



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:** 12 April 2018

**WHERE MADE:** Sydney

#### **BY CONSENT, THE COURT ORDERS THAT:**

- 1 Orders 2 to 9 of 26 March 2018 are vacated.
- 2 By **Friday 13 April 2018**:
  - (a) Domino's give discovery of documents in the categories listed at Annexure A to these Orders; and
  - (b) the respondents give discovery of documents in the categories listed at Annexure B to these Orders.
- 3 Order 2 does not affect each party's ongoing obligations in relation to earlier orders for discovery.
- 4 List the matter for a case management conference and the hearing of any disputed matters in relation to discovery arising from the pleading amendments on 7 June 2018 at 9:30am, the parties to file and serve outline submissions limited to 3 pages in relation to any matters not agreed, by 5pm on 1 June 2018.
- 5 By **Friday 18 May 2018**, Domino's and Navman file and serve any lay affidavit evidence arising solely from the pleading amendments.
- 6 By **Friday 22 June 2018**, the respondents file and serve any lay affidavit evidence in answer arising solely from the pleading amendments.
- 7 By **Monday 23 July 2018**, Domino's and Navman file and serve any lay affidavit evidence in reply and expert evidence in chief arising solely from the pleading amendments.



8 By **Friday 24 August 2018**, the respondents file and serve any expert affidavit evidence in answer arising solely from the pleading amendments.

Date that entry is stamped: 12 April 2018

*Warrick Soden*  
Registrar



## Annexure A

### Categories for further discovery by Domino's and Navman Wireless

In this schedule:

*Document* has the meaning given in Schedule 1 of the Federal Court Rules 2011.

*Domino's Amended Claim* refers to Domino's Third Amended Statement of Claim dated 13 December 2017.

*Precision Defence* refers to Precision Tracking's Defence dated 14 December 2017 to Domino's Amended Claim.

Otherwise, terms used have the meanings of terms defined in the pleadings.

#### A. DOMINO'S

##### **Domino's Amended Claim 62, 75, 76, 77 / Precision Defence 61A, 61N, 61O, 61P**

1 All documents recording or evidencing any disclosure by or on behalf of Domino's (including by its officers, employees, agents and franchisees) at any time on or after 1 June 2014 to date, of:

- any of Domino's Confidential Information (as defined in Domino's Confidential Schedule 3 to Domino's Amended Claim); or any information that is the same as any of Domino's Confidential Information but with different number values or different statements about number trends; or
- information relating to any benefits achieved in respect of the matters described in Confidential Annexure 1 by reason of the Proof of Concept System or Precision Delivery System; or
- the Redfern Executive Report (as defined in paragraph 63 of Domino's Amended Claim), or any extract from the Redfern Executive Report,

to:

- (a) any person not subject to an express obligation of confidence to Domino's in relation to that information, or
- (b) the general public.

##### **Domino's Amended Claim 63, 64, 66, 67, 78, 79, 80, 81, 82, 84 / Precision Defence 61B, 61C, 61E, 61F, 61Q, 61R, 61S, 61T, 61U, 61W**

2 All documents dated between 1 March 2014 and 1 March 2015 recording or evidencing the preparation of the Board Paper .

3 All documents dated between 1 March 2014 and 1 March 2015 recording or evidencing the communication to any person not subject to an express obligation of



confidence to Domino's of the Board Paper, or any extracts from the Board Paper that include any of Domino's Confidential Information.

**Precision Defence 97, 104**

- 4 All documents recording or evidencing the use by Mr Stephen Reardon of any of the Precision Computer Programs (as defined in the Precision Defence) on or after 14 October 2014.
- 5 All documents prepared by, or sent to or by, Mr Stephen Reardon referring or relating to the WinLock protection measures placed on the Tablet (as defined in the Precision Defence).

**B. NAVMAN**

**Precision Reply to Navman Defence**

- 6 All communications between Mr Daron Brinsdon and any employee of either Domino's or Navman (other than a legal practitioner) in the period 27 August to 31 December 2014 which refers or relates to any legal action, complaint, or claim, which may be brought or made by Precision against one or both of Domino's or Navman.

**C. OTHER**

- 7 For the avoidance of doubt, Domino's and Navman are not required to discover:
  - (a) any document filed in the proceedings;
  - (b) any document which came into Domino's and Navman's control by reason of a subpoena or notice to produce issued by Domino's and Navman in this proceeding;
  - (c) any document which came into Domino's and Navman's control by reason of discovery given by the Respondents in this proceeding.



**CONFIDENTIAL ANNEXURE 1**

(See Confidential Orders of 12-4-2018)



## Annexure B

### Categories for discovery by the respondents

No. NSD 516 of 2016

Federal Court of Australia

District Registry: New South Wales

Division: General

#### **Domino's Pizza Enterprises Ltd (ACN 010 489 326)**

applicant/First Cross-respondent

#### **Precision Tracking Pty Ltd (ACN 133 616 369) and others**

First respondent/Cross-Claimant

#### **Navman Wireless Australia Pty Ltd (ACN 123 981 457)**

Second Cross-respondent

In addition to the respondents' existing obligations to give standard discovery, pursuant to order 4 of the orders of Justice Robertson dated 1 December 2017, Domino's and Navman request discovery by the respondents of the following categories of documents. "Document" has the same meaning as provided in Schedule 1 of the *Federal Court Rules 2011* (Cth).

In these categories, "**Relevant Information**" means the information described as Domino's Confidential Information in Domino's Confidential Schedule 3 to the Third Amended Statement of Claim dated 4 December 2017, and the document dated 19 November 2014 and entitled Redfern Executive Report as referred to in paragraph 62 of the Third Amended Statement of Claim, or any extract from the Redfern Executive Report.

1. Documents containing Relevant Information and evidencing the disclosure by one or more of the respondents to any person of any of the elements of the respondents' alleged Proof of Concept System and/or the Precision Delivery System.
2. All communications between one or more of the respondents and any person other than Domino's including or referring to Relevant Information.



3. All documents created after November 2012 recording or evidencing one or more of the respondents' awareness of any legal restrictions on the use or disclosure of any of the Relevant Information, excluding communications between the respondents and their solicitors or counsel.
4. All documents evidencing the revenue/profits made by one or more of the respondents subsequent to the provision of Relevant Information to any third party from whom those revenue or profits were received.
5. For the avoidance of doubt, the respondents are not required to discover:
  - (a) any document filed in the proceedings;
  - (b) any document which came into the respondents' control by reason of a subpoena or notice to produce issued by Domino's and Navman in this proceeding;
  - (c) any document which came into the respondents' control by reason of discovery given by Domino's or Navman in this proceeding.



**Schedule**

No: NSD516/2016

Federal Court of Australia  
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Second Respondent      VLADIMIR LASKY  
Third Respondent      NATHAN PARROTT  
Fourth Respondent      ALEXANDER GREEN  
Fifth Respondent      DELIVERY COMMAND PTY LTD

**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