



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

REGISTRAR: REGISTRAR CHUAN NG

DATE OF ORDER: 28 February 2018

WHERE MADE: Sydney


THE COURT ORDERS THAT:

1. Leave be granted to the parties to inspect and copy in the Registry, the documents produced in accordance with the Subpoenas for Production addressed to the persons described in Annexure **A** (**Annexure A Subpoenas**).
2. The parties undertake to limit access to the documents referred to in order 1 to external solicitors and counsel for 7 days.
3. Where a party has leave to inspect and copy documents produced in accordance with the Annexure A Subpoenas, leave be also granted to the solicitors for that party to uplift that document, for the purposes of inspection and copying, on the following conditions:
 - (a) If original documents rather than copies have been produced, the solicitor provides the Registry a letter of consent from the person to whom the subpoena is addressed.
 - (b) Documents not leave the custody of the solicitor, or counsel instructed by the solicitor.



- (c) Documents be returned to the Registry in the same condition, order, and packaging as when uplifted.
 - (d) Documents be returned promptly and in any event, when an officer of the Registry so requests.
4. On completion of this matter, the Registrar may return to the addressee of each of the Annexure A Subpoenas the documents produced without giving the issuing party any further notice.
 5. The Subpoenas to Produce addressed to the persons described in Annexure **B** be adjourned to **9.30am** on **7 March 2018**.
 6. Notwithstanding any other order made today, any documents produced in accordance with the Annexure A Subpoenas that are contained in an envelope marked "privileged" may not be inspected, copied or uplifted, until further order.
 7. In respect of any objection to access on the grounds of confidentiality, privilege, or any other ground in relation to the Annexure A Subpoenas,
 - (a) the person objecting to access file and serve an affidavit(s) in support setting forth the grounds and facts relied upon by **4pm** on **7 March 2018**;
 - (b) any submissions or affidavits in support of access to be filed and served by **4pm** on **14 March 2018**; and
 - (c) any dispute over access be listed before Justice Robertson on a date to be fixed.
 8. If an objection is filed and served in accordance with order 7, the parties extend their undertaking in order 2 until the determination of the dispute over access.

Date that entry is stamped: 28 February 2018


Registrar

Subsection 35A (5) of the *Federal Court of Australia Act 1976* (the *Act*) provides that a party to proceedings in which a Registrar has exercised any of the powers of the Court under subsection 35A (1) of the Act may, within the time prescribed by the Rules of Court, or within any further time allowed in accordance with the Rules of Court, apply to the Court to review that exercise of power.



Rule 3.11 provides that a party may apply to the Court under subsection 35A (5) of the Act for review of the exercise of a power of the Court by a Registrar and that any application must be made within 21 days after the day on which the power was exercised. A party seeking a review can apply to the Court to dispense with any requirement of the Rules (Rule1.34).



Annexure A

1. Quick Service Restaurants Holdings Pty Ltd (S30)
2. Uniguard Pty Ltd (S24)
3. George Weston Foods Limited (S22)
4. Toll Pty Ltd (S20)
5. Sendle Pty Ltd (S19)
6. Guzman y Gomez (S13)
7. UEA (S18)



Annexure B

1. Allegro Funds Pty Ltd
2. BHP Billiton Limited
3. Blackwell Bros Pty Ltd
4. CGP Systems Pty Ltd
5. Jimmy Brings Australia Pty Ltd
6. Kentucky Fried Chicken Pty Ltd
7. Laing O'Rourke Australia Pty Ltd
8. Laing O'Rourke Australia Construction Pty Ltd
9. Laing O'Rourke (BMC) Pty Ltd
10. Laing O'Rourke Services Pty Limited
11. Macquarie University
12. McDonalds Australia Limited
13. New South Wales State Emergency Services
14. Pizza Pan Group Pty Ltd
15. Southern Cross Group Services Pty Ltd
16. Telstra Corporation Ltd
17. Yum! Restaurants Australia Pty Ltd
18. Guzman y Gomez (Holdings) Pty Limited (S13)
19. Guzman y Gomez Franchising Pty Limited (S13)
20. Guzman y Gomez Pty Limited (S13)
21. UEA Electrical Pty Ltd
22. UEA Pty Ltd
23. Luxury Afloat Hawkesbury River & Brooklyn Pty Ltd