



**IN THE FEDERAL CIRCUIT COURT  
OF AUSTRALIA  
AT SYDNEY**

**File No:** SYG941/2019

**TEMPTING BRANDS NETHERLANDS B.V**  
Appellant

**COMITE INTERNATIONAL OYLMPIQUE**  
Respondent

**ORDER**

**BEFORE:** JUDGE BAIRD  
**DATE:** 30 January 2020  
**MADE AT:** CHAMBERS, SYDNEY

**BY CONSENT, THE COURT:**

1. Further extends the time in paragraph 6 of the Order dated 8 May 2019 to 30 January 2020.

**Facts and Issues, and Chronology**

2. DIRECTS by 4pm, 11 February 2020, the Respondent serve on the Appellant, in word format:
  - (a) a **draft statement** of agreed and disputed facts and issues in the proceeding;
  - (b) a **draft** short form **chronology** of relevant dates and events.
3. DIRECTS by 4pm, 18 February 2020, the Appellant serve its response to the draft statement and draft chronology, in word format indicating by strike through/underline or other manner each additional amended and objected to entry (not being in track change mode, and not so as to delete any Respondent's entry).
4. DIRECTS by 4pm, 20 February 2020, the parties jointly file and serve:
  - (a) a consolidated statement of facts and issues; and
  - (b) a consolidated chronology,



indicating, respectively, those facts and issues, events, and amounts agreed, disputed and/or for which they contend a different characterisation, and provide to Chambers a copy of each document in pdf and in word format.

### **Affidavits**

5. DIRECTS that on or before 3 February 2020 the parties exchange lists of the affidavits filed by them upon which they propose to rely.
6. DIRECTS by 11 February 2020, the parties exchange draft lists of objections to affidavits, if any, indicating the paragraphs and the grounds of each objection.
7. DIRECTS by 18 February 2020, the parties endeavour to resolve any objections to affidavits, and file and serve lists of outstanding objections, if any, and notifying any paragraphs not to be read.

### **Draft Court Book Index**

8. DIRECTS by 7 February 2020, the Appellant provide to the Respondent a draft index for the court book for the final hearing.
9. DIRECTS by 11 February 2020, the Respondent provide the Appellant with any comments regarding the draft index for the court book.

### **Witnesses required for cross-examination**

10. DIRECTS by 4pm on 7 February 2020, the parties notify the Court of the witnesses that they require for cross-examination and give an indication to the other party of the time that they anticipate the cross-examination of each witness will take, bearing in mind that the hearing is listed for 3 days and also bearing in mind the total number of witnesses.
11. DIRECTS that the Appellant's witness, Mr van Dijk can attend via video conference for cross-examination. The Appellant is to make suitable arrangements for the video conference.

### **Court Book**

12. DIRECTS by 18 February 2020, the Appellant:
  - (a) provide to Chambers a hard copy and an electronic copy of a consolidated Court Book and a joint bundle of authorities in Part A; and



- (b) serve on the Respondent a hard copy and an electronic copy of the Court Book and a copy of the joint bundle of authorities, each book/bundle printed double-sided and paginated, identifying the proceeding.

**Submissions and Lists of Authorities and provisional trial timetable**

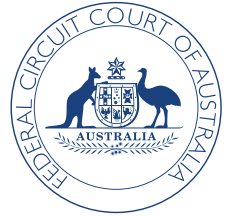
13. DIRECTS by 11 February 2020, the Respondent files and serve an outline of opening submissions, limited to 15 pages, and a list of authorities (providing hyperlinks to each authorities) in accordance with Federal Court practice note GPN-AUTH *'Lists of Authorities and Citations Practice Note'*.
14. DIRECTS by 18 February 2020, the Appellant files and serve an outline of opening submissions, limited to 15 pages, and a list of authorities (providing hyperlinks to each authority), in accordance with Federal Court practice note GPN-AUTH, *'Lists of Authorities and Citations Practice Note'*.
15. DIRECTS by 18 February, the Respondent files and serve a provisional trial timetable as agreed with the Appellant.

**Agreed Bundle**

16. DIRECTS by 14 February 2020, the Respondent serve on the solicitors for the Appellant lists of documents on which it wishes to rely as part of an “Agreed Bundle”.
17. DIRECTS by 18 February 2020 the Appellant serve on the solicitors for the Respondent a list of documents on which it wishes to rely as part of the “Agreed Bundle”, together with any objections to documents in the Respondent’s list and the grounds thereof.
18. DIRECTS by 20 February 2020, the Respondent serve and provide a copy to Chambers an “Agreed Bundle” of documents, and a list indicating which documents are admitted by consent and which are objected to, and on what grounds.

**Other**

19. VACATES the case management conference on 29 January 2020.



**By the Court**

**DATE ENTERED: 6 FEBRUARY 2020**

A handwritten signature in blue ink, consisting of a large, stylized loop with a small mark at the end.

Registrar