

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

S ECI 2020 02588

BETWEEN

LYNDEN IDDLES

(and another according to the Schedule)

Plaintiffs

and

FONTERRA AUSTRALIA PTY LTD (ACN 006 483 665)

(and others according to the Schedule)

Defendants

ORDER

BEFORE:

The Honourable Justice Nichols

DATE MADE:

15 June 2022

ORIGINATING PROCESS:

Writ filed 17 June 2020

HOW OBTAINED:

At case management conference

APPEARANCES:

Mr LWL Armstrong QC and Mr M Guo of counsel for
the plaintiffs

Mr P Liondas and Ms L Dawson of counsel for the
defendants

OTHER MATTERS:

The Court notes that the parties will confer in relation to
any amendment to the group definition connected with
the plaintiffs in proceeding S ECI 2022 01566 (**Tasman
Farmdale Pty Ltd and Tasmania Land Company Pty
Ltd**) or S ECI 2022 01571 (**Van Diemens Land
Company**).

THE COURT ORDERS THAT:

Trial

1. The proceeding be fixed for an initial trial commencing on 15 November 2022, on an estimate of twenty (20) hearing days.



Amended defence

2. The defendants have leave to file and serve by **4:00pm on 17 June 2022** an amended defence in the form delivered to the plaintiffs by letter dated 10 June 2022.
3. The plaintiffs file and serve any reply to the amended defence by **4:00pm on 1 July 2022**.

Evidence

4. The following dates in the Orders made 11 February 2022, be extended as follows:
 - a) Order 10, for the plaintiffs' filing and service of expert reports, to 24 June 2022;
 - b) Order 11, for the defendants' filing and service of expert evidence and any lay evidence in response to the plaintiffs' expert evidence, to 19 August 2022;
 - c) Order 12, for the plaintiffs' filing and service of expert evidence in reply, to 16 September 2022;
 - d) Order 13, for conferral regarding conclaves, to 26 August 2022;
 - e) Order 14, for delivery of any consent minutes as to conclaves, to 1 September 2022, and in the event the parties are unable to agree on proposed orders then each party shall by that date deliver that party's proposed form of order to the Associate to her Honour Justice Nichols (and to each other party);
 - f) Order 16, for completion of mediation, to 14 October 2022;
 - g) Order 21, for objections to evidence, to 7 October 2022;
 - h) Order 22, for conferrals as to objections, to 21 October 2022;
 - i) Order 23, for lists of outstanding objections, to 28 October 2022;(and the Court notes that Orders 24 and 25 are retained unchanged).
5. The plaintiffs have leave to file and serve any statement of lay evidence from their proposed expert witness, Mr Spencer, by **4:00pm on 24 June 2022**.
6. Any lay evidence from the defendants in response to any evidence served pursuant to Order 6 be filed and served by **4:00pm on 19 August 2022**.

Other pre-trial conferrals

7. By 26 August 2022, the parties confer for the purpose of agreeing proposed orders in relation to preparation and conduct of the trial, including:



- a) a list of the proposed questions to be answered at the initial trial (**Trial Questions List**);
- b) a provisional trial timetable, including:
 - i) timing of opening and closing addresses;
 - ii) the order of witnesses (and each party's expectations of the time required for cross-examination of each opposing witness);
- c) the preparation and timing of the electronic court book (including the identification and removal of duplicated documents);
- d) the engagement of an e-trial service provider;
- e) any procedures for the tender of documents at the trial (including any agreement obviating the need for tender of documents cited by an expert witness but not the subject of cross-examination);
- f) the composition of any experts' concurrent evidence session, and a timetable for further conferral in relation to the proposed agenda for any concurrent evidence session;

(pre-trial steps).

- 8. By **4:00pm on 1 September 2022**, the parties deliver to the Associates to Her Honour Justice Nichols any consent or competing minutes of proposed orders in relation to the pre-trial steps in Order 8(a), (c), (d), (e) and (f) above.
- 9. By **4:00pm on 1 November 2022**, the parties file a trial timetable, including:
 - a) timing of opening addresses; and
 - b) the order of witnesses (and each party's expectations of the time required for cross-examination of each opposing witness).

Next case management conference

- 10. The matter be listed for a further case management conference (**CMC**) on a date to be fixed.
- 11. Liberty to apply.
- 12. Costs reserved.

DATE AUTHENTICATED: 20 JUNE 2022



The Honourable Justice Nichols

SCHEDULE OF PARTIES

LYNDEN IDDLES

First Plaintiff

and

GEOFFREY IDDLES

Second 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

