



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD516/2016

DOMINO'S PIZZA ENTERPRISES LTD

Applicant

PRECISION TRACKING PTY LTD and others named in the schedule

Respondent

ORDER

JUDGE: JUSTICE ROBERTSON

DATE OF ORDER: 12 August 2016

WHERE MADE: Sydney

BY CONSENT, AS BETWEEN THE CROSS-CLAIMANT AND THE SECOND CROSS-RESPONDENT, THE COURT ORDERS THAT:

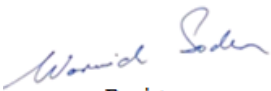
1. The Cross Claimant (**Precision Tracking**) pay \$75,000.00 (the **Amount**) in security for the costs of the Second Cross Respondent (**Navman Wireless**) up to the close of pleadings on the basis set out in orders 2 to 10 below.
2. By 5.00pm, 19 August 2016, Precision Tracking pay the Amount to its solicitors, Corrs Chambers Westgarth (**Corrs**), with an irrevocable direction that:
 - a. the Amount be deposited into a separate controlled money account;
 - b. the Amount (or any part thereof) be paid out (if at all) in accordance with order 4 below.
3. Corrs provide written confirmation to Navman Wireless's solicitors, DibbsBarker, when it has received the Amount and placed it into the controlled money account.
4. Corrs hold the Amount to satisfy any costs orders made in the proceedings in favour of Navman Wireless and against Precision Tracking, and pay the relevant amount(s) to DibbsBarker within 14 days of:
 - a. agreement between Precision Tracking and Navman Wireless as to the amount of costs to be paid pursuant to such order; or
 - b. in the absence of agreement, subject to any stay of execution on any costs included in a certificate of taxation until any application for review of taxation is heard and determined under Rule 40.35(2), the service of a certificate of taxation



upon the applicant pursuant to Rule 40.32 of the *Federal Court Rules 2011* (Cth).

5. If any amount referred to in orders 4(a) or 4(b) above exceeds the balance of the controlled money account, the amount payable by Corrs will be limited to the balance of that account. For the avoidance of doubt, Precision Tracking would remain liable to Navman Wireless for any amount referred to in orders 4(a) or 4(b) above which cannot be satisfied from the controlled money account.
6. If after the payment of the amounts referred to in orders 4(a) or 4(b) above there is a balance of funds in the controlled money account, Corrs pay Precision Tracking the remaining balance of the controlled money account.
7. The proceeding against Navman Wireless be stayed if payment of the Amount is not made by 5.00pm, 19 August 2016, in accordance with order 2(a) above.
8. Navman Wireless have liberty to make a further application for additional security for costs following the close of pleadings.
9. After payment of the Amount into a separate controlled money account, in accordance with order 2(a) above, Precision Tracking have liberty to make an application in respect of the form of security provided for in these orders, with prior notice to Navman Wireless, which may oppose any such application. Should there be any further application for additional security for costs, the form of any further security to be provided will be determined on such an application.
10. There be no order as to the costs of Navman Wireless's interlocutory application dated 18 July 2016.

Date that entry is stamped: 12 August 2016


Registrar



Schedule

No: NSD516/2016

Federal Court of Australia
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Second Respondent VLADIMIR LASKY
Third Respondent NATHAN PARROTT
Fourth Respondent ALEXANDER GREEN

CROSS CLAIM

Cross-Claimant PRECISION TRACKING PTY LTD
Cross Respondent DOMINO'S PIZZA ENTERPRISES LTD
Second Cross
Respondent NAVMAN WIRELESS AUSTRALIA PTY LTD ACN 123 981
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