

FILE NO :	19/150651
PARTIES :	Doyle's Farm Produce Pty Ltd v Murray Darling Basin Authority
DIVISION :	Common Law
DATES :	1.3.24
CORAM :	Garling J

GARLING J MAKES THE FOLLOWING ORDERS:

1. Make orders set out in paragraphs 1-14 of the Short Minutes of Order provided to the Court today by the parties.
2. I will not make order 15 of the SMO provided to the Court.
3. List the proceedings for directions before Garling J on 12.4.24 and on 9.5.2025 as per case management orders.
4. Direct that if matter resolves at mediation, the solicitor for the plaintiff is to notify my Chambers of that fact.
5. Fix the matter for hearing on 11.8.2025 with an estimate of 40 days.

ORDERS SOUGHT BY THE PARTIES:

1. The plaintiffs are to serve a revised version of the proposed Third Further Amended Statement of Claim (3FASOC) and proposed Amended Points of Claim on the defendants by 15.3.24.
2. The solicitors for the defendants are to inform the solicitors for the plaintiffs of whether their clients object to the amendments and, if so, which of the amendments, and provide a short outline of the basis of the objection by 29.3.24.
3. At the time of compliance with Orders 1 and 2 above, copies of the proposed 3FASOC, proposed Amended Points of Claim and letter of response are to be provided to the Chambers of Garling J.
4. In the event that the defendants consent to the 3FASOC and proposed Amended Points of Claim, the defendants are to file a Defence to the 3FASOC by 12.4.24.
5. The matter be relisted on 12.4.24 for the purposes of:
 - a. making orders concerning the Opt Out Notice and the like; and
 - b. considering issues relating to the proposed 3FASOC and/or proposed Amended Points of Claim in the event that the defendants do not consent to the proposed 3FASOC and/or Points of Claim.
6. The defendants are to serve any affidavit evidence in reply arising from the plaintiffs' expert evidence on which they intend to rely by 24.6.24.
7. Mediation is to occur no later than 30.6.24 and be conducted with a mediator as agreed by the parties by 15.3.24.
8. The defendants are to serve any independent expert evidence arising from the plaintiffs' expert evidence on which they intend to rely by 24.9.24.
9. The plaintiffs are to serve any expert evidence in reply on which they intend to rely by 25.11.24.

10. The parties are to confer and seek to prepare a joint set of questions to be considered by the experts for the plaintiffs and the experts for the defendants and send copies of the agreed and/or competing questions to the Chambers of Garling J by 6.12.24.
11. The matter is listed for directions on 13.12.24.
12. The experts for the plaintiffs and the experts for the defendants are to confer and consider the joint set of questions prepared by the parties and produce a joint report setting out the matters in relation to which they agree and disagree by 2.3.24.
13. By 28.4.2025, the parties are to jointly file a list (Joint List of Issues) which identifies:
 - a. the Common Questions agreed between the parties; and
 - b. any additional questions identified by a party but not agreed between the parties.
14. The matter is listed for case management hearing on 9.5.2025.