

SUPREME COURT OF NEW SOUTH WALES
Common Law Division

Reference no.

Coram: **Beech-Jones J.**

Date: 14.09.15

Associate's Record of Proceedings

File no. 14/200854

Matter: **Rodriguez & Sons Pty Ltd v Queensland Bulk Water Supply**

Appearances:–

Plaintiff: *Bar:* R.A. Yezerski, N. Oreb..... *Sols:* Maurice Blackburn P/L – Rodriguez

1st Def: *Bar:* B. O'Donnell QC..... *Sols:* King & Wood Mallesons – Seqwater

2nd Def: *Bar:* D.L. Williams SC, H.S.A. Neal, N. Shaw *Sols:* Norton Rose Fulbright – Sun Water

3rd Def: *Bar:* J.M. Horton QC, E.J. Morzone..... *Sols:* G.R. Cooper, Crown Sol for State of Qld

The Court orders that:

- 1 Order 13 made by his Honour Justice Garling on 7 November 2014 be vacated.
- 2 The Plaintiff is to file and serve its Reply to each of the defences in accordance with rule 14.4 of the Uniform Civil Procedure Rules 2005 (NSW) ("UCPR") by 6 November 2015.
- 3 Each Defendant is to file and serve its Defence to each of the other Defendants' Cross-Claims by 26 October 2015.
- 4 The matter be listed for a case management conference on 19 November and extending to 20 November 2015 for:
 - (a) hearing of any notices of motion in relation to the composition of the class and suitability of the matter to proceed as a representative proceeding;
 - (b) settling the opt out notice; and
 - (c) settling the common questions.
- 5 By 25 September 2015, the Plaintiff is to file any further evidence, in accordance with rule 31.27 of the UCPR, being evidence from Professor Altinakar and any evidence required to prove any assumption relied upon by him with the balance of the iterations by 31 October 2015.
- 6 On or before 31 March 2016, each Defendant is to serve:
 - (a) all written statements, in accordance with rule 31.4 of the UCPR, of the oral evidence which it intends to adduce in chief at the hearing, on any and all questions of fact relevant to that hearing; and
 - (b) save for the evidence described in order 8 below, all expert reports, in accordance with rule 31.27 of the UCPR, of all expert evidence which it intends to adduce in chief at the hearing, on any and all questions of expert opinion relevant to that hearing.
- 6A On or before 12 February 2016 the Defendants are to notify the Plaintiff of the categories of experts in respect of which they propose to serve reports.

- 7 The Plaintiff is to serve all lay and expert evidence in reply to the evidence referred to in order 6 above on or before 30 June 2016. This evidence is to accord with the provisions of the UCPR referred to in order 6 above.
- 8 Each Defendant is to serve all evidence responsive to the report of Dr Altinakar on or before 1 July 2016 in accordance with rule 31.27 of the UCPR.
- 9 The Plaintiff is to serve all evidence in reply to the evidence referred to in order 8 above on or before 31 October 2016 in accordance with rule 31.27 of the UCPR.
- 10 Expert conclaves will be held, and the preparation of joint expert reports will occur, in the period November 2016 to January 2017, and the Court will make further directions as to those conclaves once the Defendants' expert evidence has been served.
- 11 The process of consensual or else court-ordered mediation is to occur during February 2017.
- 12 Any party has liberty to apply on three days' notice.
- 13 Costs reserved.

Adjourned to 19.11.15 at 10am before Beech-Jones J for case management.