

**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST**

S ECI 2020 02588

BETWEEN:

**LYNDEN IDDLES & Anor
(according to the Schedule)**

Plaintiffs

and

**FONTERRA AUSTRALIA PTY LTD (ABN 52 006 483 665) & Ors
(according to the Schedule)**

Defendants

GENERAL FORM OF ORDER

BEFORE: The Honourable Justice Nichols
DATE MADE: 30 September 2020
ORIGINATING PROCESS: Writ filed 17 June 2020
HOW OBTAINED: By consent
ATTENDANCE: Not applicable
OTHER MATTERS: Not applicable

THE COURT ORDERS BY CONSENT:

Pleadings

1. By **4.00pm on 6 November 2020** the defendants file and serve their defences.
2. By **4.00pm on 18 December 2020** the plaintiffs file and serve any reply.

Discovery

3. By **9 October 2020** the defendants provide to the plaintiffs by way of discovery the complete deed to which the Milk Supply Agency Agreement produced by the defendants on 14 August 2020 is a schedule, including all schedules or similar to that deed.



4. By **23 October 2020** the defendants deliver to the plaintiffs the defendants' response to the plaintiffs' proposed e-Discovery Framework Protocol (as provided by the plaintiffs' solicitors to the defendants' solicitors on 23 September 2020).
5. By **20 November 2020** the defendants deliver to the plaintiffs:
 - a. the defendants' response to the plaintiffs' proposed list of documents to be discovered by the defendants (as provided by the plaintiffs' solicitors to the defendants' solicitors on 23 September 2020);
 - b. the defendants' proposed search protocol for identifying discoverable electronic documents, including the search terms and electronic filters proposed to be adopted;
 - c. if the defendants propose not to search a repository which upon proper enquiries they believe may contain discoverable documents – a statement of the reasons for the limitation; and
 - d. a proposed list of documents to be discovered by the plaintiffs (save for any discovery sought in respect of matters raised by any reply filed by the plaintiffs).
6. By **4 December 2020** the parties confer in relation to the matters set out in Order 5(b) above.
7. By **6 November 2020**, the plaintiffs make an initial tranche of discovery of the documents in the list of documents proposed by the plaintiffs to be discovered by them (as provided by the plaintiffs' solicitors to the defendants' solicitors on 23 September 2020).
8. By **4.00pm on 18 December 2020**, the parties deliver to the Associate to her Honour Justice Nichols any consent orders in relation to discovery.
9. By **4.00pm on 29 January 2021** the parties file and serve any application for orders in respect of discovery (to the extent such orders are not agreed) and submissions and any affidavit in support of any such application.

Directions

10. The matter be listed for further case management conference (CMC) on **Friday 12 February 2021**.



11. If any application is made in relation to discovery as provided for in paragraph 10 above, the party responding to the application shall file and serve any affidavit and submissions in response by not later than **4.00pm on 5 February 2021**.
12. By not later than:
 - a. **4.00pm on 29 January 2021** the plaintiffs deliver to the defendants the plaintiffs' proposals as to further directions and a proposed joint position paper outlining the issues to be addressed at the CMC;
 - b. **4.00pm on 5 February 2021** the defendants deliver to the plaintiffs their response to each matter in 'a'; and
 - c. **12 noon on Wednesday 10 February 2021** the plaintiffs deliver to the Associate to her Honour Justice Nichols a joint position paper, together with proposed minutes of order reflecting the parties' respective proposals.

Other

13. Liberty to apply.
14. Costs reserved.

DATE AUTHENTICATED: 30 September 2020


The Honourable Justice Nichols

SCHEDULE OF PARTIES

LYNDEN IDDLES

Plaintiff

AND

GEOFFREY IDDLES

Plaintiff

AND

FONTERRA AUSTRALIA PTY LTD (ACN 006 483 665)

First Defendant

AND

FONTERRA MILK AUSTRALIA PTY LTD (ACN 114 326 448)

Second Defendant

AND

FONERRA BRANDS (AUSTRALIA) PTY LTD (ACN 095 181 669)

Third Defendant

