



Federal Court of Australia  
District Registry: Victoria  
Division: General

No: VID213/2017

**PETER ANTHONY BASIL**  
Applicant

**BELLAMY'S AUSTRALIA LIMITED (ACN 124 272 108)**  
Respondent

### **ORDER**

**JUDGE:** JUSTICE BEACH

**DATE OF ORDER:** 14 September 2018

**WHERE MADE:** Melbourne

#### **THE COURT ORDERS THAT:**

##### *Pleadings*

1. Pursuant to rule 16.53 of the *Federal Court Rules 2011* (Cth), the Applicant be granted leave to amend the Further Amended Statement of Claim filed on 18 December 2017.
2. Subject to Order 6(b), by no later than 17 September 2018, the Applicant is to file and serve the Second Further Amended Statement of Claim in substantially the form annexed as Annexure A to its Interlocutory Application dated 7 September 2018.
3. The Respondent file and serve a defence to the Second Further Amended Statement of Claim on or before 29 October 2018.
4. The Applicant file and serve any reply to the Respondent's defence on or before 12 November 2018.
5. The Applicant pay the Respondent's costs thrown away by reason of the amendments in the Second Further Amended Statement of Claim.



6. Pursuant to sections 37AF(1) and 37AG(1)(a) of the *Federal Court of Australia Act 1976* (Cth), until further order, in order to prevent prejudice to the proper administration of justice:
  - a. the affidavit of Julia Frances Avis affirmed on 13 September 2018 and marked “Confidential Affidavit” and the annexures to that affidavit marked “Confidential Annexure JFA-3”, “Confidential Annexure JFA-4”, “Confidential Annexure-JFA-5” and “Confidential Annexure JFA-6” are not to be disclosed or made available for inspection to any person other than the docket Judge, his personal staff, any officer of the Court authorised by the docket Judge, the Applicant and the Respondent and their respective legal representatives;
  - b. the Second Further Amended Statement of Claim to be filed by the Applicant in accordance with Order 2:
    - i. be redacted in accordance with the table of redacted information that is part of Confidential Annexure JFA-6 to the confidential affidavit of Julia Frances Avis affirmed on 13 September 2018, and be filed by the Applicant in that redacted form on a non-confidential basis; and
    - ii. also be filed by the Applicant in an unredacted form on a confidential basis marked “Confidential”, and in its unredacted form is not to be disclosed or made available for inspection to any person other than the docket Judge, his personal staff, any officer of the Court authorised by the docket Judge, the Applicant and the Respondent and their respective legal representatives and experts retained in this proceeding, any insurer(s) of the Respondent and the Applicant’s litigation funder;
  - c. Annexure A to the Applicant’s Interlocutory Application dated 7 September 2018 is not to be disclosed or made available for inspection to any person other than the docket Judge, his personal staff, any officer of the Court authorised by the docket Judge, the Applicant and the Respondent and their respective legal representatives.



***Costs Capping Application***

7. The Respondent file and serve any additional affidavits on which it intends to rely in support of its application filed 3 September 2018 by 19 September 2018.
8. The Applicant file and serve any affidavits on which he intends to rely by 5 October 2018.
9. The Respondent file and serve a written outline of submissions by 26 October 2018.
10. The Applicant file and serve a written outline of submissions by 16 November 2018.
11. The Respondent file and serve any reply submissions by 30 November 2018.
12. The matter be listed, for the purpose of hearing the Respondent's application filed 3 September 2018, at 10.15am on 17 December 2018.


***Discovery***

13. The Applicant and the Respondent confer in an attempt to agree on a programme for further discovery by the Respondent, such conferral to be completed by 12 November 2018.
14. By 26 November 2018, if no agreement has been reached pursuant to order 13, the Applicant and Respondent file and serve their proposals for discovery orders to be made, including an outline of reasons why they contend for the discovery orders proposed (with each such outline limited to five pages) and any supporting affidavits.

***Other***

15. The proceeding be listed for a further case management hearing at 10.15am on 17 December 2018.
16. Costs, other than the costs referred to in order 5 above, be reserved.
17. There be liberty to apply.

Date that entry is stamped: 14 September 2018

  
Registrar