



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD215/2019

THE OWNERS - STRATA PLAN 87231

Applicant

3A COMPOSITES GMBH and another named in the schedule

Respondents

ORDER

JUDGE: JUSTICE WIGNEY

DATE OF ORDER: 08 July 2019

WHERE MADE: Sydney

THE COURT ORDERS THAT:

First Respondent

1. By 15 July 2019, the applicant is to respond to:
 - a. the request from the first respondent for further and better particulars of the Statement of Claim dated 14 February 2019 as contained in the letter dated 26 June 2019;
 - b. the letter dated 26 June 2019 concerning the matters raised under the headings “class definition” and “common questions”; and
 - c. the letter dated 26 June 2019 titled “claims for contribution or indemnity”.
2. By 12 August 2019, the first respondent is to:
 - a. file and serve a defence;
 - b. file and serve an affidavit as to where relevant documents are stored, what types of relevant documents exist, in what form they are held and the likely timetable and costs consequences of making standard discovery pursuant to r 20.14 of the *Federal Court Rules 2011* (Cth) (**FCR**). For the purposes of this order, relevant documents are those that are referred to in rr 20.14(1) and (2) of the FCR; and



- c. produce for inspection by the applicant, by way of initial tranche of discovery, documents published by the first respondent in Australia as at any date between 18 February 2009 and 18 February 2019, for the purposes of promoting or marketing Alucobond PE Core Cladding (as this term is defined in the Statement of Claim dated 14 February 2019) in Australia.

Second Respondent

3. The second respondent is to serve any proposed amended defence on or before 29 July 2019.
4. The applicant is to notify the second respondent whether it will consent to the second respondent having leave to file any such proposed amended defence on or before 5 August 2019.
5. If the applicant provides its consent to the second respondent for the proposed amended defence to be filed in this proceeding pursuant to r 16.51(3) of the FCR:
 - a. the second respondent is to provide a copy of the proposed amended defence to the Associate to Wigney J;
 - b. the second respondent is to pay the applicant's costs thrown away as a result of the second respondent's amendment to its defence; and
 - c. the amended defence be filed and served within 3 days of the applicant notifying the second respondent of such consent.
6. If the applicant does not provide its consent for the proposed amended defence to be filed in this proceeding, the second respondent is to file and serve an interlocutory application seeking leave to file the amended defence pursuant to r 16.53 of the FCR by 12 August 2019, with such application being returnable for a Case Management Hearing at 9.00am on 27 August 2019.

General

7. Until further order of the Court, this proceeding be jointly case managed with proceeding number NSD940/2019.
8. The matter be listed for a further Case Management Hearing at 9.00am on 27 August 2019.



Date that entry is stamped: 8 July 2019

Warrick Soden
Registrar



Schedule

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Second Respondent HALIFAX VOGEL GROUP PTY LIMITED