



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1210/2019

KENNETH JOHN WILLIAMS and another named in the schedule
Applicant

TOYOTA MOTOR CORPORATION AUSTRALIA LIMITED (ACN 009 686 097)
Respondent

ORDER

JUDGE: JUSTICE LEE

DATE OF ORDER: 08 October 2021

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. The applicants have leave to file a second further amended statement of claim (in the form previously provided to the solicitors for the respondent) and a second further amended originating application (amending prayer 1.3), with such leave to be exercised by 4pm on 12 October 2021.
2. The respondent file and serve a defence to the second further amended statement of claim on or by 4pm on 28 October 2021.
3. Pursuant to s 37P(2) of the *Federal Court of Australia Act 1976* (Cth) and r 30.01(1) of the *Federal Court Rules 2011* (Cth) (**FCR**), the questions identified in the annexure to these orders be determined separately and before any other issues in the proceeding (**Separate Hearing**).
4. Order 3 is subject to any contrary order made at the conclusion of argument at the Separate Hearing.
5. The Separate Hearing be listed to commence at 10:15am on 26 October 2021.
6. On or by 4pm on 14 October 2021, the applicants file and serve their submissions in chief on the Separate Hearing.



7. On or by 4pm on 20 October 2021, the respondent file and serve its submissions on the Separate Hearing.
8. On or by 4pm on 22 October 2021, the applicants file and serve their submissions in reply on the Separate Hearing.
9. The proceeding be listed for a further case management hearing at the conclusion of the Separate Hearing.

Date that entry is stamped: 8 October 2021

Sia Lagos
Registrar



Schedule

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Second Applicant

DIRECT CLAIM SERVICES QLD PTY LTD ACN 167 519 968



Annexure

1. Whether upon a proper construction of s 33Z of the *Federal Court of Australia Act 1976* (Cth), the applicants are entitled, in their representative capacity, to maintain a claim for part of the damages suffered by some or all group members in this proceeding?
2. If the answer to question 1 is “no”, should prayer 1.3 of the second further amended originating application be dismissed.