



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1908/2016

GAVIN SMITH and others named in the schedule
Applicant

COMMONWEALTH OF AUSTRALIA (DEPARTMENT OF DEFENCE)
Respondent

ORDER

JUDGE: JUSTICE JAGOT

DATE OF ORDER: 29 August 2017

WHERE MADE: Sydney

THE COURT ORDERS THAT:

Orders in relation to the “initial trial”

1. Order 4 of the orders made on 30 May 2017 be amended such that the order is:

By 4:00pm on 10 October 2017, the respondent is to inform the applicants whether it consents to the orders set out in Annexure A to the letter from the Applicants’ solicitor to the Respondent’s solicitor dated 10 August 2017 being made in the proceedings and, if it does not consent, inform the applicants of the nature and reasons for any objections to those orders being made.

2. Order 5 of the orders made on 30 May 2017 be amended such that the order is:

By 4:00pm on 17 October 2017, the applicants and the respondent to:

- (a) inform the Associate to Jagot J that the orders set out in Annexure A are agreed; or
- (b) inform the Associate to Jagot J that the orders set out in Annexure A are not agreed, advise what matters are in dispute, and that those matters will be dealt with at the



further case management hearing on 31 October (as per order 4 below).

Evidence and other matters

3. Order 8 of the orders made on 4 April 2017 and Order 6 of the orders made on 30 May 2017 be amended such that the order is:


The parties' representatives are to, no later than 31 October 2017, confer with a view to:

- (a) agreeing an efficient, timely and cost effective process for the preparation of evidence, including considering engaging joint experts where appropriate;
- (b) discussing a timetable for the filing of lay and expert evidence in chief and evidence in reply; and
- (c) considering a timetable for mediation and the further conduct of the proceedings including any procedural or administrative matters.

Further directions

4. The further case management hearing at 9:30am on 19 September 2017 be vacated.
5. Liberty to restore on 48 hours' notice.

DATE THAT ENTRY IS STAMPED: 29 August 2017


Registrar



Schedule

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Second Applicant	KIM SMITH
Third Applicant	ANN AND LINDSAY CLOUT SMSF PTY LTD ACN 154 516 006
Fourth Applicant	ANN CLOUT
Fifth Applicant	LINDSAY CLOUT
Sixth Applicant	JOHN ARTHUR HEWITT
Eighth Applicant	MARSHALLS TRANSPORT PTY LTD
Ninth Applicant	NICHOLAS MARSHALL
Tenth Applicant	MELISSA MARSHALL