



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:** CHIEF JUSTICE ALLSOP and JUSTICE LEE

**DATE OF ORDER:** 01 March 2019

**WHERE MADE:** Sydney

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

1. The proceeding be listed for a case management hearing before Chief Justice Allsop and Justice Lee at 9.30am on 3 April 2019.
2. Pursuant to s 37P(2) of the *Federal Court of Australia Act 1976* (Cth), by 4.00pm on 28 March 2019, counsel briefed for the parties at the hearing are to have conferred and provided to the Associate to Chief Justice Allsop and the Associate to Justice Lee, the following agreed documents (or document/s noting differences between the parties) as identified in the memorandum sent to the solicitors for the parties on 28 February 2019:
  - a. an Expert Issues Table;
  - b. a draft of a proposed *Merck* order; and
  - c. an agenda document identifying any interlocutory matters requiring determination prior to the hearing, including the parties' summary contentions as to those issues.
3. If it is necessary for a party to rely on any affidavit evidence for the purposes of the case management hearing, the party is to file and serve the affidavit evidence by 4.00pm on 28 March 2019.

Date that entry is stamped: 1 March 2019



*Warrick Soden*  
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
Seventh Applicant	CHANTEL WALKER
Eighth Applicant	MARSHALLS TRANSPORT PTY LTD
Ninth Applicant	NICHOLAS MARSHALL
Tenth Applicant	MELISSA MARSHALL
Respondent	COMMONWEALTH OF AUSTRALIA (DEPARTMENT OF DEFENCE)