



Federal Court of Australia  
District Registry: New South Wales  
Division: General

No: NSD1908/2016

**GAVIN SMITH** and others named in the schedule  
Applicant

**DEPARTMENT OF DEFENCE** and another named in the schedule  
Respondent

### **ORDER**

**JUDGE:** JUSTICE JAGOT

**DATE OF ORDER:** 13 July 2018

**WHERE MADE:** Sydney

#### **THE COURT ORDERS THAT:**

##### *Subpoena Material*

1. From 10 August 2018 and subject to any further order, any document produced under a Subpoena to Produce Documents in the proceeding is also to be taken as produced in *Hudson and ors v Commonwealth of Australia* NSD1155/2017 (**Hudson proceeding**).
2. From 10 August 2018 and subject to any further order, any document produced under a Subpoena to Produce Documents in the Hudson proceeding is to be taken as produced in this proceeding.
3. By 27 July 2018, the Applicants are to have issued written notice of the effect of orders 1, 2 and 3 to any party who has produced documents in these proceedings under a Subpoena to Produce Documents and any such non-party may object to orders 1 and 2 before 10 August 2018.

##### *Sample Group Members*

4. Pursuant to s 33ZF of the *Federal Court of Australia Act 1976* (Cth), the individual claims of the following sample group members be determined at the initial trial in addition to the claims of the Applicants:
  - a. Kim-leeanne King;
  - b. Suzanne Walker; and
  - c. Joanne Robinson,



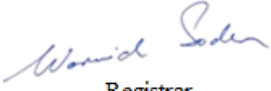
**(Sample Group Members).**

5. The Sample Group Members file and serve Points of Claim by 31 August 2018.
6. The Sample Group Members give standard discovery by 31 August 2018.
7. The Respondent to file Defences to the Sample Group Members' Points of Claim and a Defence to the Second Further Amended Statement of Claim dated 17 November 2017 (**2FASOC**) by 30 September 2018.
8. Orders 9 and 11 made on 14 February 2018 be amended to insert the words "and the Sample Group Members" after the words "the Applicants".

***Case Management***

9. The matter is listed for a further case management hearing on 24 July 2018 at 9:30am.
10. Each party has liberty to apply on 48 hours' notice.

**DATE THAT ENTRY IS STAMPED: 13 July 2018**

  
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
<del>Seventh Applicant</del>	<del>CHANTEL WALKER</del>
Eighth Applicant	MARSHALLS TRANSPORT PTY LTD
Ninth Applicant	NICHOLAS MARSHALL
Tenth Applicant	MELISSA MARSHALL
Respondent	COMMONWEALTH OF AUSTRALIA (DEPARTMENT OF DEFENCE)