



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

No: NSD516/2016

**DOMINO'S PIZZA ENTERPRISES LTD**  
Applicant

**PRECISION TRACKING PTY LTD**  
Respondent

### **ORDER**

**REGISTRAR:** REGISTRAR NG  
**DATE OF ORDER:** 07 March 2018  
**WHERE MADE:** Sydney

#### **THE COURT ORDERS THAT:**

1. In relation to the orders made on 28 February 2018:
  - (a) leave be granted to the Second, Third, and Fourth Respondents to inspect the documents produced in accordance with the Annexure A Subpoenas, subject to their first signing confidentiality undertakings acceptable to Domino's Pizza Enterprises Limited and Navman Wireless Australia Pty Limited;
  - (b) subject to order 1(a), the undertakings provided by the parties in order 2 of the orders made on 28 February 2018, be extended for a further 7 days; and
  - (c) any objection to access to the documents produced in accordance with the Annexure A Subpoenas on the grounds of confidentiality, privilege, or any other ground be subject to order 10 below.
2. 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 **A2 (Annexure A2 Subpoenas)**.
3. Leave be granted to the Second, Third, and Fourth Respondents to inspect the documents produced in accordance with the Annexure A2 Subpoenas, subject to



their first signing confidentiality undertakings acceptable to Domino's Pizza Enterprises Limited and Navman Wireless Australia Pty Limited.


4. Subject to order 3, the parties undertake to limit access to the documents referred to in order 2 to their external solicitors and counsel for 7 days.
5. Where a party has leave to inspect and copy documents produced in accordance with the Annexure A2 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.
6. On completion of this matter, the Registrar may return to the addressee of each of the Annexure A2 Subpoenas the documents produced without giving the issuing party any further notice.
7. The Subpoenas to Produce addressed to the persons described in Annexure **B2** be adjourned to **9.30am** on **14 March 2018**.
8. Notwithstanding any other order made today, any documents produced in accordance with the Annexure A2 Subpoenas that are contained in an envelope marked "privileged" may not be inspected, copied or uplifted, until further order.
9. Order 7 of 28 February 2018 is vacated.
10. In respect of any objection to access on the grounds of confidentiality, privilege, or any other ground in relation to the Annexure A2 Subpoenas or the Annexure A Subpoenas (as defined in the orders of 28 February 2018),
  - (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 **14 March 2018**;



- (b) any submissions or affidavits in support of access to be filed and served by **4pm on 21 March 2018**; and
- (c) any dispute over access be listed before Justice Robertson on a date to be fixed.

11. If an objection is filed and served in accordance with order 10, the parties extend their undertakings in orders 1(b) and 4 until the determination of the dispute over access.

**Date that entry is stamped: 7 March 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 (Rule 1.34).



## **Annexure A2**

1. Macquarie University (S 33)
2. PhonePost Pty Ltd (S 35)
3. Telstra Corporation Limited (S 32)



## **Annexure B2**

1. Allegro Funds Pty Ltd
2. Blackwell Bros Pty Ltd
3. CGP Systems Pty Ltd
4. Jimmy Brings Australia Pty Ltd
5. Kentucky Fried Chicken Pty Ltd
6. Laing O'Rourke Australia Pty Ltd
7. Laing O'Rourke Australia Construction Pty Ltd
8. Laing O'Rourke (BMC) Pty Ltd
9. Laing O'Rourke Services Pty Limited
10. New South Wales State Emergency Services
11. Pizza Pan Group Pty Ltd
12. Southern Cross Group Services Pty Ltd
13. Yum! Restaurants Australia Pty Ltd
14. Luxury Afloat Hawkesbury River & Brooklyn Pty Ltd