



Federal Court of Australia

District Registry: New South Wales Registry

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:** 5 August 2025

**WHERE MADE:** Sydney

#### THE COURT ORDERS THAT:

##### *Sample 271(6) Group Members*

1. Orders 3 to 6 made on 18 March 2025 be vacated.
2. Pursuant to s 33Q(1) of the *Federal Court of Australia Act 1976* (Cth), the persons listed in Annexure A to these orders (or such lesser number of persons as the parties agree) be appointed as sample group members (and not as sub-group representatives) for the purpose of assisting the Court to determine the extent to which s 271(6) of the *Australian Consumer Law* disentitles Group Members whose claims relate to Relevant Vehicles to which the 2020 Field Fix has been applied from recovering damages under s 272(1)(a) of the *Australian Consumer Law* (if at all) (**Sample Group Members**).
3. By 8 August 2025, the applicants are to file and serve points of claim for each of the Sample Group Members.
4. By 29 August 2025, the respondent is to file and serve points of defence to each of the points of claim.
5. By 12 September 2025, the applicants are to file and serve any points of reply to the points of defence.



6. By 19 September 2025, the parties are to give discovery under r 20.14 of the *Federal Court Rules 2011* (Cth) of documents that are directly relevant to the issues raised by the points of claim, points of defence and reply.

### ***Evidence***

7. By 17 October 2025, the applicants are to file and serve any affidavit and/or documentary evidence in chief, other than any expert evidence, on which they propose to rely at the resumed initial trial.
8. By 5 December 2025, the respondent is to file and serve any affidavit and/or documentary evidence, other than any expert evidence, on which it proposes to rely at the resumed initial trial.

### ***Case management***

9. The matter be listed for a case management hearing at 9:30am on 19 December 2025.

### ***Resumed initial trial***

10. Subject to further order, the matter is available to be listed for the resumed initial trial commencing on 19 October 2026 for a period of 2 weeks.

Date orders authenticated: 8 August 2025

  
Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



**Schedule**

No: NSD1210/2019

Federal Court of Australia

District Registry: New South Wales Registry

Division: General

Second Applicant

DIRECT CLAIM SERVICES QLD PTY LTD ACN 167 519  
968



## **ANNEXURE A**

### **Sample Group Members**

- 1 Mr Jarvis Mortimer
- 2 Mr Paul Roberts
- 3 Mr Jason Rugg
- 4 Mr Bradley Cortis
- 5 Mrs Joanne Booth
- 6 Mrs Jenine Borowik & Mr Mark Borowik
- 7 Mrs Madelon Amies & Mr Luke Amies
- 8 Mr Michael Holmesby