



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: 13 June 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 S45 by Yum! Restaurants Australia Pty Limited and Kentucky Fried Chicken Pty Limited.
2. Subject to order 3, the parties undertake to limit access to the documents referred to in order 1 to their external solicitors and counsel until the later of 20 June 2018 or until the determination of any application for suppression orders in relation to the documents the subject of the undertakings .
3. Leave be granted to the Second, Third, and Fourth Respondents to inspect the documents produced in packet S45, subject to their first signing confidentiality undertakings acceptable to Domino's Pizza Enterprises Limited and Navman Wireless Australia Pty Limited.
4. Where a party has leave to inspect and copy documents produced in packet S45, 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, the Tranche 1 Documents, the Tranche 2 Documents or the documents in packet S45:
 - (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 20 June 2018;
 - (b) any submissions or affidavits in support of access to be filed and served by 4pm on 27 June 2018; and
 - (c) any dispute over access be listed before Justice Robertson on a date to be fixed.
6. Order 5 of the orders of 30 May 2018 is vacated.
7. Subject to orders 1(a) and 3 of the orders of 7 March 2018, order 4 of the orders of 14 March 2018, order 6 of the orders of 28 March 2018, order 2 of the orders of 16 May 2018, order 3 of the orders of 30 May 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,
 - (e) order 3 of the orders made on 16 May 2018,
 - (f) order 2 of the orders made on 30 May 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.

Tranche 1 Documents means the documents referred in order 1 of the orders of 16 May 2018.

Tranche 2 Documents means the documents referred to in order 1 of the orders of 30 May 2018.

Date that entry is stamped: 13 June 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