

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged: Interlocutory Application - Form 35 - Rule 17.01(1)(a)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 21/06/2024 3:53:04 PM AEST
Date Accepted for Filing: 25/06/2024 9:24:12 AM AEST
File Number: NSD527/2024
File Title: FORTESCUE LIMITED ACN 002 594 872 & ORS v ELEMENT ZERO PTY LIMITED ACN 664 342 081 & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: Case Management Hearing
Time and date for hearing: 26/06/2024, 9:30 AM
Place: Court Room 21A, Level 17, Law Courts Building 184 Phillip Street Queens Square, Sydney



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Interlocutory application

No. NSD 527 of 2024

Federal Court of Australia
District Registry: New South Wales
Division: General

FORTESCUE LIMITED ACN 002 594 872 and others

Applicants

ELEMENT ZERO PTY LIMITED ACN 664 342 081 and others

Respondents

To the Applicants

The First, Second and Fourth Respondents apply for the interlocutory orders set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

Time and date for hearing:

Place: Law Courts Building, 184 Phillip Street, Queens Square, Sydney NSW 2000

The Court ordered that the time for serving this application be abridged to

Date:

.....
Signed by an officer acting with the authority
of the District Registrar

.....
Filed on behalf of (name & role of party) First, Second and Fourth Respondents
Prepared by (name of person/lawyer) Michael John Williams
Law firm (if applicable) Gilbert + Tobin
Tel (02) 9263 4000 Fax
Email mwilliams@gtlaw.com.au
Address for service Level 35, Tower Two, International Towers Sydney, 200 Barangaroo
(include state and postcode) Avenue, Barangaroo NSW 2000



Interlocutory orders sought

1. An order pursuant to r 39.05 of the *Federal Court Rules 2011* (Cth) (**FCR**) or the inherent jurisdiction of the Court that the Search Orders dated 14 May 2024 be set aside *ab initio*.
2. Alternatively, an order pursuant to r 39.05 of the FCR, or the inherent jurisdiction of the Court that the Search Orders be set aside, or varied, insofar as they operate *in futuro*.
3. The Independent Computer Experts deliver all copies of the computers, computer disks, drives or memory, electronic information storage devices or systems, and online accounts, and all electronic and hard copies of Listed Things (under the Search Orders) in their possession or control to the respective Respondents' solicitors.
4. An order that the registry of the Court provide any copy of the Listed Things in its possession to the respective Respondents' solicitors.
5. The Independent Solicitors, Independent Computer Experts and Applicants deliver to the respective Respondents' solicitors all documents, notes or records created in the course of executing the Search Orders, including any copies of that material.
6. Costs.
7. Such further or other orders as the Court sees fit.

Service on the Applicants

It is intended to serve this application on the Applicants.

Date: 21 June 2024

A handwritten signature in blue ink, appearing to read 'M. Williams', with a long horizontal flourish extending to the right.

.....
Signed by Michael John Williams
Lawyer for the First, Second and Fourth
Respondents