

OUTCOME DETAILS

**Supreme Court - Civil
at Supreme Court Sydney
on 15 October 2021**

2018/00371447-016 / Notice of Motion Civil - Richmond Valley Council v JLT Risk Solutions Pty Ltd

1 Order that the orders made in respect of the Consenting Subpoenas (as set out in Annexure 1 to these orders) be varied to include the following additional orders:

i. Subject to orders 1(b) and 1(c), the parties may refer to or rely on in open court at the trial of this proceeding all documents produced pursuant to the Consenting Subpoenas (Consenting Subpoenaed Documents) as well as all unredacted witness statements and expert reports referencing the Subpoenaed Documents.

ii. The parties may tender unredacted copies of the Consenting Subpoenaed Documents identified in Annexure 2.

iii. If a party wishes to refer to or rely on a Consenting Subpoenaed Document that is not identified in Annexure 2:

i. the document(s) referred to or relied on will be marked for identification and the relevant producing party(ies) will be provided with an opportunity to apply for any appropriate confidentiality orders before the tender of the specified documents; and

ii. prior to referring to or relying on the document, that party will apply for an interim suppression order in respect of the document(s) referred to or relied on, to the effect that the document remain confidential until the producing party has the opportunity to apply referred to above.

2 Order that the orders made in respect of the other Subpoenas (as set out in Annexure 3 to these orders) (Other Subpoenas) be varied to include the following additional order:

a. If a party wishes to refer to or rely on in open court a document produced pursuant to the Other Subpoenas:

i. the document(s) referred to or relied on will be marked for identification and the relevant producing party(ies) will be provided with an opportunity to apply for any appropriate confidentiality orders before the tender of the specified documents; and

ii. prior to or contemporaneously with referring to or relying on the document, that party will apply for an interim suppression order in respect of the document(s) referred to or relied on, to the effect that the document remain confidential until the producing party has the opportunity to apply referred to above.

3 Save to the extent that documents are displayed or referenced in open court for the purposes in order 1, access to copies of the Subpoenaed Documents (and unredacted copies of any expert reports referencing the Subpoenaed Documents) are subject to the restrictions imposed by the orders of the Court in respect of those subpoenas or as otherwise agreed with the subpoenaed parties.

4 For the avoidance of doubt, order 3 above, does not prevent the parties' instructors from attending the hearing or accessing transcripts of the hearing.

5 Direct that order 1(b) of the plaintiff's motion dated 7 October 2021 in respect of the documents produced under the Other Subpoenas and identified in Annexure 4 to these orders, be before Williams J at 10:15am on 22 October 2021.

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This matter is listed for Motion on 22 October 2021 10:15 AM before the Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 15 Minutes

Justice K Williams

Signed

Date