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2 March 2026

Peta Stevenson
Partner
King & Wood Mallesons
Level 61, Governor Phillip Tower
1 Farrer Place
SYDNEY NSW 2000

BY EMAIL: peta.stevenson@au.kwm.com

Dear Peta

Australian Competition and Consumer Commission (ACCC) v Woolworths Group Limited (Woolworths) – Federal Court proceeding VID 974 of 2024

We refer to your letter dated 24 February 2026, enclosing a proposed amended statement of agreed facts (**Amended SOAF**).

The Amended SOAF broadly includes the following types of amendments:

1. The minor corrections identified in our correspondence dated 3 July 2025, and your response dated 18 July 2025. These corrections are not contentious.
2. The addition in Annexure A of additional Prices Dropped Ticket mock-ups for the Sample Products. The ACCC does not oppose the inclusion of these examples, although we note that these could instead be included by way of a supplementary statement of agreed facts.
3. Further amendments to the pricing data in Annexures B and C, which your letter has raised for the first time.

The ACCC are still considering the third category of amendments set out above. We understand from your 24 February letter that these amendments arise from Woolworths' evidence "*which contradicts the facts agreed in Annexures B and C of the SOAF*". That evidence was prepared and filed in November 2025, and it is not clear to us why there has been such a delay in bringing these matters to our attention now, some three months later, and a week before the ACCC's evidence in reply is due to be filed.

The amendments proposed by Woolworths may require the ACCC to prepare and file further evidence (including, for example, in relation to any inconsistencies between the Amended SOAF and the evidence of Ms Dawna Wright). In those circumstances, and because Woolworths has raised these matters at such a late stage, the ACCC will not be in a position to file that evidence on or before next Wednesday, 4 March 2026, as required by the current timetabling orders.

In the circumstances, the ACCC seeks Woolworths' consent to orders extending the time for the filing of its evidence in reply, and its outline of opening submissions, until **27 March 2026**. The ACCC also seeks the adjustment of the timetabling of objections to evidence and the notification of witnesses

required for cross-examination, and proposes the filing of a supplementary Court Book to include its reply evidence, as further set out in the **enclosed** proposed consent orders.

This extension is necessary and reasonable, having regard to the matters raised above, and also the following matters:

1. Woolworths was ordered to file all of its evidence on 21 November 2025.
2. Woolworths filed and served its evidence in tranches between 21 November and 3 December 2025.
3. Three of the affidavits filed and served by Woolworths contained documents which had been inadvertently included in the exhibits (a matter which we identified and brought to your attention), and we were informed on 4 December 2025 not to take any action in respect of those exhibits.
4. On 15 December 2025, Woolworths filed and served re-sworn and re-affirmed versions of the affidavits referred to at item 3 above (some 24 days after Woolworths' evidence was due to be filed).
5. The affidavits filed by Woolworths in November and December 2025 contained a significant number of incorrectly rendered documents (a matter which we identified and brought to your attention).
6. Woolworths produced 58 re-rendered versions of these documents on 13 February 2026, some 84 days after Woolworths' evidence was due to be filed. On the same day, Woolworths also discovered 15 documents which were native versions of documents exhibited to Woolworths' affidavits in a form which did not correctly display all of the material contained in those documents.
7. Woolworths filed and served a further affidavit, arising from the re-rendering issues set out at item 5 above, on 17 February 2026 (some 88 days after Woolworths' evidence was due to be filed).
8. On 24 February 2026, some 95 days after Woolworths evidence was due to be filed (and 7 days before the ACCC's reply was due), you notified us that the evidence produced by Woolworths was contradictory to the statement of agreed facts negotiated by the parties and filed by the ACCC on 13 June 2025.
9. The conferral between the parties in relation to discovery has been lengthy, and pursuant to the orders made on 23 February 2026, Woolworths will not make discovery until 13 March 2026 (being after the date that the ACCC's evidence in reply is to be filed).

Please confirm, by no later than **4pm on 3 March 2026**, whether Woolworths will consent to this proposed extension.

Yours sincerely



James Love
Partner