



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

Respondent

ORDER

JUDGE: JUSTICE WIGNEY

DATE OF ORDER: 20 September 2021

WHERE MADE: Sydney

BY CONSENT, THE COURT ORDERS THAT:

Confidentiality Orders and provision of documents to the Fourth cross-respondent

1. Unless otherwise defined in these orders or the context otherwise requires, the definitions used in the Court's orders made on 30 October 2020 are applied to the orders below.
2. Subject to compliance with the following orders, the First Respondent may provide to the Fourth cross-respondent to the Concourse Cross-Claim (**Hendry**) the Group Member Information concerning the claim made by Willoughby City Council in respect of "The Concourse" building located at 409 Victoria Ave, Chatswood NSW 2067:
 - a. any part of the Group Member Information provided to Hendry pursuant to these orders is to be kept confidential by Hendry;
 - b. further to order 2a. above, prior to the disclosure of any part of the Group Member Information to Hendry, Hendry must provide a written undertaking to the Court in the form set out in **Schedule A** to these orders to only use the Group Member Information to defend the Concourse Cross-Claim (as may be amended) or make any application in respect to it, and must not initiate contact with class members or potential class members (including Willoughby City Council) except in Hendry's ordinary course of business, and not regarding the primary



proceeding or the Concourse Cross-Claim proceeding, or otherwise with the consent of all parties or with leave of the Court;

- c. prior to the disclosure of any part of the Group Member Information, a copy of the signed undertaking in the form contained in Schedule A must be provided to the First Respondent and the Applicant.

Date that entry is stamped: 20 September 2021

Sia Lagos
Registrar



Schedule

No: NSD215/2019

Federal Court of Australia
District Registry: New South Wales
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Second Respondent HALIFAX VOGEL GROUP PTY LIMITED

CROSS CLAIM

Cross-Claimant 3A COMPOSITES GMBH

Cross Respondent AW EDWARDS PTY LTD ACN 000 045 849

Second Cross Respondent FRANCIS-JONES MOREHEN THORP PTY LTD ACN 101 197 219

Third Cross Respondent TOLAND PTY LTD ACN 003 027 478

Fourth Cross Respondent HENDRY GROUP PTY LTD (ACN 006 693 232)

Fifth Cross Respondent AURECON LIMITED ACN 156 139 847

Sixth Cross Respondent ARUP PTY LTD ACN 000 966 165

Seventh Cross Respondent MARIANNE FOLEY

Eighth Cross Respondent STEVE WATSON AND PARTNERS PTY LTD ACN 600 478 402

Ninth Cross Respondent ANDREW RYS



SCHEDULE A

Concourse Cross-Respondents' form of undertaking

Hendry Group Pty Ltd (ACN 006 693 232), acknowledges that the Court has ordered that any Group Member Information (as defined in the Court's orders dated 30 October 2020) provided is to be kept confidential and undertake to the Court to only use the Group Member Information to defend the Concourse Cross-Claim (as may be amended) or make any application in respect to it, and must not initiate contact with class members or potential class members (including Willoughby City Council) except in Hendry's ordinary course of business, and not regarding the primary proceeding or the Concourse Cross-Claim proceeding, or otherwise with the consent of all parties or with leave of the Court.

DATE:

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Signed by: