



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD95/2021

CHIEF EXECUTIVE MEDICARE ON BEHALF OF THE COMMONWEALTH OF AUSTRALIA and another/others named in the schedule
Applicant

SPECIALIST DIAGNOSTIC SERVICES PTY LTD (ACN 007 190 043)
Respondent

ORDER

JUDGE: JUSTICE STEWART

DATE OF ORDER: 08 October 2021

WHERE MADE: Sydney

BY CONSENT, THE COURT ORDERS THAT:

Filing and service of material subject to s 37AF orders

1. Within 2 weeks of the date of any order made pursuant to s 37AF of the *Federal Court of Australia Act 1976* (Cth), the applicant:
 - (a) serve on the respondent copies of the two expert reports of Mr John Conrick dated 10 June 2021 and emailed to King & Wood Mallesons by the AGS on 23 June 2021 at 10:58 am and 11:00 am (the **Conrick Reports**) marked to identify any information that is the subject of s 37AF orders;
 - (b) file and serve on the respondent copies of the Conrick Reports redacted to remove any material that is the subject of s 37AF orders; and
 - (c) serve on the respondent copies of the documents identified at Annexure 4 of the Conrick Reports, being the material briefed to Mr Conrick by the applicant, marked to identify any information that is the subject of s 37AF orders.

Timetable

2. By 25 October 2021, the applicant file and serve its lay affidavit evidence and any further expert evidence that it intends to rely on at hearing.
3. By 1 November 2021, the respondent provide to the applicant any proposal for discovery.



4. By 29 November 2021, in the event the respondent and the applicant have not agreed on any discovery to be given by the applicant, the respondent file and serve any application for discovery (**Discovery Application**), to be made returnable at the case management hearing on 1 February 2022, together with any evidence on which it intends to rely in support of the Discovery Application, and written submissions (limited to five (5) pages).
5. If the respondent files a Discovery Application in accordance with order 4 above, by 13 December 2021, the applicant file and serve any evidence on which it intends to rely in response to the Discovery Application, and written submissions (limited to five (5) pages).

Case management

6. The matter be listed for a further case management hearing on 1 February 2022.

Date that entry is stamped: **8 October 2021**

Sia Lagos
Registrar



Schedule

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Applicant CHIEF EXECUTIVE MEDICARE
Applicant FIRSTRAX PTY LIMITED
Interested Person SONIC HEALTHCARE LIMITED (ACN 004 196 909)

ASSISTED DISPUTE RESOLUTION

Interested Person FIRSTRAX PTY LIMITED
Applicant CHIEF EXECUTIVE MEDICARE ON BEHALF OF THE
COMMONWEALTH OF AUSTRALIA
Interested Person CLINICAL LABORATORIES PTY LTD
Interested Person SONIC HEALTHCARE LIMITED (ACN 004 196 909)
Respondent SPECIALIST DIAGNOSTIC SERVICES PTY LTD (ACN 007
190 043)