



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

No: WAD542/2016

FRANK SHEEHAN
Applicant

THIESS PTY LTD
Respondent

ORDER

JUDGE: JUSTICE COLVIN

DATE OF ORDER: 16 May 2019

WHERE MADE: Perth

THE COURT ORDERS THAT:

1. Orders 7 to 13 of the orders made by this Honourable Court on 28 March 2018 be vacated.
2. By 17 May 2019, the applicant amend his originating application in accordance with the minute provided to the Court on 16 May 2019 as amended in the course of the interlocutory hearing to include the third common question.
3. By 21 May 2019, the respondent file and serve an amended defence in accordance with the Minute of Proposed Further Amended Defence dated 13 May 2019.
4. By 31 May 2019, the respondent give standard discovery in accordance with r 20.16 of the *Federal Court Rules 2011* (Cth).
5. By 21 June 2019, the parties confer and attempt to agree on 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.
6. By 28 June 2019, the parties provide to the Court:
 - (a) the Agreed Background Facts; or

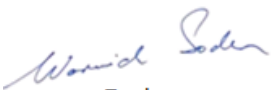


- (b) in the event the parties are unable to reach agreement as to the contents of the Agreed Background Facts, one version of the document with the extent of the disagreement identified in mark-up, noting the reason for the disagreement.
7. By 19 July 2019, the applicant file and serve any further evidence, including affidavit evidence, upon which he proposes to rely.
 8. By 16 August 2019, the respondent file and serve any further evidence, including affidavit evidence, upon which it proposes to rely in answer to the applicant's claim.
 9. By 30 August 2019, the applicant file and serve any evidence, including affidavit evidence, upon which he proposes to rely in reply.
 10. By 6 September 2019, 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 and the Agreed Background Facts;
 - (b) as Part B 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
 - (c) as Part C 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 B of the Court Book.
 11. By 4.00 pm on 13 September 2019, the applicant file and serve submissions.
 12. By 4.00 pm on 27 September 2019, the respondent file and serve submissions.
 13. By 4.00 pm on 4 October 2019, the applicant file and serve:
 - (a) any submissions in reply;
 - (b) a statement of his proposed issues for determination at hearing.
 14. By 4.00 pm on 11 October 2019, if different from those proposed by the applicant, the respondent file and serve a statement of the respondent's proposed issues for determination at hearing.



15. By 4.00 pm on 4 October 2019, each party notify each other party of the objections which the notifying party has to material contained in Parts B and C of the Court Book and, in respect of each objection, the grounds of the objection.
16. By 4.00 pm on 11 October 2019, counsel briefed by each party confer and endeavour to resolve all objections.
17. By 4.00 pm on 18 October 2019, 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.
18. The hearing of the matter, listed for 21 to 25 October 2019, be in respect of:
 - (a) the common questions; and
 - (b) all issues on the applicant's claim save only for the claim to penalties.
19. There shall be liberty to apply on 48 hours notice.

Date that entry is stamped: 16 May 2019


Registrar