

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

S ECI 2020 02588

BETWEEN

LYNDEN 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: 6 April 2021
ORIGINATING PROCESS: Writ filed 17 June 2020
HOW OBTAINED: On the Court's own motion
ATTENDANCE: Not applicable
OTHER MATTERS: Not applicable

THE COURT ORDERS THAT:

Opt-Out notices

- 1 By **4pm on 13 May 2021**, the plaintiffs are to provide the defendants their proposed draft notice to group members informing them of the commencement of the proceeding and the right of group members to opt out (**Notice**), and their proposed orders in respect of opt-out notification.
- 2 The defendants are to respond to the plaintiffs' proposed draft Notice and proposed orders with respect to opt-out notification, with any revised proposal by **4pm on 19 May 2021**.
- 3 By **11am on 26 May 2021**, the parties are to submit to Chambers an agreed Notice and agreed orders with respect to opt-out notification, or if there is any disagreement



between the parties as to any part of the proposed Notice or proposed orders, the parties are to provide a joint proposed Notice and joint proposed orders which indicate those matters that are not agreed between the parties.

Submissions as to conduct of proceeding

4 By **4pm on 13 May 2021**, the plaintiffs must file and serve submissions, of no more than 5 pages, which identify:

- a. by reference to paragraphs of the pleadings, which issues they contend should be determined at the initial trial of this proceeding;
- b. the number of lay witnesses they intend to call at trial and the matters to which their evidence is relevant (by reference to paragraphs of the pleadings);
- c. by reference to paragraphs of the pleadings,
 - i. the issues in relation to which the plaintiffs propose to adduce expert evidence;
 - ii. the qualifications of the expert(s) proposed to be called;
 - iii. whether the parties' expert reports should be exchanged simultaneously or provided on a staggered timetable;

and

- d. the time by which they submit the proceeding should be mediated.

5 By **4pm on 19 May 2021**, the defendants must file and serve submissions, of no more than 5 pages, which identify:

- a. by reference to paragraphs of the pleadings, which issues they contend should be determined at the initial trial of this proceeding;
- b. the number of lay witnesses they intend to call at trial and the matters to which their evidence is relevant (by reference to paragraphs of the pleadings);
- c. by reference to paragraphs of the pleadings,
 - i. the issues in relation to which the defendants propose to adduce expert evidence;
 - ii. the qualifications of the expert(s) proposed to be called;
 - iii. whether the parties' expert reports should be exchanged simultaneously



or provided on a staggered timetable;

and

d. the time by which they submit the proceeding should be mediated.

6 By **4pm on 25 May 2021** the parties, by their counsel, are to confer about the matters the subject of Orders 4 and 5 above, with a view to reaching agreement, to the extent possible, on those matters.

7 By **11am on 26 May 2021**, the parties are to provide to Chambers proposed consent orders or, in the absence of consent, competing minutes of orders, in respect of:

a. the filing of lay and expert evidence; and

b. the date for mediation.

DATE AUTHENTICATED: 6 April 2021



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

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

Third Defendant

