



Federal Court of Australia

District Registry: Victoria

Division: Fair Work

No: VID996/2016

BEHNAM ROOHIZADEGAN

Applicant

TECHNOLOGY ONE LIMITED and another/others named in the schedule

Respondent

ORDER

JUDGE: JUSTICE KERR

DATE OF ORDER: 02 October 2020

WHERE MADE: Melbourne

THE COURT ORDERS THAT:

1. The Applicant's application made pursuant to the *Fair Work Act 2009* (Cth) (the **Fair Work Act**) be upheld.
2. Pursuant to s 546 of the Fair Work Act:
 - (a) the First Respondent pay a penalty of \$40,000.00; and
 - (b) the Second Respondent pay a penalty of \$7,000.00.
3. Pursuant to s 546(3)(c) of the Fair Work Act, the penalties imposed pursuant to Order 2 be paid to the Applicant.
4. Subject to Order 9 in respect of pre-judgment interest to be awarded thereon, pursuant to s 545 of the Fair Work Act the First Respondent pay to the Applicant the sum of \$756,410.00 as compensation in respect of his forgone share options.
5. Pursuant to s 545 of the Fair Work Act, the First Respondent pay to the Applicant the sum of \$2,825,000.00 as compensation for his future economic loss.
6. Pursuant to s 545 of the Fair Work Act, the First Respondent pay to the Applicant the sum of \$10,000.00 as compensation analogous to general damages.
7. In respect of the Applicant's associated claim in contract against the First Respondent there be judgment for the Applicant.



8. Subject to Order 9 in respect of pre-judgment interest to be awarded thereon, the Applicant be awarded damages for breach of contract in the sum of \$1,590,000.00.
9. The parties are to confer with the aim of providing the Court with agreed proposed orders as to what, if any, amounts should be awarded by way of pre-judgment interest additional to the compensation and damages awarded pursuant to Orders 4 and 8, no later than 14 days from the date of publication of these reasons.
10. If proposed orders cannot be agreed pursuant to Order 9, the parties are to provide the Court with their separate proposed orders and may file any written submissions (of no more than 2 pages) on which they would wish to rely with respect to those proposals, no later than 21 days from the date of publication of these reasons.
11. Subject to Orders 12-14, there be no order as to costs.
12. If a party seeks an order for costs, that party shall file and serve written submissions (of no more than 5 pages) within 14 days of the publication of these reasons.
13. If submissions are filed pursuant to Order 12, the party seeking an alternative order shall file and serve any responsive submissions (of no more than 5 pages) within 28 days of the publication of these reasons.
14. Any application for such orders in respect of costs to be determined on the papers.

Date that entry is stamped: 2 October 2020

Sia Lagos
Registrar



Schedule

No: VID996/2016

Federal Court of Australia
District Registry: Victoria
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Second Respondent ADRIAN DI MARCO

ASSISTED DISPUTE RESOLUTION

Applicant BEHNAM ROOHIZADEGAN
Respondent TECHNOLOGY ONE LIMITED
Respondent ADRIAN DI MARCO

ASSISTED DISPUTE RESOLUTION

Applicant BEHNAM ROOHIZADEGAN
Respondent TECHNOLOGY ONE LIMITED
Respondent ADRIAN DI MARCO

ASSISTED DISPUTE RESOLUTION

Applicant BEHNAM ROOHIZADEGAN
Respondent TECHNOLOGY ONE LIMITED
Second Respondent ADRIAN DI MARCO