

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION
MAJOR TORTS LIST

S ECI 2020 01535

BETWEEN:

NERITA SOMERS & ORS
(according to the attached Schedule)

Plaintiffs

-and-

BOX HILL INSTITUTE

Defendant

ORDER

JUDGE: The Honourable Justice John Dixon
DATE MADE: 25 May 2020
ORIGINATING PROCESS: Writ filed 26 March 2020
HOW OBTAINED: At case management conference
ATTENDANCE: Mr J T Rush RFD QC with Mr M Guo, for the plaintiffs
Mr M Hooper of counsel, for the defendant
OTHER MATTERS: Nil

THE COURT ORDERS THAT:

1. By 4.00pm on 25 May 2020, the defendant file and serve its defence to the statement of claim.
2. By 4.00pm on 1 June 2020, the defendant file and serve any request for further and better particulars.
3. By 4.00pm on 15 June 2020, the plaintiffs file and serve any reply to the defence.
4. By 4.00pm on 15 June 2020, the plaintiffs file and serve further and better particulars in response to any request.
5. By 4.00pm on 29 June 2020, the defendant file and serve any third party notice.
6. By 4.00pm on 12 June 2020, the parties are to confer for the purpose of:
 - (a) reaching agreement regarding an appropriate document management system and protocol to be used for the discovery process; and
 - (b) settling the categories of documents to be discovered by the defendant in the



proceeding.

7. In default of agreement being reached in regard to the matters raised in paragraph 6, the parties shall attend a conference before Judicial Registrar Clayton on 16 June 2020 to facilitate discussion between the parties concerning the categories of documents to be discovered by the defendant in the proceedings and agreement on an appropriate document management system and protocol to be used for the discovery process.
8. By 4.00pm on 13 July 2020, the plaintiffs make discovery by affidavit.
9. By 4.00pm on 31 July 2020, the defendant make discovery, by affidavit, of categories of discovery to be as agreed or ordered.
10. By 4.00pm on 27 May 2020, the defendant provide a copy of the Class Action Summary Statement filed 21 May 2020 by email to the recipients of the email from aviation@boxhill.edu.au at 10.32am on 15 May 2020.
11. By 4.00pm on 1 June 2020, the plaintiffs' solicitors provide copies of the Class Action Summary Statement filed 21 May 2020 to group members by:
 - (a) sending a copy to group members who have registered their details with Gordon Legal ('Registered Group Members'):
 - (i) by email, where Gordon Legal holds a current email address for the Registered Group Member; or
 - (ii) by pre-paid post to the last known address of the Registered Group Member, where Gordon Legal does not hold a current email address; and
 - (b) causing a copy to be displayed on, or otherwise made available for download from, the website of Gordon Legal (www.gordonlegal.com.au).
12. By 4.00pm on 5 June 2020, the defendant provide the plaintiffs' representatives with a list of all persons who enrolled in the Diploma of Aviation (Commercial Pilot Licence – Aeroplane) delivered by the defendant between 6 December 2015 and 26 March 2020.
13. The case management conference is adjourned for further hearing on 22 July 2020 at 9.30am.
14. Costs reserved.

DATE AUTHENTICATED: 25 May 2020


The Honourable Justice John Dixon

SCHEDULE OF PARTIES

S ECI 2020 01535

BETWEEN:

NERITA SOMERS

First Plaintiff

ADEL HASSANEIN

Second Plaintiff

MATTHEW LAMONT

Third Plaintiff

FELIX OULDANOV

Fourth Plaintiff

-and-

BOX HILL INSTITUTE

Defendant

