



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: 21 November 2017

WHERE MADE: Sydney

On Navman's application for a direction that Precision Tracking, on its cross-claim, elect between the remedies of damages and an account of profits, the orders of the Court are:

1. By 4 PM on Thursday, 23 November 2017 Precision Tracking notify the other parties of its election between the remedies of damages and an account of profits or file and serve a short affidavit stating why it is not in a position to make that election by that time.
2. The matter be relisted for directions at 9 AM on Friday, 24 November 2017.


On Navman's application in respect of Precision Tracking's discovery, the orders of the Court are:

1. Subject to order 2, the Court declares that documents in paragraph 1, being subparagraphs 1c. and 1d.; paragraph 2, being subparagraph 2d., paragraph 4, being subparagraphs 4c. and 4d.; and paragraph 5 of the letter from DibbsBarker to Corrs dated 13 December 2016 (the **13 December 2016 letter**) are subject to Precision Tracking's standard discovery obligations and that Precision Tracking has been and is obliged to conduct a reasonable search for documents answering those descriptions.
2. The paragraphs in the 13 December 2016 letter are amended as follows:
 - a. the word "All" first occurring is deleted from paragraph 1;



- b. in subparagraph 1c., delete and substitute: “The GPS tracking system or systems provided by Precision Tracking to Park & Fly Pty Ltd or any element of it or them;”
 - c. in paragraph 2, delete “Any document” first occurring and substitute “Documents”;
 - d. in paragraph 2, delete “recording or”;
 - e. in paragraph 4 delete “Any document” and substitute “Documents”;
 - f. also in paragraph 4, delete “or encompassing”;
 - g. also in paragraph 4, delete c. and d. and substitute “the systems referred to in subparagraphs 1c. and 1d.;
 - h. in paragraph 5, delete “any GPS tracking system comparable to the Precision Delivery System” and substitute “the systems referred to in subparagraphs 1c. and 1d.;
 - i. delete paragraph 6.
3. The Court orders that those documents, to the extent they have not already been the subject of a reasonable search, are to be the subject of such search by Precision Tracking and, if found, are to be produced to Domino’s and Navman as soon as practicable, and by no later than 5.00pm on 1 December 2017.
 4. The matter be relisted for directions at 9 AM on Friday, 24 November 2017.

Date that entry is stamped: 21 November 2017


Registrar



Schedule

No: NSD516/2016

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

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