



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/others named in the schedule  
Respondent

### **ORDER**

**JUDGE:** JUSTICE WIGNEY

**DATE OF ORDER:** 27 August 2019

**WHERE MADE:** Sydney

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

##### *Second Respondent's proposed further amended defence*

1. The Second Respondent is to serve any proposed further amended defence on or before 6 September 2019.
2. The Applicant is to notify the Second Respondent whether it will consent to the Second Respondent having leave to file any such proposed further amended defence on or before 13 September 2019.
3. If the Applicant provides its consent to the Second Respondent for the proposed further amended defence to be filed in this proceeding pursuant to r 16.51(3) of the *Federal Court Rules 2011* (Cth):
  - a. the Second Respondent is to provide a copy of the proposed further 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 further amended defence be filed and served within 3 days of the Applicant notifying the Second Respondent of such consent.



4. If the Applicant does not provide its consent for the proposed further amended defence to be filed in this proceeding, the Second Respondent is to file and serve an interlocutory application seeking leave to file the further amended defence pursuant to r 16.53 of the *Federal Court Rules 2011* (Cth), together with any evidence in support, by 20 September 2019.

#### Particulars

5. By 23 September 2019, the Applicant is to request from the First and Second Respondent respectively, any further and better particulars of the First Respondent's defence and Second Respondent's amended defence or further amended defence.
6. By 7 October 2019, the Respondents are to respond to the Applicant's requests for further and better particulars referred to in order 5 above.
7. By 21 October 2019, the Applicant is to file any Replies to the Respondents' defences.

#### Determination of common questions

8. By 10 September 2019, the Applicant is to write to the Respondents proposing common questions for determination in the proceeding.
9. By 20 September 2019, the Respondents respond to the Applicant's proposed common questions.
10. By 27 September 2019, the legal representatives of the Applicant and Respondents meet and confer in the presence of a National Judicial Registrar with a view to agreeing a list of common questions for determination in the proceeding, subject to any further or other common questions arising prior to the initial trial.
11. In the event no agreement is reached between the parties as to the common questions, and if the Applicant deems appropriate, by 4 October 2019, the Applicant file and serve any interlocutory application for the determination of common questions, together with evidence (**Common Questions Application**).
12. By 16 October 2019, the Respondents file and serve any evidence in response to any Common Questions Application.



13. By 23 October 2019, the Applicant file and serve any evidence in reply to the Respondent's evidence together with its submissions on any Common Questions Application.
14. By 30 October 2019, the Respondents file and serve their written submissions in response to any Common Questions Application.
15. By 4 November 2019, the Applicant file and serve its written submissions in reply on any Common Questions Application.

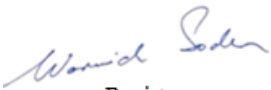
Application for information from Applicant and Group Members

16. By 6 September 2019, the First Respondent file and serve any application for orders to obtain information and/or documents from the Applicant and Group Members, together with evidence (**Application for Third Party Information**).
17. By 4 October 2019, the Applicant file and serve any evidence in relation to the Application for Third Party Information.
18. By 14 October 2019, the First Respondent file and serve its written submissions in support of the Application for Third Party Information.
19. By 24 October 2019, the Applicant file and serve its written submissions in response to the Application for Third Party Information.
20. By 1 November 2019, the First Respondent file and serve its written submissions in reply in relation to the Application for Third Party Information.

Hearing

21. The matter be listed for interlocutory hearing at 10.15am on 6 November 2019 with an estimate of two days to determine interlocutory issues, including the Application for Third Party Information and any Common Questions Application.

Date that entry is stamped: 30 August 2019

  
Registrar



**Schedule**

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Second Respondent      HALIFAX VOGEL GROUP PTY LIMITED