

# OUTCOME DETAILS

**Supreme Court - Civil  
at Supreme Court Sydney  
on 11 October 2019**

**2019/00232749-001 / Summons: Terry Williamson v SYDNEY OLYMPIC PARK  
AUTHORITY trading as Sydney Olympic Park Authority**

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

The Court orders that:

1. On or before 9 October 2019, the Third Cross-Defendant produce to the Plaintiffs Annexure Part R to the amended form of AS 4902-2000 Design & Construct Contract it entered into with the First Cross-Defendant on or around 29 October 2015.
2. On or before 11 October 2019, the Plaintiffs are to file and serve any reply to the commercial list response filed by the Defendant.
3. On or before 1 November 2019, the First, Second and Third Cross-Defendants are to file and serve a list response to the cross-claim filed by the Cross-Claimant.
4. On or before 1 November 2019, the First and Second Cross-Defendants are to file and serve any cross-claims.
5. On or before 29 November 2019, the Third Cross-Defendant is to file and serve a list response to any cross-claims filed by the First and Second Cross-Defendants and any cross-claims.
6. The Plaintiffs to nominate their proposed categories of documents for disclosure by 8 November 2019.
7. The Defendant/Cross-Claimant to nominate its proposed categories of documents for disclosure by 15 November 2019.
8. The Cross-Defendants to nominate their proposed categories of documents for disclosure by 22 November 2019.
9. The parties to confer with a view to reaching agreement on categories of documents for disclosure by 29 November 2019.
10. Subject to any further order of the Court, the parties comply with the communications protocol at Schedule 1 to these orders.
11. The matter is listed for further directions on 6 December 2019.
12. Liberty to apply on 3 days 'notice.

## Schedule 1

### Communication Protocol

1. Unless leave is granted by the Court, the defendant shall not initiate any communications directly with:

- a. the plaintiffs; or
- b. any group member who has retained the plaintiffs' lawyers.

with a view to settling their claims.

2. The defendant shall not communicate directly with any group member who is not a client of the plaintiffs' lawyers with a view to settling their claims, unless the communications:

- a. is written;
- b. is in plain language;
- c. does not contain any misleading or inaccurate information;
- d. explains the consequences of accepting or not accepting the proposal;
- e. gives the recipient a reasonable period of time – not less than 14 days – to consider any proposal; and

encourages the recipient to seek legal advice from the plaintiffs' lawyers or another firm.

3. Where a defendant is uncertain as to whether the group member is a client of the plaintiffs, they shall liaise with the plaintiffs' lawyers to clarify the status of the group member, before any communication takes place.

In this communication protocol, a reference to "defendant" includes a reference to any cross-defendant, lawyer or agent of the defendant and lawyer or agent of any cross-defendant.

Paragraphs 1 to 3 above, do not prevent the defendant from communicating with the plaintiffs in respect of defect rectification or any matter relating to the day to day operation of the building, the subject of these proceedings.

Justice D Hammerschlag

Signed

Date