



Federal Court of Australia

District Registry: Victoria Registry

Division: General

No: VID973/2024

AUSTRALIAN COMPETITION AND CONSUMER COMMISSION

Applicant

COLES SUPERMARKETS AUSTRALIA PTY LTD (ACN 004 189 708)

Respondent

ORDER

JUDGE: Justice O'Bryan

DATE OF ORDER: 23 May 2025

WHERE MADE: Melbourne

THE COURT ORDERS THAT:

1. The date in paragraph 6 of the orders of Justice O'Bryan made on 11 December 2024 (as subsequently varied) be further varied such that, by 13 June 2025:
 - a. the parties are to confer in relation to any amendments to the draft statement of agreed facts; and
 - b. the applicant is to file the statement of agreed facts.
2. A trial on all issues of liability will be conducted with respect to a sample of Affected Products (as defined in the Concise Statement) as agreed between the parties or determined by the Court (**Sample Products**).
3. All discovery required to be given and all evidence required to be filed and served is to be limited to discovery and evidence relevant to the issues of liability with respect to the Sample Products.
4. By 13 June 2025, the parties are to file an agreed list of Sample Products or, in the absence of agreement, competing lists of Sample Products.
5. Any dispute with respect to the Sample Products will be listed for hearing at 9.30 am on 2 July 2025.



6. By 22 August 2025, the applicant is to file and serve its affidavit and documentary evidence upon which it intends to rely at trial.
7. By 21 November 2025, the respondent is to file its affidavit and documentary evidence upon which it intends to rely at trial.
8. Neither party is to adduce expert evidence without leave of the Court.
9. The proceeding be listed for further case management at 9.30 am on 25 August 2025 for the purpose of determining trial dates, if possible.
10. Costs be reserved.

Date orders authenticated: 23 May 2025


Registrar

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