



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD2289/2018

AUSTRALIAN COMPETITION & CONSUMER COMMISSION and another/others
named in the schedule
Applicant

NSW PORTS OPERATIONS HOLD CO PTY LTD ACN 163 262 351 and another/others
named in the schedule
Respondent

ORDER

JUDGE: JUSTICE JAGOT

DATE OF ORDER: 20 August 2019

WHERE MADE: Sydney

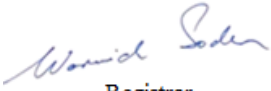
THE COURT ORDERS THAT:

1. The State of New South Wales be joined as the Fourth Respondent to the principal proceeding.
2. On or before 3 September 2019:
 - a. the Cross-respondents serve any request for particulars on the Cross-claimants;
and
 - b. the Fourth Respondent serve any request for particulars on the Applicant.
3. On or before 17 September 2019 the Cross-claimants and the Applicant respond to any requests for particulars.
4. On or before 15 October 2019:
 - a. the Cross-respondents file and serve any defences to the Statement of Cross-claim filed on 18 July 2019; and
 - b. the Fourth Respondent file and serve any defence to the Applicant's Statement of Claim.



5. On or before 12 November 2019:
 - a. the Cross-claimants file and serve any replies to the Cross-respondents' defences;
and
 - b. the Applicant file and serve any reply to the Fourth Respondent's defence.
6. The matter be listed for case management on Tuesday, 19 November 2019 at 9.30 am.
7. The principal proceeding and the cross-claim be heard together and provisionally listed for trial commencing at 10.15am on 12 October 2020 to be heard from 12 to 30 October 2020 and 1 to 18 December 2020.
8. Costs be reserved.
9. There be liberty to apply.

Date that entry is stamped: 20 August 2019


Registrar



Schedule

No: NSD2289/2018

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RESPONDENTS

Second Respondent PORT BOTANY OPERATIONS PTY LTD ACN 161 204 342
Third Respondent PORT KEMBLA OPERATIONS PTY LTD ACN 161 246 582

CROSS CLAIM

Cross-Claimant NSW PORTS OPERATIONS HOLD CO PTY LTD ACN 163 262 351
Second Cross-Claimant PORT BOTANY OPERATIONS PTY LTD ACN 161 204 342
Third Cross-Claimant PORT KEMBLA OPERATIONS PTY LTD ACN 161 246 582
Cross Respondent PORT OF NEWCASTLE OPERATIONS PTY LIMITED ACN 165 332 990
Second Cross Respondent PORT OF NEWCASTLE INVESTMENTS (PROPERTY) PTY LIMITED ACN 169 286 024
Third Cross Respondent PORT OF NEWCASTLE INVESTMENTS PTY LIMITED ACN 169 132 441
Fourth Cross Respondent STATE OF NSW