



Federal Court of Australia
District Registry: Western Australia
Division: Fair Work

No: WAD542/2016

FRANK SHEEHAN
Applicant

THIESS PTY LTD
Respondent

ORDER

JUDGE: JUSTICE BARKER

DATE OF ORDER: 28 March 2018

WHERE MADE: Perth

THE COURT ORDERS THAT:

1. By 11 May 2018, the parties confer and attempt to agree on “common questions” to be considered by the Court in this matter.
2. By 29 June 2018, the parties confer and attempt to agree on and produce:
 - a. a document entitled “Agreed Background Facts” which, in narrative form, identifies relevant facts in respect of which there is agreement or no contest between the parties;
 - b. a document entitled “Factual and Legal Issues for Determination” (**Issues Document**) which document:
 - i. identifies each substantive contested factual issue which the parties consider it is necessary for the Court to make findings in determining the claim of the representative applicant and the common questions (**Principal Contested Facts in Issue**); and
 - ii. identifies each contested legal issue which the parties consider it is necessary for the Court to determine at the hearing of the claim of the representative applicant and the common questions, cross referenced to the pleadings (**Contested Legal Issues**).
3. By 13 July 2018, the parties provide to the Court:
 - a. the agreed documents prepared in accordance with Order 2 above; or

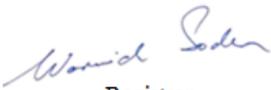


- b. in the event the parties are unable to reach agreement as to the contents of any of the documents to be prepared in accordance with Order 2 above, one version of the draft agreed document with the extent of the disagreement identified in mark-up together with brief submissions (no more than 3 pages) explaining the reasons for the disagreement.
4. By 17 August 2018, the applicant file and serve any evidence, including affidavit evidence, upon which it proposes to rely.
5. By 14 September 2018, the respondent file and serve any evidence, including affidavit evidence, upon which it proposes to rely in answer to the applicant's claim.
6. By 28 September 2018, the applicant file and serve any evidence in reply to the evidence served in accordance with Order 5 above.
7. By 4.00pm on 12 October 2018, the applicant file and serve submissions.
8. By 4.00pm on 26 October 2018, the respondent file and serve submissions.
9. By 4.00pm on 2 November 2018, the applicant file and serve any submissions in reply.
10. By 9 November 2018, the parties deliver to the Court a Court Book which:
 - a. as Part A contains the final version only of the pleadings relied upon by the parties, the final versions of the Agreed Background Facts and the Issues Document;
 - b. as Part B contains the final versions of the submissions of each party (updated to contain cross references to Part C of the Court Book to the extent a document is the subject of reference);
 - c. as Part C contains, in chronological order, one paginated copy only of the documents for tender notified by each party (being only documents to which a party proposes to refer to in submissions) and, in this regard, if only part of a document is to be relied upon, only part of the document should be reproduced; and
 - d. as Part D contains any of the lay affidavit material proposed to be relied upon by any party (without any annexures or exhibits) and, to the extent the affidavits refer to any document, a cross reference to Part C of the Court Book.



11. By 16 November 2018, each party notify each other party of the objections which the notifying party has to material contained in Parts C and D of the Court Book and, in respect of each objection, the grounds of the objection.
12. By 23 November 2018, counsel briefed by each party confer and endeavour to resolve all objections.
13. By 4.00pm on 30 November 2018, the applicant file and serve a Consolidated List of Objections that contains a list of those objections that are pressed and, in respect of each such objection, the grounds of the objection and the response to those grounds provided by the counter-party.
14. The proceeding be listed for a 5 day hearing commencing not before 3 December 2018.
15. The matter be listed for a pre trial case management hearing on 16 November 2018.
16. The applicant be at liberty to apply to the trial judge for an inspection of the access points to the Wheatstone project at the pre trial case management hearing or such other time before the hearing as may be appropriate, and the parties otherwise be at liberty to apply on 2 days' notice.

Date that entry is stamped: 28 March 2018


Registrar