



Federal Court of Australia

District Registry: Victoria Registry

Division: General

No: VID420/2025

**IN THE MATTER OF ONESTEEL MANUFACTURING PTY LIMITED  
(ADMINISTRATORS APPOINTED) ACN 004 651 325**

**SEBASTIAN DAVID HAMS, MARK FRANCIS XAVIER MENTHA, LARA LUISA WIGGINS AND MICHAEL ANTHONY KORDA IN THEIR CAPACITY AS JOINT AND SEVERAL ADMINISTRATORS OF ONESTEEL MANUFACTURING PTY LIMITED (ADMINISTRATORS APPOINTED) ACN 004 651 325** and another named in the schedule  
Plaintiff

**WHYALLA PORTS PTY LTD** and another named in the schedule  
Defendant

**ORDER**

**JUDGE:** Justice O'Callaghan

**DATE OF ORDER:** 3 June 2025

**WHERE MADE:** Melbourne

**THE COURT ORDERS THAT:**

1. The Plaintiffs be granted leave under Rule 26.12(2)(c) of the *Federal Court Rules 2011* to file a notice of discontinuance which provides that:
  - (a) the Plaintiff's proceeding commenced by Originating Process on 2 April 2025 (the **Plaintiffs' Proceeding**) is discontinued; and
  - (b) the costs of the Plaintiffs' Proceeding be reserved.
2. The costs of the Plaintiffs' Proceeding be determined subject to further order on the papers in accordance with the following timetable:
  - (a) the parties file and serve submissions of no more than five pages by 20 June 2025; and
  - (b) the parties file and serve submissions in reply of no more than five pages by 27 June 2025.
3. By 12 June 2025, the First Defendant file and serve an amended cross-claim and amended short points of cross-claim.



4. By 13 June 2025, the Second Defendant file and serve short points of reply to the First Defendant's amended cross-claim and short points of cross-claim.
5. By 20 June 2025, the Plaintiffs file and serve short points of reply to the First Defendant's amended cross-claim and short points of cross-claim and the Second Defendant's short points of reply.
6. By 24 June 2025, the parties serve a list of categories of documents to be discovered by the other parties.
7. By 4 July 2025, the parties give discovery of documents in the categories of documents served pursuant to order 6.
8. From 16 June 2025 until 25 July 2025, on reasonable notice to the Plaintiffs of at least 3 business days, the Plaintiffs are required to permit the following:
  - (a) the Defendants' expert(s) and the Defendants' lawyers may inspect the property the subject of the proposed amended cross-claim referred to in order 3 to enable the expert(s) to prepare a report on whether the property is personal property (and not a fixture);
  - (b) for the above purpose, the Defendants' expert(s) and the Defendants' lawyers are authorised to enter the land under the control of the Plaintiffs to gain access to and inspect the property the subject of the proposed amended cross-claim referred to in order 3.
9. By 25 July 2025, each of the Plaintiffs, the First Defendant and the Second Defendant file and serve any further evidence on which they seek to rely at trial, including any expert evidence.
10. By 29 July 2025, the First Defendant and the Second Defendant file and serve an outline of submissions.
11. By 5 August 2025, the Plaintiffs file and serve an outline of submissions.
12. By 13 June 2025, the Plaintiffs produce to the First Defendant the documents the subject of the First Defendant's notice to produce served on 30 May 2025.
13. By Friday, 20 June 2025, any party seeking a third party costs order must file such an application.
14. The proceeding be set down for trial on an estimate of 7 days to determine all issues on the cross-claim, including liability and quantum, commencing on 7 August 2025.
15. Costs be reserved.



16. The date of the notice to admit served by the first defendant on the plaintiffs on 30 May 2025 be amended to read 30 May 2025.

Date orders authenticated: 4 June 2025

*Sia Lagos*  
Registrar

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



**Schedule**

No: VID420/2025

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District Registry: Victoria Registry  
Division: General

Second Plaintiff                    ONESTEEL MANUFACTURING PTY LIMITED  
(ADMINISTRATORS APPOINTED)

Second Defendant                GOLDING CONTRACTORS PTY LTD

**CROSS CLAIM**

Cross-Claimant                    WHYALLA PORTS PTY LTD

Cross Respondent                SEBASTIAN DAVID HAMS, MARK FRANCIS XAVIER  
MENTHA, LARA LUISA WIGGINS AND MICHAEL  
ANTHONY KORDA IN THEIR CAPACITY AS JOINT AND  
SEVERAL ADMINISTRATORS OF ONESTEEL  
MANUFACTURING PTY LIMITED (ADMINISTRATORS  
APPOINTED) ACN 004 651 325

Second Cross Respondent       ONESTEEL MANUFACTURING PTY LIMITED  
(ADMINISTRATORS APPOINTED)

**CROSS CLAIM**

Cross-Claimant                    WHYALLA PORTS PTY LTD