



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 another/others named in the schedule

Respondent

ORDER

JUDGE: JUSTICE ROBERTSON

DATE OF ORDER: 13 October 2017

WHERE MADE: Sydney

THE COURT ORDERS THAT:

Navman technical documents

On Precision's Amended Interlocutory Application dated 2 August 2017, which by order made 16 August 2017 was deferred as against Navman in relation to the discovery sought of the documents listed in Annexure A thereto, the Court orders as follows:

1. Navman file and serve, by 20 October 2017, an affidavit which records:
 - (a) the format and content of all data or messages which are sent to the user device so as to update the location of the icon depicting the driver location on the user device; and
 - (b) the format and content of:
 - (i) all data (including all fields of data) and messages which are communicated by the customer's user device to the PULSE system or server, whether directly or indirectly; and
 - (ii) all data (including all fields of data) and messages which are communicated by the PULSE system or server to the middleware and GPSDT, as a result of receipt by the PULSE system or server, of an order from a user device.




Domino's and Navman discovery pursuant to 7 February 2017 orders

On Precision's interlocutory application filed 4 October 2017:

2. The Court notes the affidavit of Kathryn Elizabeth Estwick dated 6 October 2017 given in answer to paragraph 3(a) of the interlocutory application dated 4 October 2017.
3. Further, on that application, the Court makes the orders set out in the paragraphs below.
4. For the purposes of giving discovery, Domino's expand the search terms in paragraph 28(b) of Ms Estwick's affidavit so as to return documents including any one or more of the following terms:
 - (a) "current solution"; and
 - (b) "old system".
5. Domino's provide a copy of any of the 3150 additional documents for review referred to in paragraph 33 of the Estwick affidavit that, are discoverable, and are not subject to a claim of privilege, by 5pm on Friday, 13 October 2017.
6. Domino's provide a copy of any further documents returned as a result of the additional search terms in paragraph 4 that are discoverable and are not subject to a claim of privilege by 5pm on Tuesday, 17 October 2017.
7. Navman verify on oath the explanation set out in the letter from K&L Gates dated 11 October 2017, such verification to include an explanation as to all Navman email accounts which were affected by the coding issue referred to in that letter, and identification of the search terms used in the further searches which located the 24 documents that had not been previously reviewed (as referred to in K&L Gates letter), such affidavit verifying to be served within 7 days of the date of this order.
8. Domino's provide a further verified list of documents, compliant with the Rules, specifying any discovered documents not previously discovered, to be served within 7 days of the date of this order.

Date that entry is stamped: 16 October 2017


Registrar



Schedule

No: NSD516/2016

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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
457

CROSS CLAIM

Cross-Claimant NAVMAN WIRELESS AUSTRALIA PTY LTD ACN 123 981
457
Cross Respondent PRECISION TRACKING PTY LTD