



Federal Court of Australia

District Registry: Queensland Registry

Division: General

No: QUD183/2023

DEBRAH JACKSON

Applicant

CARNIVAL PLC T/AS P&O CRUISES AUSTRALIA (ABN 23 107 998 443)

Respondent

ORDER

JUDGE: Justice Derrington

DATE OF ORDER: 5 April 2024

WHERE MADE: Brisbane

THE COURT ORDERS, BY CONSENT, THAT:

Discovery

1. Orders 2, 3 and 4 of the Orders of Justice Derrington made on 29 November 2023 be vacated.

Mediation

2. Order 9 of the Orders of Justice Derrington made on 29 November 2023 be vacated.
3. The parties attend a mediation by 4:00 pm AEST on 30 August 2024.

Notices

4. On or before 23 April 2024, the parties are to confer and endeavour to agree on the form and content of any notice(s) to be sent to group members pursuant to section 33X and/or 33J of the *Federal Court of Australia Act 1976* (Cth) and:
 - (a) if an agreement is reached, the parties are to email to the Associate to Justice Derrington, the final agreed form of the notice for approval by the Court; or
 - (b) if no agreement has been reached, the applicant and respondent are to file and serve, by 26 April 2024, their respective proposals for such notices, including an outline of submissions as to why they contend for the form of notice proposed (each such outline limited to five pages) and any supporting affidavits.



5. Noting that the respondent has provided to the applicant a list of guests onboard the cruise containing in most cases those guests' email addresses, the notice approved by the Court is to be given to the group members by the applicant by the applicant's solicitors causing that notice:
 - (a) to be sent by email to each group member for whom an email address has been furnished by no later than five business days after approval of the notice by the Court;
 - (b) to be sent by post to each group member for whom an email address has been not been furnished by no later than five business days after approval of the notice by the Court; and
 - (c) to be displayed on the website of the applicant's solicitors from the date of the approval of the notice by the Court until 31 May 2024.
6. The costs of and incidental to the procedure set out in Order 5 above (which, for the avoidance of doubt, includes the costs of answering enquiries by group members and members of the public in relation to the notices) initially are to be paid by the applicant or on her behalf in the first instance, but otherwise shall be costs in the proceeding.
7. On or before 4:00 pm AEST on 30 June 2024, any group member who wishes to opt out of the proceeding is to file with a registry of the Court a completed opt-out notice in the form attached to the notice approved by the Court or, alternatively, provide such a form to the solicitors for the applicant.
8. If the solicitors for the applicant receive an opt-out notice from a group member by 4:00 pm AEST on 30 June 2024, such notice shall be filed with the Court within two days of receipt and, upon such filing, that notice will be treated as having been received by the Court on the date that it was received by the party's solicitors.
9. On or before 14 July 2024, the solicitors for the applicant are to file and serve an affidavit as to compliance with Orders 5 and 8 above.

Further case management hearing

10. The proceeding be listed for a further case management hearing at 9:00 am AEST on 8 October 2024.

Liberty to apply

11. There be liberty to apply, subject to three business days' notice to the other party.



Costs

12. Costs be in the proceeding.

Date that entry is stamped: 5 April 2024

Sia Lagos
Registrar