



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**

**JUDGE:** JUSTICE ROBERTSON

**DATE OF ORDER:** 12 September 2018

**WHERE MADE:** Sydney

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

1. By **Friday, 31 August 2018**, Domino's give discovery of:

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, of:

- any of Domino's Confidential Information as defined in paragraph 61A of the Fourth Amended Statement of Claim dated 22 June 2018 (including any of the information set out in Domino's Confidential Schedule 3, as amended by the letter from DLA Piper to Allens dated 1 August 2018 providing further and better particulars); 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.

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.



2. For the avoidance of doubt, Domino's is not required to discover:
  - (a) any document filed in the proceedings;
  - (b) any document which came into Domino's control by reason of a subpoena or notice to produce issued by Domino's in this proceeding;
  - (c) any document which came into Domino's control by reason of discovery given by the Respondents in this proceeding.
3. By **Friday, 21 September 2018**, the respondents produce:
  - (a) Precision Tracking's tax returns for the years ending 30 June 2011 and 30 June 2017; and
  - (b) Delivery Command's tax return for the year ending 30 June 2017.
4. Order 1 made on 26 October 2017 be varied to also apply to any document produced pursuant to order 3 above, and to the following documents:
  - (a) Precision Tracking's tax return for the year ending 30 June 2016;.
  - (b) the tax returns for Mr Parrott, Dr Green and Mr Lasky for the year ending 30 June 2017; and
  - (c) the report showing revenue and expenses for Delivery Command for the period 26 November 2017 to 3 August 2018 extracted from the Xero accounting system.
5. By **Friday, 21 September 2018**, the respondents produce discoverable documents relating to Domino's Confidential Information as defined in paragraph 61A of the Fourth Amended Statement of Claim dated 22 June 2018 (including any of the information set out in Domino's Confidential Schedule 3, as amended by the letter from DLA Piper to Allens dated 1 August 2018 providing further and better particulars).
6. By **Friday, 21 September 2018**, the respondents provide an unsigned list of documents in respect of the documents produced pursuant to orders 3 and 5 above.
7. By **Friday, 5 October 2018**, the respondents provide a verified list of documents in respect of the documents produced pursuant to orders 3 and 5 above.



8. 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 their control by reason of a subpoena or notice to produce issued by Domino's in this proceeding;
  - (c) any document which came into their control by reason of discovery given by another party in this proceeding.

Date that entry is stamped: 12 September 2018

*Warrick Soden*  
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  
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### **CROSS CLAIM**

Cross-Claimant      NAVMAN WIRELESS AUSTRALIA PTY LTD ACN 123 981  
457  
Cross Respondent      PRECISION TRACKING PTY LTD