



Federal Court of Australia
District Registry: Victoria
Division: General

No: VID1023/2023

MOIRA DEEMING
Applicant

JOHN PESUTTO
Respondent

ORDER

JUDGE: JUSTICE WHEELAHAN

DATE OF ORDER: 02 February 2024

WHERE MADE: Melbourne

THE COURT ORDERS:

1. Subject to further order, the evidence in chief of each lay witness in the proceeding be given by affidavit.
2. By 4.00 pm on 29 March 2024, the parties are to file and serve any affidavits or expert reports relevant to the issues on which they bear the onus of proof.
3. By 4.00 pm on 22 April 2024, each party give standard discovery pursuant to r 20.14 of the *Federal Court of Australia Rules 2011* (Cth) by filing and serving a verified list of documents in accordance with Form 38 and in relation to the documents identified in:
 - (a) Part 1 of the list (being documents in respect of which there is no claim of privilege from production) being made available to the other parties electronically; and
 - (b) Part 3 of the list (being documents, including text messages or other electronic messages of any type, that have been but are no longer in control of the party) being specified, including detailing when each document was last in the party's control and what became of it.



4. By 4.00 pm on 23 April 2024, the parties are to file and serve any affidavits or expert reports in reply.
5. The proceeding is listed for a case management hearing at 9.30 am on 26 April 2024.
6. The proceeding is listed for trial at 10.15 am on 16 September 2024, for a period of ten days.

THE COURT NOTES THAT:

- A. The applicant intends to file and serve an expert report that complies with r 23.13 of the *Federal Court Rules 2011* (Cth) from an expert in social media as part of her evidence. The respondent is still considering his position with respect to expert evidence.
- B. The Court proposes to raise with counsel for the applicant on the adjourned hearing, the question whether there will be any revision of the imputations that have been alleged.

Date that entry is stamped: 2 February 2024.


Registrar