

IN THE SUPREME COURT OF VICTORIA
COMMERCIAL COURT
GROUP PROCEEDINGS

S ECI 2022 05424

BETWEEN:

ANNE-MAREE JOHNSTON

Plaintiff

- and -

HYUNDAI MOTOR COMPANY AUSTRALIA PTY LIMITED
(ACN 008 995 588)

Defendant

ORDER

JUDGE: The Honourable Justice Nichols

DATE MADE: 16 March 2026

ORIGINATING PROCESS: Originating Process filed on 22 December 2022

HOW OBTAINED: At hearing

ATTENDANCE: Mr W AD Edwards KC with Ms R Singleton for the plaintiff
Mr I Ahmed SC for the defendant

OTHER MATTERS:

- A. Pursuant to Order 1 of the Orders made on 13 April 2023, this proceeding is being case managed together with the proceeding *Moroney v Kia Australia Pty Ltd* (S ECI 2023 00959) (**Moroney Proceeding**).
- B. This Order is authenticated by the Judge of the Court pursuant to Rule 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2025* (Vic) ('Rules').

THE COURT ORDERS THAT:

Pleadings and pleadings related summonses

1. Pursuant to s 33K of the *Supreme Court Act 1986* (Vic) and rule 36.04(1)(b) of the Rules, the plaintiff is granted leave *nunc pro tunc* to amend her writ and statement of claim in the form filed with the Court on 22 December 2025 pursuant to order 1 of the orders made on 19 December 2025, such amendments taking effect as at 22 December 2025 (**Amended Writ and Amended Statement of Claim**).



2. By **4:00pm on 19 March 2026**, the plaintiff file and serve further particulars of paragraph 10(a) of the Amended Statement of Claim in substantially the form set out in paragraph [55] of the affidavit of Lee Scott Taylor affirmed 13 February 2026.
3. Pursuant to rr 25.02(5) and 36.01(1) of the Rules, the defendant be granted leave to withdraw the admissions contained in paragraphs 24 to 34 of its defence filed 30 June 2023.
4. The following summonses are otherwise withdrawn, with no order as to costs:
 - (a) the plaintiff's summons filed on 22 December 2025; and
 - (b) the defendant's summons filed on 27 February 2026.

Filing of defence and reply to same

5. By **4:00pm on 25 May 2026**, the defendant is to file and serve its defence to the Amended Statement of Claim.
6. By **4:00pm on 15 June 2026**, the plaintiff is to file and serve her reply to the defence filed by the defendant pursuant to order 5.

Plaintiff's Discovery

7. By **30 April 2026**, pursuant to rr 29.01.01 and 29.05.01 of the Rules, the plaintiff is to give general discovery.

Defendant's Discovery

8. Orders 8 to 11 of the Court's orders of 19 September 2025 are vacated.
9. By **4:00pm on 30 April 2026**:
 - (a) the parties are to file and serve any agreed proposed orders for the discovery to be given by the defendant; or
 - (b) in the absence of agreement on proposed orders for the discovery to be given by the defendant, the plaintiff is to file an application for discovery, along with supporting evidence and submissions.
10. By **4:00pm on 25 May 2026**, the defendant is to file and serve any evidence and submissions in response to any application for discovery made by the plaintiff pursuant to order 9(b).
11. By **4:00pm on 15 June 2026**, the plaintiff is to file any evidence and submissions in reply in respect of any application for discovery made by the plaintiff pursuant to order 9(b).
12. By **4:00pm on 19 June 2026**, the parties jointly file a schedule setting out each disputed category of discovery and a short statement of each party's position on each disputed category.



13. The proceeding be listed for hearing of any application for discovery made by the plaintiff pursuant to order 9(b) as soon as possible before an Associate Judge as directed by the Court.

Lay evidence

14. By **4:00pm on 12 March 2027**, the parties file and serve any lay witness statements upon which they intend to rely on at trial.
15. All lay witness statements must comply with the following requirements:
- (a) they must be prepared on the basis that certain evidence will be given *viva voce*, including all evidence:
 - i. of significant conversations to which the witness was a party;
 - ii. concerning the witness' knowledge or state of mind;
 - iii. concerning the witness' explanation for, and understanding of, decisions made and actions taken or not taken (whether by the witness or others);
 - (b) where *viva voce* evidence is to be given, those parts of the witness statements should be prepared in the form of witness outlines and must satisfy the following requirements:
 - i. be set out in numbered paragraphs;
 - ii. be a brief outline of the evidence the witness will give; and
 - iii. clearly identify the topics in respect of which evidence will be given and the substance of that evidence, including the substance of each important conversation.
 - (c) they must not include narrative or background where the relevant facts can be established by documents;
 - (d) the evidence must not repeat the content of documents to which the witness refers, except to the extent necessary to enable the evidence to be read sensibly;
 - (e) any statement or outline should include a list of any documents intended to be tendered through that witness and any documents the content of which will be the subject of the witness' evidence. The documents should be referred to chronologically in the body of the witness outline or, if not possible, listed in chronological order in a schedule to the witness outline.
16. No person may use any part of the contents of a witness outline for the purposes of cross-examination of the person providing the witness outline or any other person without leave of the trial judge.



Expert evidence

17. By **4:00pm on 25 June 2027**, the plaintiff is to file and serve any expert report(s) on which they intend to rely.
18. By **4:00pm on 27 August 2027**, the defendant is to file and serve any expert report(s) on which they intend to rely.
19. By **4:00pm on 17 September 2027**, the plaintiff is to file and serve any expert report(s) in reply to any expert report(s) filed by the defendant pursuant to Order 18.
20. By **4:00pm on 30 September 2027**, the experts from whom expert reports are filed pursuant to Orders 17 to 18 are to confer and deliver a joint report (in each area of expertise).

Mediation and notice to group members

21. Orders 5 and 6 of the Court's Orders of 19 December 2025 are vacated.

Next steps

22. The proceeding be listed for directions at **9:30am on 21 August 2026**.

DATE AUTHENTICATED: 18 March 2026



THE HONOURABLE JUSTICE NICHOLS

