



Federal Court of Australia
District Registry: New South Wales
Division: General

No: NSD35/2018

JODIE PHILIPSEN and another named in the schedule
Applicant

ASTORA WOMEN'S HEALTH LLC
Respondent

No: NSD181/2020

LINDSEY SCHOFIELD and another named in the schedule
Applicants

TFS MANUFACTURING and others named in the schedule
Respondent

No: NSD244/2021

DEBRA FOWKES
Applicant

BOSTON SCIENTIFIC CORPORATION and another named in the schedule
Respondents

No: NSD310/2021

LISA TALBOT
Applicant

ETHICON SARL and others named in the schedule
Respondents

ORDER

JUDGE: JUSTICE LEE

DATE OF ORDER: 05 August 2021

WHERE MADE: Sydney

THE COURT ORDERS THAT:



Orders specific to the Schofield Proceeding

1. Leave is granted to the sixth respondent to file an amended defence withdrawing the admissions contained in paragraph 36 of the defence as previously filed.

Orders specific to the Ethicon 2 Proceeding

2. The requirement that the respondents file a defence to the applicant's amended statement of claim is deferred until the outcome of the application for special leave to appeal to the High Court in High Court of Australia proceeding number S47 of 2021 is known.

Orders specific to the Boston Proceeding

3. The respondents are to file and serve a defence to the applicants' statement of claim by 4pm on 17 September 2021.
4. The applicant is to file and serve any reply by 4pm on 1 October 2021.

Joint registration and opt-out process

5. Pursuant to s 37P(2) of the *Federal Court of Australia Act 1976* (Cth), the legal representatives for the parties in proceedings NSD35/2018, NSD181/2020, NSD244/2021 and NSD310/2021 (**Related Proceedings**) are to confer before Registrar Gitsham (**Further Conferral**) for the purpose of:
 - (a) identifying the recipients of subpoenas for the production of lists of potential group members in the Related Proceedings (**Subpoenas**);
 - (b) settling the content and form of the Subpoenas;
 - (c) settling the content and form of notices (dealing with issues as to opt out and registration and provision of information by group members) proposed to be issued to group members in each of the Related Proceedings, which is thereafter to be provided to the Associate to Justice Lee by one email including the draft notice for each proceeding;



- (d) settling a proposed form of order for a joint registration process that includes:
 - (i) the grant of leave to issue subpoenas to third party entities in aid of registration;
 - (ii) approval of the content and form of the subpoenas that are to be issued;
 - (iii) approval of the content, form and distribution of notices;
 - (e) agreeing upon the identity of a proposed mediator who, together with a Registrar of the Federal Court, is available (in the event the Court so orders) to mediate each of the Related Proceedings by 10 December 2021.
6. The Further Conferral is to take place on a date to be fixed by Registrar Gitsham but is to occur by no later than 25 August 2021.
7. If following the Further Conferral the parties are unable to reach agreement in respect of the matters referred to in order 5 above, then by 30 August 2021, the parties to each of the Related Proceedings are to exchange and then send to the Associate to Justice Lee competing forms of subpoena notices or proposed orders as the case may be (being word documents attached to one email).

Further case management

8. The Related Proceedings be listed for a further case management hearing at 10:15am on 3 September 2021.

Date that entry is stamped: 12 August 2021

Sia Lagos
Registrar



Schedule

No: NSD35/2018

Federal Court of Australia
District Registry: New South Wales
Division: General

Second Applicant JANICE SEYMOUR

No. NSD181/2020

Second Applicant: MELISSA WEEDON
Respondent: PETER PETROS
Respondent: CHUBB INSURANCE AUSTRALIA LIMITED
Second Respondent: IVS PTY LTD
Third Respondent: COVIDIEN PTY LTD
Fourth Respondent: PETER PETROS
Fifth Respondent: MIPS INSURANCE PTY LTD
Sixth Respondent: CHUBB INSURANCE AUSTRALIA LIMITED

No. NSD244/2021

Second Respondent BOSTON SCIENTIFIC PTY LTD ACN 071 676 063

No. NSD310/2021

Second Respondent ETHICON, INC.
Third Respondent JOHNSON & JOHNSON MEDICAL PTY LIMITED ACN
000 160 403