listed at the earliest available date after 28 July 2017.

Mediation

12. The parties commence a mediation by no later than the week of 26 February 2018.

Case management hearing and initial trial

13. The proceeding be listed for a further case management hearing at 9.30 am on 16 March 2018, including the making of orders and directions for:
 - (a) the giving of notice concerning opt-out;
 - (b) conclaves of experts;
 - (c) the documentary evidence to be relied upon at the initial trial;
 - (d) exchanges of objections and outlines of submissions; and
 - (e) in respect of such other matters as the Court considers appropriate.




14. The initial trial be fixed to commence at 10.15 am on 6 August 2018, with a provisional estimate of three (3) weeks.
15. The initial trial determine:
 - (a) The whole of the applicant's individual claim; and
 - (b) The common questions.

Liberty to apply and costs

16. Liberty to apply generally.
17. Costs reserved.

Date that entry is stamped: 31 May 2017


Registrar