

# OUTCOME DETAILS

**Supreme Court - Civil  
at Supreme Court Sydney  
on 8 April 2021**

**2018/00322648-001 / Statement of Claim: Philip Dwyer v VOLKSWAGEN GROUP  
AUSTRALIA PTY LTD trading as VOLKSWAGEN AUSTRALIA**

I make the orders in the document entitled Short Minutes of Order which I have initialled, dated today's date and placed with the papers.

Short Minutes of Order

By consent:

Evidence

1. Order 3 of the orders entered 10 December 2020 is varied such that the Plaintiff is to serve any expert reports in respect of liability and quantum in reply on which he intends to rely by 30 April 2021.

Conferral of experts

2. On or before 7 May 2021; Robert Renz and Thomas Klapotke are to confer.

3. On or before 12 May 2021, Robert Renz and Thomas Klapotke are to provide to the Court and the parties a joint report setting out the points of agreement, and of difference remaining, between them and the reasons therefore.

4. On or before 12 May 2021, Michelle Baddeley, Christopher Pleatsikas and Steve Allen are to confer.

5. On or before 14 May 2021, Michelle Baddeley, Christopher Pleatsikas and Steve Allen are to provide to the Court and the parties a joint report setting out the points of agreement, and of difference remaining, between them and the reasons therefore.

Court Book

6. By no later than 5 May 2021, each party must notify the other party in writing of any documents not referred to in any affidavit or expert report that the party proposes should be included in the Court Book.

7. By no later than 10 May 2021, each party shall advise the other party in writing:

a. which of the specified additional documents may be included in the Court Boo by consent;

b. whether the authenticity of any document, and if so which, is disputed; and

c. insofar as any document (already included and/or proposed to be included) may not be included in the Court Book by consent the grounds for the objection to its inclusion.

8. By no later than 12 May 2021, the Plaintiff must file and serve a Court Book in electronic form and two hard copies containing, in chronological order:

- a. all documents referred to in any affidavit or expert report; and
- b. all documents notified for inclusion in accordance with paragraph 6 of these orders.

9. The Court Book referred to in paragraph 8 of these orders is to include an index indicating documents the tender of which is agreed and, in relation to the documents as to which there is no agreement, which documents they are and whether lodged on behalf of the plaintiff or on behalf of any other party to the proceedings and, if so, which party.

#### Affidavits

10. On or before 12 May 2021, each party shall file and serve a folder of all affidavits, statements and reports to be relied upon at trial (with the exception of the joint report referred to in paragraph 5 of these orders) with an index setting out in alphabetical order:

- a. the name of the deponent or maker of the statement or report;
- b. the date of the affidavit, statement or report; and
- c. a short statement identifying the role of the deponent or the maker of the statement or report.

11. By 12 May 2021, the parties shall, by notice in writing to the other party, state whether they propose to object to the whole or any part of any document, affidavit or expert report and the grounds for the objections.

12. By 14 May 2021, the parties are to confer with a view to resolving by consent as many objections as they can.

13. By 14 May 2021, a final list of unresolved objections is to be sent by delivery to the Associate to Stevenson J.

#### Opening submissions

14. On or before 13 May 2021, the parties shall file and serve a short outline of submissions; a statement of the real issues for determination; a list of authorities; and a chronology of relevant events.

#### Hearing

15. The matter be listed for hearing on a 15 day estimate commencing on 17 May 2021.

16. The hearing dates previously allocated to this proceeding otherwise be vacated.

17. Liberty to apply on two days' notice and generally.

Justice D Hammerschlag

Signed

Date