



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID622/2021

PABAI PABAI

First Applicant

GUY PAUL KABAI

Second Applicant

COMMONWEALTH OF AUSTRALIA

Respondent

ORDER

JUDGE: JUSTICE MORTIMER

DATE OF ORDER: 17 March 2022

WHERE MADE: Melbourne

THE COURT NOTES:

- A. The parties have agreed these orders in an endeavour to avoid the need for general discovery.

THE COURT ORDERS BY CONSENT THAT:

Online file

1. There is to be established an online file in relation to this proceeding, with the parties to be consulted each time before further material is added to the online file.
2. The Statement of Claim and Defence in this proceeding, the transcript of the case management hearing held on 17 March 2022, and a copy of these orders are to be available on the online file.

Concise Statement and Response

3. By 4:00pm on 31 March 2022, the Applicants are to file a Concise Statement in the proceeding, in accordance with paragraph 6.10 of the Court's **Central Practice Note** (National Court Framework and Case Management (CPN-1) 20 December 2019).



4. By 4:00pm on 14 April 2022, the Respondent is to file a Concise Response in the proceeding, in accordance with paragraph 6.10 of the Central Practice Note (as applicable).
5. The Concise Statement and Concise Response are to be added to the online file after filing.

Discovery

6. By 4:00pm on 14 April 2022, the Applicants are to provide to the Respondent their proposed discovery categories by reference to the issues in dispute between the parties.
7. By 4:00pm on 26 May 2022, the parties are to endeavour to agree upon discovery categories.
8. Any discovery issues which are unable to be agreed by 4:00pm on 26 May 2022 are referred to mediation before Judicial Registrar Stride at a date and time to be confirmed, with such mediation to be completed by 23 June 2022.

Trial

9. The proceeding is listed for trial commencing on Tuesday 6 June 2023, at a location to be determined by further order, with an estimate of four weeks.

Other

10. The proceeding is to be listed for a further judicial case management hearing in the week commencing 27 June 2022, on a date convenient to the Court and the parties in that week.
11. By 4:00pm on 24 June 2022, the parties are to file a joint progress report for the purposes of the case management hearing, addressing:
 - a. the progress of discovery;
 - b. proposed dates on which initial discovery will be completed;
 - c. any issues related to discovery that the parties are aware are likely to require judicial determination, and a proposed timetable for that determination;
 - d. proposals for the opt-out process;
 - e. whether any amendments to the pleadings are proposed, and a proposed timetable for those amended pleadings to be filed;
 - f. proposals for the location for the trial in June 2023;
 - g. proposals for the timing of the filing of lay and expert evidence; and
 - h. any other matters either party wishes to raise.



12. Costs be reserved

Date that entry is stamped: 17 March 2022

Sia Lagos
Registrar