



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 others named in the schedule  
Respondent

### **ORDER**

**REGISTRAR:** REGISTRAR CHUAN NG

**DATE OF ORDER:** 16 May 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 packet S43.
2. Leave be granted to the Second, Third, and Fourth Respondents to inspect the documents produced in packet S43, subject to their first signing confidentiality undertakings acceptable to Domino's Pizza Enterprises Limited and Navman Wireless Australia Pty Limited.
3. Subject to order 2, the parties undertake to limit access to the documents referred to in order 1 to their external solicitors and counsel until after the next return of subpoena listing on 30 May 2018.
4. Where a party has leave to inspect and copy documents produced in packet S43, 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.
5. In respect of any objection to access on the grounds of confidentiality, privilege, or any other ground in relation to the Annexure A Subpoenas, the Annexure A2 Subpoenas, the Annexure A3 Subpoenas or the documents in packet S43:
  - (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 30 May 2018;
  - (b) any submissions or affidavits in support of access to be filed and served by 4pm on 6 June 2018; and
  - (c) any dispute over access be listed before Justice Robertson on a date to be fixed.
6. The Subpoenas to Produce addressed to Kentucky Fried Chicken Pty Ltd and Yum! Restaurants Australia Pty Limited be adjourned to **9.30am** on **30 May 2018**.
7. Order 3 of the orders of 18 April 2018 are vacated.
8. Subject to orders 1(a) and 3 of the orders of 7 March 2018, order 4 of the orders of 14 March 2018, and order 6 of the orders of 28 March 2018, the undertakings provided by the parties in:
  - (a) order 2 of the orders made on 28 February 2018;
  - (b) order 4 of the orders made on 7 March 2018;
  - (c) order 5 of the orders made on 14 March 2018,
  - (d) order 5 of the orders made on 28 March 2018,



be extended until the determination of any application for suppression orders in relation to the documents the subject of the undertakings.


In these orders,

*Annexure A Subpoenas* means the Subpoenas to Produce addressed to the persons described in Annexure A of the orders of 28 February 2018.

*Annexure A2 Subpoenas* means the Subpoenas to Produce addressed to the persons described in Annexure A2 of the orders of 7 March 2018.

*Annexure A3 Subpoenas* means the Subpoenas to Produce addressed to the persons described in Annexure A3 of the orders of 14 March 2018.

**DATE THAT ENTRY IS STAMPED: 16 May 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).



**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  
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