
From: Madison Lardner [REDACTED]@jws.com.au]
Sent: Tue 03/03/2026 2:10:25 PM (UTC+11:00)
To: Stevenson, Peta (AU)[Peta.Stevenson@au.kwm.com]; O'Sullivan, Eimear (AU)[REDACTED]@au.kwm.com]; KWM WOW VID 974-2024 [REDACTED]@au.kwm.com]
Cc: James L [REDACTED]@jws.com.au]; Brendan Donohue [REDACTED]@jws.com.au]; JWS Woolworths [REDACTED]@jws.com.au]
Subject: RE: ACCC v Woolworths Group Limited (VID974/2024) - Amended Statement of Agreed Facts [KWM-DOCUMENTS.FID5754121] [JWSDOCS-DOCUMENTS.FID75311]

EXTERNAL

Dear colleagues

We refer to your letter dated 24 February 2026, and our letter in response dated 2 March 2026.

We have identified additional examples of evidence filed by Woolworths which contradict the facts that Woolworths agreed to in the statement of agreed facts filed on 13 June 2025 (**SOAF**). In the SOAF at [1], Woolworths agreed that the SOAF contains facts that the ACCC and Woolworths have agreed are not, for the purposes of the proceeding, to be disputed.

Annexures B and C of the SOAF state, in respect of Sakata Rice Cracker Plain 100g (41814-EA) (the **Sakata Sample Product**) that the product was sold:

1. at a white ticket price of \$2.75 from 28 July 2022 – 31 August 2022; and
2. at a Prices Dropped price of \$2.30 from 1 September 2022.

Inconsistently with these facts:

1. MPL.0002.0002.5580 (included in Woolworths' tender list) contains a 15 August 2022 email from a representative from PepsiCo, enquiring as to the price of the Sakata Sample Product following their observation that:
 1. online, the product was available for sale at a \$2.75 white ticket price (this is consistent with the SOAF); and
 2. in store, the product was displayed with a \$2.30 white ticket (which is inconsistent with the SOAF).
2. The affidavit of Barry O'Leary at [84] states that the Sakata Sample Product was erroneously launched on the Prices Dropped campaign on 22 August 2022, and removed again on 23 August 2022.

Would you please confirm how these matters are to be addressed in light of the SOAF.

We note in relation to the above that these are matters which have become apparent to us but we have not audited (and do not propose to audit) Woolworths' evidence (either affidavit evidence or tender list) for the purpose of testing whether it contains matters which purport (or appear) to be inconsistent with the SOAF. The purpose of a SOAF is to avoid the costs and time of that kind of exercise. In the circumstances, please confirm that there are **no other** Sample Products in respect of which Woolworths has filed evidence which contradicts the facts agreed in the SOAF.

Further to the matters stated in our 2 March 2026 letter, given the issues identified above and until those matters are resolved, it would not be an efficient use of the parties' or the Court's resources for

the ACCC to file evidence in reply on 4 March 2026 (as per the current Court orders). As a consequence, the ACCC will not be in a position to finalise and file its evidence in reply tomorrow, and we would respectfully request that you provide a response to our letter dated 2 March 2026 as soon as possible.

Kind regards
Madie

Madison Lardner

Associate | Johnson Winter Slattery

D [REDACTED]
E [REDACTED] [jws.com.au](mailto:[REDACTED]@jws.com.au)

[Website](#) | [LinkedIn](#)

Johnson Winter Slattery pays respect to Elders past and present of our nation's Aboriginal and Torres Strait Islander communities. We honour the deep spiritual, cultural and customary connections of Traditional Owners to the Australian landscape, including Australia's waterways, land, and sea country.

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From: Stevenson, Peta (AU) <peta.stevenson@au.kwm.com>
Sent: Monday, 2 March 2025
To: Madison Lardner [REDACTED] <[REDACTED]@jws.com.au>; O'Sullivan, Eimear (AU) [REDACTED] <[REDACTED]@au.kwm.com>; KWM WOW VID 974-2024 [REDACTED] <[REDACTED]@au.kwm.com>
Cc: James Love <James.Love@jws.com.au>; Brendan Donohue [REDACTED] <[REDACTED]@jws.com.au>; JWS Woolworths [REDACTED] <[REDACTED]@jws.com.au>
Subject: RE: ACCC v Woolworths Group Limited (VID974/2024) - Amended Statement of Agreed Facts [JWSDOCS-DOCUMENTS.FID753311] [KWM-DOCUMENTS.FID5754121]

Dear Madison

Confirming receipt of your letter.

We are seeking instructions.

Kind regards

Peta Stevenson | Partner | LINK Ally (she/her)
King & Wood Mallesons

T +61 2 9296 2492 M [REDACTED]
E peta.stevenson@au.kwm.com
Partner profile
Gadigal Country
Level 61, Governor Phillip Tower, 1 Farrer Place, Sydney NSW 2000
Join the conversation at www.incompetition.com.au

I acknowledge the Traditional Owners of Country across Australia and pay my respects to their Elders, past, present, and emerging.

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From: Madison Lardner [REDACTED] [\[REDACTED\]@jws.com.au](mailto:[REDACTED]@jws.com.au)

Sent: Monday, 2 March 2026 11:40 AM

To: Stevenson, Peta (AU) <peta.stevenson@au.kwm.com>; O'Sullivan, Eimear (AU)

[REDACTED] [\[REDACTED\]@au.kwm.com](mailto:[REDACTED]@au.kwm.com); KWM WOW VID 974-2024 [REDACTED]

[REDACTED] [\[REDACTED\]@au.kwm.com](mailto:[REDACTED]@au.kwm.com)

Cc: James Love <James.Love@jws.com.au>; Brendan Donohue [REDACTED] [\[REDACTED\]@jws.com.au](mailto:[REDACTED]@jws.com.au);

JWS Woolworths [REDACTED] [\[REDACTED\]@jws.com.au](mailto:[REDACTED]@jws.com.au)

Subject: RE: ACCC v Woolworths Group Limited (VID974/2024) - Amended Statement of Agreed Facts [KWM-DOCUMENTS.FID5754122] [JWSDOCS-DOCUMENTS.FID753311]

EXTERNAL

Dear colleagues

Please see attached correspondence.

Kind regards

Madison Lardner

Associate | Johnson Winter Slattery

D [REDACTED]

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E [REDACTED] [jws.com.au](mailto:[REDACTED]@jws.com.au)

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From: O'Sullivan, Eimear (AU) [REDACTED] [@au.kwm.com](mailto:[REDACTED]@au.kwm.com)>
Sent: Tuesday, 24 February 2026 5:36 PM
To: Madison Lardn [REDACTED] [jws.com.au](mailto:[REDACTED]@jws.com.au)>; James Love <james.love@jws.com.au>;
 Brendan Donohue [REDACTED] [@jws.com.au](mailto:[REDACTED]@jws.com.au)>; Marc Eastmure [REDACTED] [@jws.com.au](mailto:[REDACTED]@jws.com.au)>;
 JWS Woolworths [REDACTED] [@jws.com.au](mailto:[REDACTED]@jws.com.au)>
Cc: KWM WOW VID 974-2024 [REDACTED] [@au.kwm.com](mailto:[REDACTED]@au.kwm.com)>
Subject: ACCC v Woolworths Group Limited (VID974/2024) - Amended Statement of Agreed Facts [KWM-DOCUMENTS.FID5754122]

Dear colleagues

Please find **attached** correspondence.

The enclosed draft amended Statement of Agreed Facts is contained in the KWM Share folder located here: <https://share.kwm.com/w/f-68a8aaec-1ca7-47df-b531-8e7e7284911b>.

Kind regards

Eimear

Eimear O'Sullivan | Solicitor
King & Wood Malleons

T [REDACTED]
 E [REDACTED] [@au.kwm.com](mailto:[REDACTED]@au.kwm.com)

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