

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

S ECI 2020 02588

BETWEEN

LYNDEN IDDLES AND GEOFFREY IDDLES

Plaintiffs

and

FONTERRA AUSTRALIA PTY LTD (ACN 006 483 665)
(and others according to the Schedule attached)

Defendants

GENERAL FORM OF ORDER

JUDGE: The Honourable Justice Nichols

DATE MADE: 7 August 2020

ORIGINATING PROCESS: Writ filed 17 June 2020

HOW OBTAINED: At case management conference

ATTENDANCE: Mr LWL Armstrong QC with Ms L Keily of counsel for
the plaintiffs
Mr P Liondas with Ms L Dawson, both of counsel, for
the defendants

OTHER MATTERS: The Court notes that separate directions are to be made in
Fonterra (Australia) Pty Ltd v Iddles (debt claim), being
the proceeding transferred from proceeding CI-19-02195
in the County Court of Victoria.

THE COURT ORDERS THAT:

1 Pursuant to s 42E of the *Evidence (Miscellaneous Provisions) Act 1958* the parties
and/or their legal representatives are to appear via audio visual link using the details
provided by the Court.

Initial discovery

2 By **14 August 2020** the defendants provide to the plaintiffs the Milk Supply Agency
Agreement between one or more of the defendants and the Bonlac Supply Company, as



in force from time to time during the milk supply season from 1 July 2015 to 30 June 2016 (2015/16 Season).

Security for costs

- 3 By **21 August 2020** the parties are to seek to agree in relation to the provision of security for the costs of the defendants (together and severally **Fonterra**).
- 4 If no agreement is reached in relation to the provision of security for Fonterra's costs:
 - a. the defendants file any application for security for costs by **28 August 2020**; and
 - b. the plaintiffs file any material in response by **11 September 2020**.

Pleadings

- 5 By **14 August 2020**, **Fonterra**:
 - a. notify the plaintiffs of any objection to the pleading; and
 - b. deliver to the plaintiffs:
 - i. a sample copy of the "Milk Supply Handbook – Wagga Wagga" referred to in the letter from Fonterra's solicitors (**ABL**) to the plaintiffs' solicitors (**Adley Burstyner**) dated 6 August 2020; and
 - ii. a copy of any form of milk-supply agreement in force during the 2015/16 Season, not being a Handbook or an EMSA and pursuant to which the May 2016 Price Decrease (as defined in paragraph 15 of the Statement of Claim) was applied.
- 6 By **28 August 2020**, the plaintiffs deliver to Fonterra any proposed amended writ and statement of claim.
- 7 By **4 September 2020** Fonterra notify the plaintiffs of any objection to the proposed amended writ and amended statement of claim or request for particulars of the proposed amended statement of claim.
- 8 By 11 September 2020 the plaintiffs file and serve:
 - a. any application to amend the writ or statement of claim together with any affidavit in support;
 - b. alternatively, if there is no outstanding dispute as to pleadings, minutes of



consent in respect of the pleadings.

Applications

- 9 If by **11 September 2020** there is no outstanding dispute as to security for costs or the pleadings:
- a. the plaintiffs notify the Associate to her Honour Justice Nichols accordingly; and
 - b. the proceeding be listed for case management conference on a date to be fixed.
- 10 If by **11 September 2020** there is any outstanding dispute as to security for costs, or the pleadings, then by 18 September 2020 the parties exchange written outlines, not exceeding six (6) pages (formatted at not less than 12 point font and not less than 1.5 line spacing), in respect of such disputes.
- 11 Any applications referred to in the preceding order be listed for hearing on a date, to be determined, after 18 September 2020.

Directions

- 12 By 14 days prior to the next hearing date the plaintiffs deliver to Fonterra the plaintiffs' proposals as to further directions, including:
- a. preparation and distribution of a notice to group members informing them about the commencement of the proceeding and funding arrangements for the proceeding;
 - b. completion of the pleadings;
 - c. exchanges of proposals in respect of discovery, including categories of documents to be discovered, document repositories to be searched, electronic search terms to be applied and the e-protocol.
- 13 By 7 days prior to the next hearing date Fonterra deliver to the plaintiffs Fonterra's proposals as to further directions.
- 14 On or before 5 days prior to the next hearing date the plaintiffs provide to Fonterra a proposed statement of issues for the case management conference together with any proposed minutes of order.
- 15 On or before 3 days prior to the next hearing date Fonterra provide to the plaintiffs a



proposed statement of issues for the case management conference together with any proposed minutes of order.

- 16 On or before noon, 2 days prior to the next hearing date the plaintiffs deliver to Fonterra and the Associate to her Honour Justice Nichols a consolidated statement of issues for the case management conference, together with proposed minutes of order reflecting the parties' respective proposals.
- 17 The proceeding be listed for further directions at the date and time fixed pursuant to Order 9, alternatively Order 11 above.

Other

- 18 Reserve liberty to the parties to apply for further directions upon giving reasonable notice to all other parties.
- 19 Costs reserved.

DATE AUTHENTICATED: 11 August 2020


The Honourable Justice Nichols

SCHEDULE

BETWEEN:

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

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

Third Defendant

