



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: 19 June 2018

WHERE MADE: Sydney

THE COURT ORDERS, BY CONSENT, THAT:

1. By 28 June 2018, the respondents give the discovery referred to in paragraph 1 of the letter from Allens to DLA Piper dated 8 May 2018, namely, standard discovery of discoverable documents arising from a review of those documents previously provided by the respondents to their former solicitors, Corrs Chambers Westgarth.
2. By 28 June 2018, the respondents provide, pursuant to paragraph 10.10 of the Central Practice Note: Court Framework and Case Management (CPN-1), a brief description of the steps taken to conduct a good faith proportionate search to locate discoverable documents pursuant to order 1 above and the orders of 12 April 2018, including what records have been searched for, what search criteria or terms have been used, and what databases have been searched.

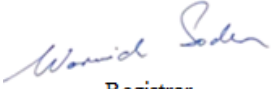
THE COURT ORDERS THAT:

3. The applicant is granted leave to amend to add paragraphs 26(d) and 26(e) to its proposed Further Amended Defence to the Statement of Cross-Claim.
4. The applicant's interlocutory application for leave to amend is otherwise refused.
5. Within 28 days of the date of these orders, the respondents give discovery of documents in the following categories:



- (i) Documents evidencing the disclosure by one or more of the respondents, or with their authority or consent, to any person not a party to this proceeding of any GPS tracking or fleet management system which system incorporated the Proof of Concept Information, the Car Topper Concept, or the Precision Delivery System Confidential Information, except where such disclosure was subject to a written confidentiality agreement.
 - (ii) Documents evidencing any agreement between one or more of the respondents and any Resellers in relation to any GPS tracking or fleet management system which system incorporated the Proof of Concept System Confidential Information, the Car Topper Concept, or the Precision Delivery System Confidential Information.
 - (iii) Non-disclosure agreements or confidentiality agreements in relation to any GPS tracking or fleet management system that incorporated the Proof of Concept System or the Precision Delivery System, between one or more of the respondents and:
 - a. PhonePost Pty Ltd;
 - b. Toll Pty Ltd;
 - c. Peter Ekstein;
 - d. Southern Cross Group Services Pty Ltd;
 - e. George Weston Foods Limited;
 - f. Macquarie University; or
 - g. Luxury Afloat Hawkesbury River & Brooklyn Pty Ltd.
6. The applicant's interlocutory application for discovery is otherwise refused.
 7. The applicant is to pay the respondents' costs thrown away, if any, by reason of the amendments allowed by order 3 of these orders.
 8. Subject to order 9, each party bear its or his own costs of the interlocutory application filed on 30 May 2018.
 9. If any of the parties wishes to contend for a different costs order, they are to notify my associate and the other parties and thereafter directions will be made for the exchange of short written submissions and the determination of that issue on the papers.

Date that entry is stamped: 19 June 2018


Registrar



Schedule

No: NSD516/2016

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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