

BETWEEN:

ELWYN GONSALVEZ & ORS (according to the Schedule attached)

Plaintiffs

- and -

EMERGENCY SERVICES SUPERANNUATION BOARD

Defendant

ORDER

JUDGE: The Honourable Justice Watson

DATE MADE: 5 August 2024

ORIGINATING PROCESS: Writ filed 11 April 2024

HOW OBTAINED: On the papers

ATTENDANCE: Not applicable

OTHER MATTERS: A. This order is signed by the Judge pursuant to Rule 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2015*

THE COURT ORDERS BY CONSENT THAT:

Pleadings

1. By 4:00pm on 12 August 2024, the plaintiffs file and serve any amended writ and amended statement of claim.
2. By 4:00pm on 16 September 2024, the defendant file and serve a defence to the plaintiffs' statement of claim.
3. By 4:00pm on 16 October 2024, the plaintiffs file and serve any reply.

Conferral

4. By 4:00pm on 16 August 2024, the parties are to confer for the purpose of agreeing upon an appropriate document management system and protocol to be used for the discovery process.



5. By 4:00pm on 23 September 2024, the parties are to confer for the purpose of:
 - (a) agreeing upon the form and content of orders for the notification to group members of the proceeding and of their right to opt-out; and
 - (b) agreeing upon the categories of documents to be discovered by the defendant in the proceeding, other than the Salary and Allowance Documents referred to under Order 7.
6. In default of agreement upon any of the matters in Order 5, the parties shall attend a conference before a Judicial Registrar on a date to be nominated by the Judicial Registrar (being a date on or before 30 September 2024) to facilitate discussion between the parties concerning the matters in Order 5 that have not been agreed upon.

Discovery

7. By no later than 4.00pm on 7 October 2024, the defendant give discovery of data produced to Gilbert + Tobin on behalf of the defendant by Metro Trains Melbourne Pty Ltd and KDR Victoria Pty Ltd in respect of shift allowances paid to group members (such documents being “**Salary and Allowance Documents**”).
8. To the extent categories of discovery have been agreed pursuant to Orders 5 (b) and 6, the defendant give such discovery by 4.00pm on 28 October 2024.
9. To the extent categories of discovery are unable to be agreed pursuant to Orders 5(b) and 6, the parties file any applications for discovery by 7 October 2024.
10. By 4:00pm on 27 September 2024, the plaintiffs give discovery (if any) by affidavit.

Communication with group members

11. The defendant must not make any unsolicited contact with group members who are former members of the Transport Superannuation Fund and not current members of the Emergency Services Superannuation Scheme regarding the proceeding and matters relevant to it.
12. The defendant must not communicate with group members who are current or former members of the Transport Superannuation Fund for the purpose of



encouraging, or in any way likely to encourage, them to opt out of the proceeding, or otherwise not to take steps in the proceeding, which would affect group members' participation in the proceeding, prior to the Court ordering an opt-out notice to be sent to group members.

Mediation

13. The parties will attend a mediation not before 18 November 2024 and by no later than 23 December 2024.

Further Case Management

14. By no later than two business days after mediation concluding, the parties will write to Chambers with mutually convenient dates for a further case management conference.

Other Matters

15. Liberty to apply.
16. Costs are reserved.

DATE AUTHENTICATED: 5 August 2024



THE HONOURABLE JUSTICE WATSON



SCHEDULE OF PARTIES

S ECI 2024 01683

ELWYN GONSALVEZ

First Plaintiff

SEBASTIANO FERRARO

Second Plaintiff

BASIL SEVENTIS

Third Plaintiff

- AND -

**EMERGENCY SERVICES SUPERANNUATION
BOARD**

Defendant

