

**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
GROUP PROCEEDINGS LIST**

S ECI 2020 04566

BETWEEN:

GREG LIEBERMAN

Plaintiff

- and -

CROWN RESORTS LIMITED (ACN 125 709 953)

Defendant

ORDER

JUDGE OF THE COURT: The Honourable Justice Nichols

DATE MADE: 31 May 2024

ORIGINATING PROCESS: Writ filed 11 December 2020

HOW OBTAINED: At the case management conference on 31 May 2024

ATTENDANCE: Mr W A D Edwards KC with Ms R V Howe, counsel
for the plaintiff

Ms W A Harris KC with Mr K Loxley, counsel for
the defendant

OTHER MATTERS: Nil

THE COURT ORDERS THAT:

Discovery

- 1 By **4.00 pm on 7 June 2024**, the plaintiff shall give general discovery in accordance with rule 29.01.1 of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic) (**Rules**) and file and serve an affidavit of documents in accordance with rule 29.04 of the Rules.



- 2 The Further Amended Discovery Plan, in the form annexed to these orders at ‘Annexure A’, is approved (and replaces the Amended Discovery Plan annexed to the 24 August Orders) (**Further Amended Discovery Plan**).
- 3 The technology assisted review in the proceeding, referred to in clause 3(c) of the Further Amended Discovery Plan, shall be undertaken in accordance with the Further Revised Protocol for the Use of Technology Assisted Review annexed to these orders at ‘Annexure B’ (**Further Revised TAR Protocol**) (which replaces the Revised TAR Protocol annexed to the orders of Judicial Registrar Gitsham dated 15 March 2024).
- 4 By **4.00 pm on 7 June 2024**, the defendant shall:
 - (a) validate and complete the CAL project(s) in accordance with clause 3.2 of the Further Revised TAR Protocol; and
 - (b) provide to the plaintiff the information listed at clauses 3.1.2 and 3.3.1 of the Further Revised TAR Protocol (and to the extent required by clauses 3.1.3 and 3.3.2 of the Further Revised TAR Protocol).
- 5 By **4.00 pm on 6 September 2024**, the defendant shall complete its discovery of category 46 as described in Annexure A to the Further Amended Discovery Plan in accordance with the Further Revised TAR Protocol.
- 6 By **4.00 pm on 20 September 2024**, the defendant shall file and serve an affidavit of documents in accordance with rule 29.04 of the Rules, in respect of all of the discovery which it has given pursuant to category 46 as described in Annexure A to the Further Amended Discovery Plan and which, in relation to each document for which a claim of privilege has been made over the whole or any part of the document, identifies the legal basis upon which the claim is made and provides a sufficient description of the elements of the document relied upon to support the claim made on that basis.

Mediation

- 7 The proceeding is referred to a mediator to be agreed between the parties, or failing such agreement by 1 September 2024 to be appointed by the Court, such mediation to be commenced by **15 December 2024**.



- 8 Subject to the terms of this order, the solicitor for the plaintiff must, after consultation with all parties, deliver to the mediator a copy of this order, all pleadings (including requests for further and better particulars) and a copy of any other necessary information, and take all steps necessary to ensure that the mediation commences by 15 December 2024.
- 9 The mediation must be attended by those persons who have the ultimate responsibility for deciding whether to settle the dispute and the terms of any settlement and the lawyers who have ultimate responsibility to advise the parties in relation to the dispute and its settlement.
- 10 The mediator report back to the Court whether the mediation is completed within seven days of the conclusion of the mediation.
- 11 Subject to further order, the costs of the mediation be paid in the first instance by the parties in equal shares.

Lay Witness Outlines

- 12 By **4:00 pm on 30 May 2025**, the plaintiff file and serve his lay witness outlines.
- 13 By **4:00 pm on 30 May 2025**, the defendant file and serve its lay witness outlines.
- 14 Each lay witness outline must satisfy the following requirements:
- (a) it should be set out in numbered paragraphs;
 - (b) it should be a brief outline of the evidence the witness will give;
 - (c) it must clearly identify the topics in respect of which evidence will be given and the substance of that evidence, including the substance of each important conversation; and
 - (d) it should identify the documents which the party filing the lay witness outline intends to tender into evidence through that witness. The documents should be referred to chronologically in the body of the lay witness outline or, if not possible, listed in chronological order in a schedule to the lay witness outline.



- 15 The content of a lay witness outline served pursuant to an order of the Court is subject to the same implied undertaking as to confidentiality as applies to a document produced upon discovery.
- 16 No party may use any part of the contents of a lay witness outline for the purposes of cross-examination of the person providing the lay witness outline or any other person without leave of the trial judge.
- 17 Each party have available for use by the judge a copy of all their lay witness outlines in hardcopy and electronic form.
- 18 Within four weeks of the filing and service of the parties' lay witness outlines pursuant to orders 12 and 13 above, the parties are to have conferred with a view to reaching agreement as to whether any evidence foreshadowed in those outlines could be conveniently given by witness statement or affidavit. That issue may then be addressed at a case management conference to be fixed following the conferral.

Expert Reports

- 19 By **4:00 pm on 28 July 2025**, the plaintiff is to file and serve any expert reports.
- 20 By **4:00 pm on 24 October 2025**, the defendant is to file and serve any expert reports.
- 21 By **4:00 pm on 28 November 2025**, the plaintiff is to file and serve any expert reports in reply.

Joint Expert Report

- 22 By **4:00 pm on 21 February 2026**, each expert confer with his or her relevant counterpart and provide to the Court and the parties a joint report containing their joint opinion as to each of the questions raised by their respective reports.
- 23 If any group of experts is unable to express a joint opinion on any question, the relevant joint report must describe the difference(s) between the opinions and set out the experts' respective reasons for disagreeing.
- 24 The expert conclave is intended to be a consultation of the experts without any influence from a party to the proceeding. To that end, subject to the terms of this order:



- (a) the expert conclave and all further communications between the experts in relation to the preparation of the joint report must be conducted in the absence of the parties, their employees or agents, or any practitioners for or associated with any party;
- (b) none of the experts may in the preparation of the joint report consult with any party, their employees or agents, or any practitioners for or associated with any party; and
- (c) notwithstanding subparagraphs (a) and (b), the experts may jointly request further information or direction by letter signed by them directed to the practitioners for each of the parties and may receive such further information.

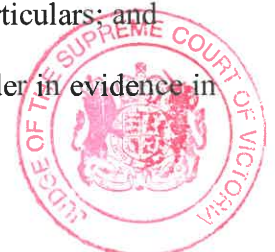
25 Save as contained in the joint report, unless the parties agree in writing, no evidence may be admitted of anything said or done by any person at any conference between the experts.

List of Issues

- 26 By **4:00 pm on 6 February 2026**, the plaintiff is to serve a draft list of the real issues in dispute to be determined at trial.
- 27 By **4:00 pm on 27 February 2026**, the defendant is to serve its response to the plaintiff's draft list of issues, identifying areas of agreement and disagreement.
- 28 By **4:00 pm on 6 March 2026**, the parties are to confer so as to limit the issues in dispute.
- 29 By **4:00 pm on 19 March 2026**, the plaintiff is to file an agreed draft list of the real issues in dispute to be determined at trial or, if agreement cannot be reached, a list highlighting the differences between the parties.

Court Book

- 30 The plaintiff is to prepare an electronic Court Book containing the following documents:
 - (a) the current pleadings including requests for particulars and particulars; and
 - (b) all documents, in date order, which any party proposes to tender in evidence in chief or to be referred to in cross-examination.



- 31 The electronic form of the Court Book must be a single PDF document that is: bookmarked, fully text-searchable and consecutively paginated, with each page numbered to correspond with the display numbers in the PDF.
- 32 By **4:00 pm on 9 February 2026**, the plaintiff is to serve on the defendant a draft index for the proposed Court Book.
- 33 By **4:00 pm on 2 March 2026**, the defendant must send a list of documents to be included or documents to be excluded from the proposed Court Book and the parties must consult as to and agree upon the contents of the Court Book.
- 34 By **4:00 pm on 19 March 2026**, the plaintiff is to serve on the defendant and file for the use of the Judge the index to the Court Book in electronic form, together with an electronic copy of the Court Book.

Chronology

- 35 By **4:00 pm on 9 February 2026**, the plaintiff is to serve a draft neutrally expressed chronology of the relevant facts and events. The defendant is to send a neutrally expressed list of relevant facts and events to be included in the proposed chronology and both parties must consult and agree (where possible) upon the contents of the chronology by 12 March 2026.
- 36 By **4:00 pm on 19 March 2026**, the plaintiff is to file and serve the finalised neutrally expressed chronology, which must indicate if any fact included is not agreed and by which party. The plaintiff must also provide the judge with an electronic copy of the chronology in fully searchable portable document format.

Agreed Statement of Facts

- 37 By **4:00 pm on 9 February 2026**, the plaintiff is to serve a draft statement of facts.
- 38 By **4:00 pm on 2 March 2026**, the defendant is to serve any proposed amendments to the draft statement of facts served by the plaintiff.
- 39 By **4:00 pm on 19 March 2026**, the plaintiff is to file and serve an agreed statement of facts.



Trial Date

40 The proceeding is set down for trial not before **7 April 2026** on an estimated duration of six weeks.

Other

41 The proceeding be listed for mention before the Honourable Justice Nichols at **2.15 pm on 14 June 2024** in relation to the affidavits of discovery filed by the defendant to date, and to be filed, in respect of its discovery pursuant to categories 1-45 of the Amended Discovery Plan.

42 The proceeding be listed for a case management conference before the Honourable Justice Nichols on a date to be fixed after **15 December 2024**.

43 Costs reserved.

44 Liberty to apply.

DATE AUTHENTICATED: 7 June 2024



The Honourable Justice Nichols

Annexure A
Further Amended Discovery Plan



**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
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GROUP PROCEEDINGS LIST**

S ECI 2020 04566

BETWEEN:

GREG LIEBERMAN

Plaintiff

CROWN RESORTS LIMITED (ACN 125 709 953)

Defendant

FURTHER AMENDED DISCOVERY PLAN

1. Purpose of this document and scope of discovery

This proposed discovery plan relates to representative proceeding number S ECI 2020 04566 and sets out (in **Annexure A**) the parties' proposed classes of documents for discovery by the Defendant (**Categories**).

The purpose of this document is:

- (a) to propose the scope of discovery by reference to categories of documents and search terms;
- (b) to identify:
 - (i) the types of documents that exist within the Categories;
 - (ii) where those documents are stored by the Defendant; and
 - (iii) in what form they are held by the Defendant;
- (c) to assist the parties to reach agreement on the search/review process; and
- (d) ultimately, to assist the parties to reach agreement on a practical and cost-effective discovery plan incorporating the use of technology (as required by paragraph 8.3 of the Supreme Court Practice Note SC Gen 5) bearing in mind the common obligations of all parties to cooperate and ensure costs are proportionate (as required by paragraph 8.4 of the Supreme Court Practice Note SC Gen 5).

2. Electronic documents

- (a) At this stage, it is expected that most of the documents discoverable by the Defendant are in electronic format.
- (b) As indicated in the letter from the Defendant's solicitor dated 6 August 2021, it is possible that there may be a very limited number of hard copy documents, as some custodians may have printed documents. The Defendant does not anticipate that there will be a material volume of unique hard copy documents, if any.
- (c) Any discoverable hard copy documents will be scanned to a Portable Document Format (**PDF**) file and will have OCR (Optical Character Recognition) applied to the document. Only the electronic copy will be provided for the purposes of the document exchange (subject to the terms of the document exchange protocol referred to in Section 5 below).

3. Search / review process

- (a) The Defendant will conduct reasonable searches for documents falling within the Categories having regard to r 29.01.1 of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic) and section 26 of the *Civil Procedure Act 2010* (Vic).
- (b) In relation to the Defendant's searches for documents, reasonable searches will include but not necessarily be limited to:
 - (i) searches for electronic documents on email databases, including where appropriate archive email databases;
 - (ii) searches for electronic documents on hard drives, share drives, computer systems and applications where documents potentially falling

- within the Categories are electronically stored but not contained within or attached to emails;
- (iii) searches for hard copy documents, where hard copy documents exist, or are likely to exist, and where such hard copy documents are not likely to also exist in electronic form;
 - (iv) inquiries for any documents falling within the Categories located in places not otherwise the subject of a search.
- (c) In relation to Category 46, the Defendant shall give discovery to the Plaintiff of all documents which are relevant to a fact in issue in the proceeding by applying the following methodology – the Defendant will:
- (i) ingest all emails (including email attachments), during the period 1 January 2014 to 31 December 2020 (**Discovery Period**), that were sent, received, copied to or blind-copied to one or more of the persons listed in Table A of Category 46, into its document review software;
 - (ii) apply the search terms listed in Table B of Category 46 to the documents ingested pursuant to cl 3(c)(i) above;
 - (iii) de-duplicate the documents arising from clause 3(c)(ii) above:
 - (A) in accordance with clause 10.2 of the Protocol for the Electronic Exchange of Discovered Documents (at **Annexure B** of this Discovery Plan); and
 - (B) against all documents that have been, or will be:
 - (I) discovered by the Defendant to the Plaintiff pursuant to the other Categories in Annexure A; and
 - (II) either produced for inspection or, alternatively, withheld from production on the basis of legal professional privilege and/or on the basis of a Secrecy Obligation (as defined at cl 4(b) below);
 - (iv) apply a technology assisted review (**TAR**) protocol, as agreed between the parties through a process of conferral or as ordered by the Court, to the documents arising from clause 3(c)(iii) above; and
 - (v) provide discovery in accordance with the TAR protocol.
- (d) The parties are open to the discovery of documents in tranches as appropriate.
- (e) Where possible, each party will attempt to remove duplicate documents from the exchange data set (de-duplication) at a host level (based on Document Groups) prior to exchange, in accordance with r 29.01.1(4)(b) of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic). That is, all the Documents within a Document Group (that is, a Host Document and Attached Documents) will be treated as Duplicates if the *entire* Document Group is duplicated elsewhere within the collection. An Attached Document in a Document Group will not be treated as a duplicate if it is merely duplicated elsewhere as an individual, standalone Document that is not associated with another Document Group.
- (f) The parties should use MD5# values to identify duplicates and this value should be included in the exchange data in the export extras table.
- (g) The Plaintiff notes the following in respect of certain prior amendments to **Annexure A** of this Discovery Plan, which have arisen out of the Plaintiff's Second Further Amended Statement of Claim (**2FASOC**):

- (i) the Defendant has previously agreed to the Plaintiff's:
 - (A) proposed amendments to existing Categories 2, 4, 6-8, 10-14, 16-19, 21-22, 30, 34, 37-38, 40, and 42-44; and
 - (B) proposed new Categories 29A(b), 29B-29D, and 31A-31B;
 and has given, and will continue to give, discovery of documents pursuant to these amended Categories and new Categories without the need for a further order of the Court; and
- (ii) the Defendant has now agreed to the Plaintiff's proposed new Categories 24A, 29A(a), and 31C, which the parties previously agreed to defer consideration of until after the Defendant's Defence to the 2FASOC was filed, and will give discovery of documents pursuant to these new Categories pursuant to an order of the Court.
- (h) The underlined amendments to **Annexure A** of this Further Amended Discovery Plan include amendments to Category 46 as agreed in correspondence between the parties. The Defendant will give discovery of documents in accordance with the amended Category 46 and pursuant to an order of the Court.

4. Affidavit of documents and document production

- (a) Subject to paragraph 4(b), by a date to be agreed, or ordered by the Court, the Defendant must:
 - (i) in accordance with the requirements set out in Order 29.04 of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic) file and serve an affidavit of documents; and
 - (ii) produce in electronic form, to the Plaintiff for inspection, all documents discovered by the Defendant as being in its possession, custody or power and for which privilege from production is not claimed, in accordance with the Protocol for the Electronic Exchange of Discovered Documents (at **Annexure B**).
- (b) The Plaintiff acknowledges that secrecy obligations arising under legislation (**Secrecy Obligations**), including the following, may apply in respect of certain documents falling within the Categories:
 - (i) section 123 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth);
 - (ii) sections 21C and 29B of the *Australian Crime Commission Act 2002* (Cth);
 - (iii) section 18 of the *Australian Security Intelligence Organisation Act 1979* (Cth);
 - (iv) section 1317AAE of the *Corporations Act 2001* (Cth);
 - (v) section 16 of the *Financial Transaction Reports Act 1988* (Cth);
 - (vi) section 10.1.34(1) of the *Gambling Regulation Act 2003* (Vic); and
 - (vii) section 355-155 of Schedule 1 to the *Taxation Administration Act 1953* (Cth).
- (c) If a Secrecy Obligation precludes the Defendant from disclosing the existence of a document, the document is not a discoverable document.

- (d) If a Secrecy Obligation does not preclude the Defendant from disclosing the existence of a document, the document will be discovered in accordance with the Protocol annexed to this discovery plan (at **Annexure B**).
- (e) With respect to the Category 46 discovery, paragraph 4(d) above is subject to the terms of the TAR Protocol as agreed between the parties.

5. Document Exchange Protocol

A document exchange protocol is annexed to this discovery plan (at **Annexure B**), which outlines the format for:

- (a) creating lists of discovered documents;
- (b) giving discovery by exchanging electronically stored information;
- (c) inspecting discovered documents and other material;
- (d) the electronic exchange of documents filed by the parties in the Proceeding; and
- (e) the treatment of privileged documents.

The parties agree that documents that have been produced by the Defendant in other legal proceedings or inquiries do not need to be re-processed.

Annexure A – Categories of Documents

Notes:

1. In the following Categories, unless otherwise specified or unless the context otherwise requires, capitalised terms have the same meaning as in the Plaintiff's Second Further Amended Statement of Claim dated 21 July 2022.

	Description	Comments
A. Corporate Governance Documents		
1.	The corporate structure chart for Crown Resorts Ltd (Crown) for the period 1 January 2014 to 31 December 2020 (Discovery Period).	Crown considers documents falling within this category to be 'critical' within the meaning of s 26 of the CPA.
2.	Copies of all board charters for Crown, Crown Melbourne Limited, Burswood Limited, Burswood Nominees Limited (Crown Perth), Burswood Resort (Management) Ltd, Riverbank Investments Pty Ltd and Southbank Investments Pty Ltd (collectively, Crown Group) for the Discovery Period.	Crown considers documents falling within this category to be 'critical' within the meaning of s 26 of the CPA.
3.	All board papers and presentations of Crown during the Discovery Period that are relevant to the issues in dispute in the proceeding.	
4.	Final signed (or, where no signed version exists or is unable to be located, unsigned) board minutes of Crown and each member of the Crown Group for the Discovery Period.	The parties agree to confer regarding any requests for draft minutes of specific board meetings following discovery of this category of documents. The plaintiff notes that this category is <u>was</u> , in effect, amended due to the amended definition of the Crown Group <u>contained in the Amended Discovery Plan annexed to the orders made by Judicial Registrar Gitsham on 24 August 2023</u>

	Description	Comments
		<u>(Amended Discovery Plan)</u> (see category 2).
5.	A copy of the 'Induction Pack' (as referred to on p 24 of Crown's 2017 Annual Report) that was provided to each director of Crown upon their appointment to the board of Crown during the Discovery Period.	
6.	<p>1. Copies of all versions of the following Crown Group committee charters as in effect during the Discovery Period:</p> <ul style="list-style-type: none"> a. Audit and Corporate Governance Committee Charter; b. Risk Management Committee Charter; c. Executive Risk and Compliance Committee Charter; d. Brand Committee Charter; e. AML/CTF Committee Charter; f. Whistleblowers Committee Charter; g. Corporate Responsibility Committee Charter; h. Finance Committee Charter; i. Crown Gaming Compliance Committee Charter; j. Crown Melbourne Risk Management Committee (for the avoidance of doubt, any reference to the Crown Melbourne Risk Management Committee also includes a reference to the Crown Melbourne Executive Risk and Compliance Committee); k. Crown Melbourne Compliance Committee (to the extent it is different from the Crown Melbourne Risk Management Committee); and l. Perth Executive Risk and Compliance Committee. <p>2. Copies of any policy or guideline or instruction setting out the role/s, function/s and responsibilities of the Crown Perth internal audit team that were in effect in the Discovery Period.</p>	Crown considers documents falling within this category to be 'critical' within the meaning of s 26 of the CPA.
7.	<p>1. Final signed (or, where no signed version exists or is unable to be located, unsigned) minutes for each of the following committees for the Discovery Period.</p> <ul style="list-style-type: none"> a. Audit and Corporate Governance Committee; b. Risk Management Committee; c. Executive Risk and Compliance Committee; d. Brand Committee; e. AML/CTF Committee; 	The parties agree to confer regarding any requests for draft minutes of specific committee meetings following discovery of this category of documents, and any requests for minutes of the Corporate Responsibility, Finance and Gaming Compliance

	Description	Comments
	<p>f. Whistleblower Committee;</p> <p>g. Crown Melbourne Risk Management Committee;</p> <p>h. Crown Melbourne Compliance Committee (to the extent it is different from the Crown Melbourne Risk Management Committee);</p> <p>i. Perth Executive Risk and Compliance Committee; and</p> <p>j. Crown Perth internal audit team.</p> <p>2. In the event no such minutes (signed or unsigned) exist in respect of the Crown Perth internal audit team, the reports of the Crown Perth internal audit team for the Discovery Period.</p>	Committees following discovery of the documents in category 6.
8.	<p>Copies of all versions of the following documents for Crown and (if applicable) each member of the Crown Group for the Discovery Period:</p> <p>a. Risk Management Policy;</p> <p>b. Risk Registers established and/or maintained in accordance with the Risk Management Policy;</p> <p>c. Whistleblower Policy;</p> <p>d. Conflicts of Interest Policy or policies (referred to in cl 2.7 of the Crown Code of Conduct dated July 2020).</p>	<p>Crown considers documents falling within category 8(a) to be 'critical' within the meaning of s 26 of the CPA.</p> <p>The plaintiff notes that this category was, in effect, amended due to the amended definition of the Crown Group <u>contained in the Amended Discovery Plan</u> (see category 2).</p>
9.	A copy of the audio recordings of the Annual General Meeting of Crown held on 1 November 2018 and 24 October 2019, described on the website of Crown (at <https://www.crownresorts.com.au/Investors-Media/Annual-General-Meetings>) as “2018 AGM Recording” and “2019 AGM Recording” respectively.	
B. Documents relating to Crown’s AML/CTF compliance systems and policies and correspondence with AUSTRAC		
10.	Copies of all versions of any anti-money laundering and counter-terrorism financing (AML/CTF) program (within the meaning of the <i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i> (Cth) (AML/CTF Act)) of Crown and each member of the Crown Group for the Discovery Period.	<p>Crown considers documents falling within this category to be 'critical' within the meaning of s 26 of the CPA.</p> <p>The plaintiff notes that this category was, in effect, amended due to the amended definition of the Crown Group <u>contained in the Amended Discovery Plan</u> (see category 2).</p>

	Description	Comments
11.	Documents recording or relating to any AML/CTF risk and compliance training for officers and/or employees of Crown and each member of the Crown Group (including, but not limited to, induction programs and online training modules).	The plaintiff notes that this category was , in effect, amended due to the amended definition of the Crown Group <u>contained in the Amended Discovery Plan</u> (see category 2).
12.	All compliance reports provided by Crown and each member of the Crown Group to AUSTRAC under s 47(2) of the AML/CTF Act in the Discovery Period.	The plaintiff notes that this category was , in effect, amended due to the amended definition of the Crown Group <u>contained in the Amended Discovery Plan</u> (see category 2).
13.	<p>Documents recording the:</p> <ul style="list-style-type: none"> a. internal controls (within the meaning of s 121 of the <i>Casino Control Act 1991</i> (Vic), s 24(1) of the <i>Casino Control Act 1984</i> (WA) and s 124 of the <i>Casino Control Act 1992</i> (NSW)) in respect of the prevention of money laundering within the casinos operated by Crown and each member of the Crown Group for the Discovery Period; b. standard operating procedures of the internal controls in respect of the prevention of money laundering within those casinos for the Discovery Period; c. internal controls (including all policies and procedures) in respect of the assessment, approval, continuation and/or operation of junkets within those casinos for the Discovery Period; d. standard operating procedures of the internal controls in respect of the approval, continuation and/or operation of junkets within those casinos for the Discovery Period; e. risk management frameworks (including, but not limited to, Risk Management Strategies, Risk Appetites, and Risk Matrices) as applicable to Crown and each member of the Crown Group for the Discovery Period (to the extent that these documents are different and/or additional to the Risk Management Policy and Risk Registers); f. AML/CTF risk assessments (being the assessments referred to in paragraphs [172] and [185] of Chapter 8 of the WA Commissioners Report) applicable to Crown and each member of the Crown Group for the Discovery Period; and g. internal reporting lines as between Crown and its subsidiaries or committees as it related to AML/CTF in the Discovery Period. 	The plaintiff notes that category 13(a) was , in effect, amended due to the amended definition of the Crown Group <u>contained in the Amended Discovery Plan</u> (see category 2).
14.	<p>Copies of:</p> <ul style="list-style-type: none"> a. all minutes of the POI Committee for the Discovery Period; 	The plaintiff notes that categories 14(d), (e), (h) and (k) were , in effect, further amended due to the amended definition of the Crown

	Description	Comments
	<ul style="list-style-type: none"> b. all minutes of the 'VIP focus group' (to the extent that the VIP focus group is something different from the VIP International Working Committee and the Junket Approval Working Committee) for the Discovery Period; c. all documents provided to or produced by the POI Committee and/or the 'VIP focus group' to the extent that the VIP focus group is something different from the VIP International Working Committee and the Junket Approval Working Committee) in the Discovery Period recording or referring to money laundering and/or junkets; d. reports by the POI Committee and/or the 'VIP focus group' (to the extent that the VIP focus group is something different from the VIP International Working Committee and the Junket Approval Working Committee) to the board or any board committee of Crown or any member of the Crown Group, the Crown Melbourne Risk Management Committee and/or the Crown Melbourne Compliance Committee and/or the Perth Executive Risk and Compliance Committee for the Discovery Period; e. all minutes of any board committee of Crown or any member of the Crown Group, the Crown Melbourne Risk Management Committee and/or the Crown Melbourne Compliance Committee and/or the Perth Executive Risk and Compliance Committee considering any minutes or report of the POI Committee and/or the 'VIP focus group' (to the extent that the VIP focus group is something different from the VIP International Working Committee and the Junket Approval Working Committee) for the Discovery Period; f. all applications to act as a junket operator (Applications) by the following persons: (i) Cheok Wa ("Alvin") Chau; (ii) Roy Whye Wah Moo, also known as Whye Wey (Roy) Moo; (iii) Jiuming ("Tom") Zhou; (iv) Zhao ("Simon") Pan; (v) Chi Un Ng (aka Ng Chi Un); and (vi) Zezhai Song ("the Nominated Persons"); g. all documents recording any review or consideration of the Applications by the Nominated Persons; h. all documents, dossiers or reports obtained or created by Crown or any member of the Crown Group, the Crown Melbourne Risk Management Committee and/or the Crown Melbourne Compliance Committee and/or the Perth Executive Risk and Compliance Committee relating to or touching upon the fitness, reputation, criminal history or associations or suitability to continue as a junket operator with respect to any of the Nominated Persons for the Discovery Period; i. all documents recording the termination, suspension or withdrawal of any permission to any of the Nominated Persons to act as a junket operator and/or recording the reasons for such termination, suspension or withdrawal; j. all requests from State or Federal Police, AUSTRAC or the Australian Criminal Intelligence Commission (ACIC) in relation to any of the Nominated Persons and all responses thereto; and 	<p>Group <u>contained in the Amended Discovery Plan</u> (see category 2).</p>

	Description	Comments
	k. all notices or records of withdrawal of a license to enter and remain ("WOL") at any casino operated by Crown or any member of the Crown Group in respect of any of the Nominated Persons.	
15.	<ol style="list-style-type: none"> 1. A copy of the "CEO Report" referred to by Ms Coonan on pages 4611- 4612 of the public transcript of evidence on 20 October 2020 annexed to ILGA Summons No. 2020-166 and marked "A". 2. Copies of correspondence to and from AUSTRAC including any attachments in respect of the questions raised by AUSTRAC in June 2017 about the appropriateness of Crown's dealings with Alvin Chau and/or Suncity. 	
C. Documents relating to relevant external/consultant reviews commissioned by Crown		
16.	<p>All documents, including correspondence to and from, terms of engagement, instructions, briefing materials, reports (including any draft reports) and presentations (including any draft presentations) in the Discovery Period in relation to reviews by Crown or any member of the Crown Group into AML/CTF and/or junkets and/or the Riverbank Account and/or Southbank Account and/or Crown Patron Accounts (being the 14 Crown patron accounts referred to at paragraph [148] of Chapter 6 of the Victorian Commissioner Report) and/or the Crown Melbourne and Crown Perth ANZ Accounts (being the Crown Melbourne ANZ account and Crown Perth ANZ account referred to at paragraph [113] of Chapter 6 of the Victorian Commissioner Report) including (but not limited to) the following external consultants:</p> <ol style="list-style-type: none"> a. Promontory; b. Neil Jeans and/or Initialism; c. Pricewaterhouse Coopers (in relation to its report dated May 2018); d. Deloitte; e. Grant Thornton; f. Berkeley Research Group; g. FTI Consulting. 	The plaintiff notes that this category <u>was</u> also, in effect, amended due to the amended definition of the Crown Group <u>contained in the Amended Discovery Plan</u> (see category 2).
D. ILGA witness statements and related documents		
17.	<p>A copy of the affidavits and/or witness statements (including any supplementary affidavits or statements given after the completion of oral evidence) from the following persons, together with any documents annexed or referred to within those affidavits or statements, provided to the ILGA Inquiry, and that are relevant to an issue in dispute in the proceeding:</p> <ol style="list-style-type: none"> a. Joshua Preston; b. David Brown; 	

	Description	Comments
	<ul style="list-style-type: none"> c. John Alexander; d. Karl Bitar; e. Andrew Demetriou; f. Sarah Jane Halton; g. Antonia Korsanos; h. Harold Mitchell; i. John Poynton; j. John Horvath; k. Helen Coonan; l. Kenneth Barton; m. Nicholas Stokes; n. James Packer; o. Geoffrey Dixon; p. Guy Jalland; q. Michael Johnston; r. Jason O'Connor; s. Scott Howell; t. Debra Tegoni; u. Anne Siegers; v. Alan McGregor; w. Xavier Walsh; and x. Michelle Fielding. 	
E. Junkets/VIP International Program documents		
18.	<p>Standard or template contracts or agreements between Crown or any member of the Crown Group and junket tour operators during the Discovery Period, together with all signed contracts or agreements between Crown or any member of the Crown Group and the following junket tour operators during the Discovery Period:</p> <ul style="list-style-type: none"> a. Suncity; b. Guangdong Club/Neptune Group; 	<p>The plaintiff notes that this category <u>was</u>, in effect, amended due to the amended definition of the Crown Group <u>contained in the Amended Discovery Plan</u> (see category 2).</p>

	Description	Comments
	<ul style="list-style-type: none"> c. David Group; d. Jimei; e. Song Junket/Gold Group; f. MegStar; g. TakChun; h. Chinatown; i. Oriental Group; j. Hot Pot Junket; k. Roy Moo; l. AMAX; and m. Ocean Star Junket. 	
19.	All documents and correspondence in relation to any internal reports or reviews proposed or undertaken in relation to the relationship of Crown or any member of the Crown Group, the Crown Melbourne Risk Management Committee or the Perth Executive Risk and Compliance Committee with any or all junket operators in the Discovery Period.	The plaintiff notes that this category was , in effect, further amended due to the amended definition of the Crown Group <u>contained in the Amended Discovery Plan</u> (see category 2).
20.	All documents recording or relating to the closure of the Suncity Room for the Discovery Period.	
21.	All documents provided to or produced by the VIP International Working Committee and/or the Junket Approval Working Committee in the Discovery Period recording or referring to money laundering and/or junkets, including minutes or notes of all meetings of those committees for the Discovery Period and reports of those committees to the Board of Crown and/or the Risk Management Committee, the Crown Melbourne Risk Management Committee and/or the Perth Executive Risk and Compliance Committee.	
22.	<p>All:</p> <ul style="list-style-type: none"> a. documents in relation to the arrest of any person associated with the Suncity junket at Crown Melbourne during the Discovery Period including but not limited to patron information, betting history, junket participation, risk review, due diligence investigation, liaison with VCGLR, liaison with Victorian Police and liaison with ACIC; and b. correspondence that has passed between Crown or any member of the Crown Group (or its legal representatives) and the VCGLR in the Discovery Period in relation to the Suncity junket. 	The plaintiff notes that category 22(b) was , in effect, amended due to the amended definition of the Crown Group <u>contained in the Amended Discovery Plan</u> (see category 2).

	Description	Comments
23.	All documents recording or relating to an arrangement entered into with the Department of Home Affairs for the fast processing of short-stay visas during the Discovery Period.	
24.	All documents: <ul style="list-style-type: none"> a. recording or relating to the deposit or payment of the cash depicted in the CCTV footage which is reproduced in a news article from ABC news dated 15 October 2019 (Article) and depicts a man presenting cash in a blue cooler bag (available online at https://www.abc.net.au/news/2019-10-15/crown-whistle-blower-fresh-claims-treatment-of-high-rollers/11601232), including but not limited to all documents recording: (i) the name of the person who deposited/made payment of the cash depicted in the footage; (ii) the name of the person or entity on whose behalf the deposit/purchase was made; and (iii) the amount of cash deposited; and b. relied upon by the “Crown spokesperson” referred to in the Article in making the statement to the effect that “there was no basis to these allegations”. 	
EA. Documents relating to China Union Pay process		
24A.	Copies of: <ul style="list-style-type: none"> a. [not used]; b. the communications between Crown Melbourne’s Vice President South China and Mr William Mackay (Executive Vice President of VIP Operations) in August 2012 regarding whether two Chinese VIP patrons could transfer to the casino \$200,000 via credit card in order to purchase chips to gamble; c. all documents recording or relating to the internal deliberations by Crown Group staff about the creation, adoption, implementation and/or reintroduction of the CUP Process and its lawfulness, excluding internal email correspondence regarding individual CUP transactions that took place in accordance with the CUP Process; d. documents evidencing or relating to Mr Jason O’Connor’s approval of the CUP Process in or around August 2012; e. documents recording instructions to Crown staff (including staff at Crown Melbourne) regarding the CUP Process in force during the Discovery Period, excluding internal email correspondence concerning the individual CUP Process transactions of a specific patron or group of patrons; f. documents recording or relating to the internal review of the CUP Process in or around June 2013, including, but not limited to, the report of the internal review dated 6 June 2013; g. correspondence passing between Crown Group staff and the Commonwealth Bank of Australia regarding the CUP Process; 	

	Description	Comments
	<ul style="list-style-type: none"> h. correspondence passing between Crown Group staff and Promontory regarding the CUP Process; i. the file notes and advices prepared by Debra Tegoni regarding the CUP Process referred to in paragraphs [30], [32], [34] and [44] of Chapter 13 of the Victorian Commissioner Report; j. the VIP International 'Credit and Debit Card cash out policy', referred to in paragraph [35] of Chapter 13 of the Victorian Commissioner Report, in force in the Discovery Period; k. all invoices issued to customers in the Discovery Period recording the use of credit card and/or debit card facilities to access cash for gambling; l. all documents relating to senior and junior counsel's investigation of the CUP Process, referred to in paragraph [12] of Chapter 13 of the Victorian Commissioner Report; m. the Deloitte report regarding 'Hotel Card Transactions' dated 19 November 2021, referred to at paragraph [31] of the decision and reasons for decision of the VGCCC dated 30 May 2022; n. Crown Melbourne's response to the section 26 notice dated 5 May 2022, referred to at paragraph [24] of the decision and reasons for decision of the VGCCC dated 30 May 2022; and o. any documents recording or relating to Crown Melbourne's ongoing investigation of the CUP Process after the release of the Victorian Commissioner Report. 	
F. Documents relating to Riverbank and Southbank		
25.	Copies of: <ul style="list-style-type: none"> a. all documents recording or relating to the reasons for and/or purposes of the incorporation and use of the companies Southbank Investments Pty Ltd (Southbank) and Riverbank Investments Pty Ltd (Riverbank); b. the bank statements of Southbank and Riverbank, for the Discovery Period; c. documents recording or relating to the appointments of directors of the companies Southbank and Riverbank and any changes thereto for the Discovery Period; d. documents recording or relating to the use or suspected use of the bank accounts of Southbank and/or Riverbank for: (i) money laundering; (ii) receiving or disposing of the proceeds of crime; and/or (iii) obviating the need for reporting any transactions to AUSTRAC. 	
26.	Copies of all financial reports (including auditor's reports) of Southbank and Riverbank for the financial years ended 30 June 2013 to date.	
27.	All documents relating to any proposed or actual internal or external reviews or investigations into the bank accounts of Southbank and/or Riverbank, or the operation of those accounts, during the Discovery Period.	

	Description	Comments
28.	Copies of all documents recording communications with any bank or other financial institution with which Southbank and/or Riverbank either held a bank account, or proposed to hold a bank account, during the Discovery Period, in relation to concerns raised by any bank or financial institution in relation to the operation of those accounts, including in relation to AML/CTF matters.	
29.	All reports and/or system entries for the SYCO patron management system that were provided to Neil Jeans/Initialism for the purposes of the reviews into Crown's AML/CTF Programs.	
FA. Documents relating to other Crown Group bank accounts		
29A.	Copies of: <ul style="list-style-type: none"> a. the bank statements of the Crown Melbourne and Crown Perth ANZ Accounts for the Discovery Period (in both PDF and Excel formats); and b. documents, during the Discovery Period, including (but not limited to) internal documents and memoranda, recording or relating to the use or suspected use of the Crown Melbourne and Crown Perth ANZ Accounts for money laundering. 	
29B.	Copies of all financial reports (including auditor's reports) required by the <i>Corporations Act 2001</i> (Cth) of Crown Melbourne and Crown Perth for the financial years ended 30 June 2013 to date.	
29C.	All documents during the Discovery Period recording any proposed, recommended or actual internal or external reviews or investigations into Crown's bank accounts related to compliance with AML/CTF obligations.	
29D.	Copies of all documents recording concerns raised by any bank or other financial institution with which Crown Melbourne and/or Crown Perth either held a bank account, or proposed to hold a bank account, during the Discovery Period, in relation to compliance with AML/CTF obligations in the operation of those accounts.	
G. Documents relating to the Overseas Debt Repayment Facility		
30.	<ul style="list-style-type: none"> a. Crown policies and procedures in effect during the Discovery Period relevant to the alleged operation of customers depositing funds (in cash or casino chips) in the City of Dreams in the Philippines and/or Altira, City of Dreams and Studio City in Macau to facilitate debt repayment or front money deposits, to be released to customers at Crown Melbourne and/or Crown Perth, or to be released to Crown Melbourne and/or Crown Perth (Overseas Debt Repayment Facility). b. Records of actual deposits and/or releasing of funds relating to the Overseas Debt Repayment Facility during the Discovery Period. 	The plaintiff notes that category 30(c) was , in effect, amended due to the amended definition of the Crown Group <u>contained in the Amended Discovery Plan</u> (see category 2).

	Description	Comments
	c. Concerns raised during the Discovery Period by any bank or financial institution or regulator, any Crown or Crown Group employee, or any employee of the City of Dreams in the Philippines and/or Altira, City of Dreams or Studio City in Macau, in relation to the operation of the Overseas Debt Repayment Facility, in relation to AML/CTF matters.	
H. Other documents relating to dealings with regulatory bodies		
31.	All responses and records provided by Crown to the Section 26 Notice 'Request for Information regarding junket operators' issued by the VCGLR to Crown on 9 August 2019.	
31A.	<p>a. The agendas and minutes of meetings between representatives of the Crown Group and the VCGLR in the Discovery Period regarding the VCGLR's Sixth Review of Crown Melbourne.</p> <p>b. Documents during the Discovery Period recording or relating to Crown's implementation of recommendations 3 and 17 of the VCGLR Sixth Review, including, but not limited to, internal correspondence and/or correspondence with or between the VCGLR, AUSTRAC, Deloitte and Neil Jeans/Initialism.</p>	
31B.	<p>a. The PowerPoint Presentation given by Joshua Preston to the Gaming and Wagering Commission (GWC) on or around 27 August 2019 (the August 2019 GWC Presentation).</p> <p>b. Documents in the Discovery Period recording or relating to the preparation of the August 2019 GWC Presentation.</p>	
HA. Documents relating to the treatment of casino tax		
31C.	<p>Copies of:</p> <p>a. [not used];</p> <p>b. the presentation titled "Gaming Machines Food Program Initiative" prepared in around October 2011;</p> <p>c. documents, including internal documents and memoranda, relating to the reclassification by Crown of the Gaming Machine Food Program, and hotel and parking benefits as part of Bonus Jackpots (category 8) and their deductibility from Gross Gaming Revenue;</p> <p>d. documents, including internal documents and memoranda, relating to the deductibility from Gross Gaming Revenue of Jackpot Payments (category 5);</p> <p>e. documents relating to Crown's responses to the VCGLR's enquiries regarding the treatment of the Bonus Jackpot (category 8) or Jackpot Payments (category 5), including agendas and minutes of meetings between representatives of the Crown Group and the VCGLR;</p>	

	Description	Comments
	<ul style="list-style-type: none"> f. the spreadsheet covering the years 2014 to 2019 referred to in paragraphs [90] to [91] of Chapter 12 of the Victorian Commissioner Report; g. all documents recording or relating to external legal advice received by Crown regarding its treatment of Category 5 and Category 8 benefits, including, but not limited to, advice of senior and junior counsel in or about December 2014 and advice of MinterEllison in 2018 and 2019; and h. documents relating to the meeting attended by Crown Group staff on 1 March 2021 regarding unpaid casino tax, referred to at paragraph [96] of Chapter 12 of the Victorian Commissioner Report. 	
I. Other documents relating to media enquiries and articles		
32.	<p>In relation to the media articles and/or television programs referred to in Part C of the FASOC, documents and communications between officers of Crown referenced in the pleading regarding:</p> <ul style="list-style-type: none"> a. requests for comment from journalists; or b. a proposed response. 	<p>The parties agree to confer regarding further revisions to this category to address media articles that are not referenced in the Further Amended Statement of Claim, but that the plaintiff considers to be relevant.</p>
33.	<p>1. The documents Crown identified as being provided to journalists for the purpose of authoring and publishing the following news articles:</p> <ul style="list-style-type: none"> a. "Xi Jinping's cousin a high roller as Crown comes under pressure over crime, influence" by Nick McKenzie, Grace Tobin and Nick Toscano published at 8.40 pm on 28 July 2019. b. "Crown's unsavoury business links: how Australia's casino got tied up with criminals" by Nick McKenzie, Grace Tobin and Nick Toscano published on 28 July 2019. c. "ABF man linked to fugitive" by Nick McKenzie, Grace Tobin and Nick Toscano published on 30 July 2019. d. "China's alleged influence agent Huang Xiangmo was a Crown high roller" by Nick McKenzie, Grace Tobin and Nick Toscano published on 31 July 2019. e. "Key Crown junket partner blocked from Australia" by Nick McKenzie, Grace Tobin and Nick Toscano published on 2 August 2019. f. "'Sell to the end': Inside Crown's VIP boot camp" by Nick Toscano and Nick McKenzie published on 3 August 2019. g. "The crowning case for a watchdog" by Peter Hartcher published on 3 August 2019. h. "Crown's firms 'used to launder drug funds'" by Nick McKenzie, Grace Tobin and Nick Toscano published on 6 August 2019. 	

	Description	Comments
	<ul style="list-style-type: none"> i. "Packer Crown sale probed" by Nick McKenzie, Grace Tobin and Nick Toscano published on 6 August 2019. j. "Crown Unmasked" produced by Grace Tobin and published by 60 Minutes Australia on 28 July 2019. <p>2. In relation to the media articles and/or television programs referred to in 1(a) to (j) above, documents and communications between officers of Crown referenced in the pleading regarding:</p> <ul style="list-style-type: none"> a. requests for comment from journalists; or b. a proposed response. 	
J. Royal Commission documents		
34.	<p>All relevant witness statements and additional relevant documents produced to the Royal Commission into the Casino Operator and Licence (Vic) and the Perth Casino Royal Commission (WA), insofar as they relate to:</p> <ul style="list-style-type: none"> a. Crown's relationships with any or all JTOs, JTRs or persons associated with or who financed or represented junkets; or b. risks of money laundering at one or all of the casinos operated by Crown or any member of the Crown Group; <p>in the Discovery Period.</p>	The plaintiff notes that this category was , in effect, amended due to the amended definition of the Crown Group <u>contained in the Amended Discovery Plan</u> (see category 2).
K. Additional categories (including those relating to the oppression claim)		
35.	A copy of the Services Agreement and the Controlling Shareholder Protocol, invoices recording the services provided under the Services Agreement, documents recording the termination of the Services Agreement and Protocol, and documents recording requests for, or provision of, information, pursuant to those agreements to Mr Packer and/or CPH and/or CPH Crown.	The parties agree to confer regarding further revisions to address specific subcategories of documents that the plaintiff considers to be relevant.
36.	Any policy or document describing the process by which requests for the provision of Confidential Information were considered and approved subject to the conditions contained in the Controlling Shareholder Protocol.	
37.	<p>All emails and other documents recording communications between directors, officers and/or employees of Crown or any member of the Crown Group and James Packer and/or CPH and/or CPH Crown during the period in which Mr Packer was not formally appointed as a director of Crown by which:</p> <ul style="list-style-type: none"> a. information in respect of the Crown Group was shared with Mr Packer and/or CPH and/or CPH Crown; and/or 	The plaintiff notes that this category was , in effect, amended due to the amended definition of the Crown Group <u>contained in the Amended Discovery Plan</u> (see category 2).

	Description	Comments
	b. directions or instructions were given by Mr Packer in respect of matters pertaining to the Crown Group.	
38.	The employment contract(s) between Crown or any member of the Crown Group and Joshua Preston, and all documents setting out or describing Mr Preston's job description and/or duties and responsibilities during the Discovery Period.	The plaintiff notes that this category was , in effect, amended due to the amended definition of the Crown Group <u>contained in the Amended Discovery Plan</u> (see category 2).
39.	a. Crown's 2015 'Platform Junket Strategy', including all drafts and the final version of this document, and underlying work product; b. the Key Accounting Issues Paper contained in the 16 August 2016 Crown Board Papers, including all drafts and the final version of this document, and underlying work product.	
40.	All documents relating to any 'independent reviews' of the AML/CTF Program of Crown or any member of the Crown Group conducted during the Discovery Period, as required by rules 8.6.1 and/or 9.6.1 of the AML/CTF Rules.	The plaintiff notes that this category was , in effect, amended due to the amended definition of the Crown Group <u>contained in the Amended Discovery Plan</u> (see category 2).
41.	The share sale agreement, the deed and the agreement referred to in, respectively, FASOC [98], [100] and [101].	
42.	The Codes of Conduct for directors and employees of Crown and/or any member of the Crown Group during the Discovery Period, as referred to in Crown's Annual Reports from time to time.	The plaintiff notes that this category was , in effect, amended due to the amended definition of the Crown Group <u>contained in the Amended Discovery Plan</u> (see category 2).
43.	All reports provided to the board of Crown and/or any member of the Crown Group during the Discovery Period concerning risk management, as referred to in Crown's Annual Reports from time to time.	The plaintiff notes that this category was , in effect, amended due to the amended definition of the Crown Group <u>contained in the Amended Discovery Plan</u> (see category 2).
44.	All documents relating to any 'audits' and/or 'formal assessments' undertaken by AUSTRAC in relation to the compliance by Crown or any member of the Crown Group with the AML/CTF Laws and/or its AML/CTF Program, as referred to in the 2014 Response to Four Corners (FASOC [107(c)]) and at the 2019 AGM (FASOC [143(c)]).	The plaintiff notes that this category was , in effect, amended due to the amended definition of the Crown Group <u>contained in the Amended Discovery Plan</u> (see category 2).

	Description	Comments																														
45.	The Risk Management Plan and/or Risk Profile, and all documents recording or evidencing the 'annual review' of same, as referred to in Crown's Annual Reports from time to time during the Discovery Period.																															
L. Custodian documents																																
46.	<p>Emails¹ during the Discovery Period that:</p> <ol style="list-style-type: none"> were sent, received, copied to or blind-copied to one or more of the persons listed in Table A below; and contain (in the title or contents of the email and/or any attachments) one or more of the search terms set out in Table B below; and are relevant to a fact in issue in the proceeding. <p style="text-align: center;">Table A</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th>Name</th> </tr> </thead> <tbody> <tr><td>1.</td><td>Rowan Craigie</td></tr> <tr><td>2.</td><td>Kenneth Barton</td></tr> <tr><td>3.</td><td>Barry Felstead</td></tr> <tr><td>4.</td><td>James Packer</td></tr> <tr><td>5.</td><td>Robert Rankin</td></tr> <tr><td>6.</td><td>John Alexander</td></tr> <tr><td>7.</td><td>Helen Coonan</td></tr> <tr><td>8.</td><td>Benjamin Brazil</td></tr> <tr><td>9.</td><td>Rowena Danziger</td></tr> <tr><td>10.</td><td>Andrew Demetriou</td></tr> <tr><td>11.</td><td>Geoffrey Dixon</td></tr> <tr><td>12.</td><td>Jane Halton</td></tr> <tr><td>13.</td><td>John Horvath</td></tr> <tr><td>14.</td><td>Guy Jalland</td></tr> </tbody> </table>		Name	1.	Rowan Craigie	2.	Kenneth Barton	3.	Barry Felstead	4.	James Packer	5.	Robert Rankin	6.	John Alexander	7.	Helen Coonan	8.	Benjamin Brazil	9.	Rowena Danziger	10.	Andrew Demetriou	11.	Geoffrey Dixon	12.	Jane Halton	13.	John Horvath	14.	Guy Jalland	The defendant is to give discovery pursuant to this category in accordance with clause 3(c) of this <u>Further Amended Discovery Plan</u> , which requires the defendant to make use of technology assisted review.
	Name																															
1.	Rowan Craigie																															
2.	Kenneth Barton																															
3.	Barry Felstead																															
4.	James Packer																															
5.	Robert Rankin																															
6.	John Alexander																															
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11.	Geoffrey Dixon																															
12.	Jane Halton																															
13.	John Horvath																															
14.	Guy Jalland																															

¹ The searches are currently limited to emails, but the Plaintiff reserves the right to expand it to other document repositories upon receipt of the Defendant's response.

Description		Comments
15.	Michael Johnston	
16.	Antonia Korsanos	
17.	Harold Mitchell	
18.	John Poynton	
19.	Joshua Preston	
20.	Louise Lane	
21.	Debra Tegoni	
22.	Scott Howell	
23.	Adam Sutherland	
24.	Michael Neilson	
25.	Mary Manos	
26.	Anne Siegers	
26A.	Jason O'Connor	
26B.	Alan McGregor	
26C.	Xavier Walsh	
26D.	Michelle Fielding	
Table B		
	Search Terms	
27.	('junket' or 'junkets' or 'International Working Committee' or 'Junket Approval Working Committee') and (' <u>approv*</u> ' or ' <u>reject*</u> ' or ' <u>assess*</u> ' or ' <u>due diligence</u> ' or ' <u>KYC</u> ' or ' <u>know your customer</u> ' or ' <u>finance*</u> ' or ' <u>guarant*</u> ' or ' <u>represent*</u> ' or ' <u>World Check*</u> ' or ' <u>Wealth Insight</u> ' or ' <u>WealthInsight</u> ' or ' <u>Wealth X</u> ' or ' <u>WealthX</u> ' or ' <u>C6</u> ' or ' <u>DICJ</u> ' or ' <u>organised crime*</u> ' or ' <u>triad</u> ' or ' <u>PEP</u> ' or ' <u>politically exposed person*</u> ')	
28.	'Platform Junket Strategy'	
29.	[not used]	
30.	[not used proposed search string withdrawn]	

	Description	Comments
31.	('Suncity' or 'Sun city') and (<u>'cash' or 'PEP' or 'politically exposed person*' or 'organised crime' or 'triad'</u>) and (<u>'risk appetite' or 'risk assess*' or 'high risk' or 'strategy' or 'complan*' or 'monitor*' or 'surveillance' or 'transaction*' or 'adjust*' or 'control*'</u>)	
32.	((<u>'Alvin' w/5 'Chau'</u>) or (<u>'Cheok' w/5 'Chau'</u>) or <u>'CCW'</u>) and (<u>'risk appetite' or 'risk assess*' or 'high risk' or 'due diligence' or 'KYC' or 'know your customer' or 'onboard*' or 'verify*' or 'World Check' or 'Wealth Insight' or 'WealthInsight' or 'Wealth X' or 'WealthX' or 'C6' or 'DICJ' or 'PEP' or 'politically exposed person*' or 'VIP' or 'junket*' or 'launder*' or 'syndicate' or 'traffick*' or 'organised crime' or 'triad'</u>))	
33.	(<u>'Wan Kuok-Koi' or 'broken tooth' or 'broken-tooth'</u>) and (<u>'risk appetite' or 'risk assess*' or 'high risk' or 'due diligence' or 'KYC' or 'know your customer' or 'onboard*' or 'verify*' or 'World Check' or 'Wealth Insight' or 'WealthInsight' or 'Wealth X' or 'WealthX' or 'C6' or 'DICJ' or 'PEP' or 'politically exposed person*' or 'VIP' or 'junket*' or 'launder*' or 'syndicate' or 'traffick*' or 'organised crime' or 'triad'</u>)	
34.	(<u>'Guangdong' or 'Neptune' or 'David Group' or 'Jimei' or 'Song Junket' or 'Gold Group' or 'Megstar' or 'Tak Chun' or 'Chinatown' or 'Oriental' or 'AMAX' or 'Ocean Star' or 'Hot Pot' or 'Hotpot' or 'Tom Zhou' or 'Roy Moo' or 'Ng Chi Un' or 'Zezhai Song'</u>) and (<u>'risk appetite' or 'risk assess*' or 'high risk' or 'due diligence' or 'KYC' or 'know your customer' or 'onboard*' or 'verify*' or 'World Check' or 'Wealth Insight' or 'WealthInsight' or 'Wealth X' or 'WealthX' or 'C6' or 'DICJ' or 'PEP' or 'politically exposed person*' or 'VIP' or 'junket*' or 'launder*' or 'syndicate' or 'traffick*' or 'organised crime' or 'triad'</u>)	
35.	'Aldi bag' or 'blue bag' or 'cooler bag'	
36.	[not used] 'organised crime' or 'triad'	
37.	'AUSTRAC'	
38.	a. ('AML*' or 'anti-money laundering' or 'money launder*' or 'money-launder*') w/10 'Act'. b. ('AML*' or 'anti-money laundering' or 'money launder*' or 'money-launder*') and w/10 ('comply*' or '*complan*' or 'gold star' or 'gold-star' or 'control*' or 'educat*' or 'risk' or 'review*' or 'investigat*' or 'inquir*' or 'report*' or 'monitor' or 'suspect' or 'due	

	Description	Comments										
	diligence' or 'regulat*' or 'penalty' or 'PEP' or 'politically exposed person*' or 'organised crime' or 'triad').											
39.	[not used] 'PEP' or 'politically exposed person*'											
40.	[not used] proposed search string withdrawn]											
41.	<p>('4 Corners' or 'Four Corners' or 'ABC') and ('AUSTRAC' or 'compliance' or 'risk' or 'triad*' or 'organised crime' or 'junket*' or 'Neptune' or 'VIP' or 'KYC' or 'Packer' or 'Macau' or 'City of Dreams' or 'Melco' or 'Suncity' or 'Sun city')</p> <p>[but, in the case of the search term 'ABC', limited to emails that were sent or received in the period of two weeks after each relevant broadcast / publication on, respectively, 15 September 2014, 6 March 2017 and 15 October 2019 only]</p>											
42.	<p>('60 Minutes' or 'Sixty Minutes') and ('launder*' or 'junket*' or 'Roy Moo' or 'The Company' or 'Hot Pot' or 'Hotpot' or 'Suncity' or 'Sun city' or 'Neptune' or 'Chinatown' or 'Song Junket' or 'traffick*' or 'organised crime' or 'blind eye' or 'shopping bag')</p> <p>[but limited to emails that were sent or received in the period from 28 July 2019 until the end of the Discovery Period only]</p>											
43.	<p>[not used] 'The Age' or 'SMH' or ('Herald' but not ('Herald' w/3 'Sun')) or 'Fairfax' or 'Financial Review' or 'AFR' or 'McKenzie' or 'Toscane' [but, in the case of all search terms other than 'SMH', 'Herald' and 'McKenzie', limited to emails that were sent or received in the following periods only:</p> <table border="1" data-bbox="546 1031 1352 1364"> <thead> <tr> <th data-bbox="546 1031 949 1070">Search Term</th> <th data-bbox="949 1031 1352 1070">Period</th> </tr> </thead> <tbody> <tr> <td data-bbox="546 1070 949 1142">'The Age'</td> <td data-bbox="949 1070 1352 1142">27 July 2019 to the end of the Discovery Period</td> </tr> <tr> <td data-bbox="546 1142 949 1214">'Fairfax'</td> <td data-bbox="949 1142 1352 1214">31 July 2019 to the end of the Discovery Period</td> </tr> <tr> <td data-bbox="546 1214 949 1294">'Financial Review' or 'AFR'</td> <td data-bbox="949 1214 1352 1294">21 August 2019 to the end of the Discovery Period</td> </tr> <tr> <td data-bbox="546 1294 949 1364">'Toscane'</td> <td data-bbox="949 1294 1352 1364">31 July 2019 to the end of the Discovery Period</td> </tr> </tbody> </table>	Search Term	Period	'The Age'	27 July 2019 to the end of the Discovery Period	'Fairfax'	31 July 2019 to the end of the Discovery Period	'Financial Review' or 'AFR'	21 August 2019 to the end of the Discovery Period	'Toscane'	31 July 2019 to the end of the Discovery Period	
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'Financial Review' or 'AFR'	21 August 2019 to the end of the Discovery Period											
'Toscane'	31 July 2019 to the end of the Discovery Period											

	Description	Comments
	‡	
43A.	<u>(‘SMH’ or (‘Herald’ but not (‘Herald’ w/3 ‘Sun’))) and (‘launder*’ or ‘junket*’ or ‘triad*’ or ‘organised crime’ or ‘Macau’ or ‘Packer’ or ‘Echo’ or ‘VIP’ or ‘visa’ or ‘traffick*’ or ‘The Company’ or ‘Chinatown’ or ‘Tom Zhou’ or ‘mafia’ or ‘Chinese Communist Party’)</u>	
43B.	<u>‘Nick’ w/3 ‘McKenzie’</u>	
43C.	<u>‘The Age’</u> [but limited to emails that were sent or received in the period 27 July 2019 to the end of the Discovery Period]	
43D.	<u>‘Fairfax’</u> [but limited to emails that were sent or received in the period 31 July 2019 to the end of the Discovery Period]	
43E.	<u>‘Financial Review’ or ‘AFR’</u> [but limited to emails that were sent or received in the period 21 August 2019 to the end of the Discovery Period]	
43F.	<u>‘Toscano’</u> [but limited to emails that were sent or received in the period 31 July 2019 to the end of the Discovery Period]	
44.	<u>(‘risk’ w/5 ‘manag*’) w/10 (‘AML*’ or ‘CTF’ or ‘ML/TF’ or ‘anti money laundering’ or ‘money launder*’ or ‘money launder*’ or ‘PEP’ or ‘politically exposed person*’ or ‘VIP’ or ‘junket*’ or ‘JTO’ or ‘JTR’ or ‘audit’ or ‘China Union Pay’ or ‘China UnionPay’ or ‘UnionPay’ or ‘China Union’ or ‘CUP’ or ‘casino tax’ or ‘organised crime’ or ‘triad’)</u>	
45.	<u>(‘corporate’ w/5 ‘govern*’) w/10 (‘AML*’ or ‘CTF’ or ‘ML/TF’ or ‘anti-money laundering’ or ‘money launder*’ or ‘money-launder*’ or ‘PEP’ or ‘politically exposed person*’ or ‘VIP’ or ‘junket*’ or ‘JTO’ or ‘JTR’ or ‘audit’ or ‘China Union Pay’ or ‘China UnionPay’ or ‘UnionPay’ or ‘China Union’ or ‘CUP’ or ‘casino tax’ or ‘organised crime’ or ‘triad’)</u>	
46.	<u>((‘Wilkie’ w/5 (‘Andrew’ or ‘MP’ or ‘parliament’ or ‘house of rep*’)) or ((‘Wilkie’ and (‘casino’ or ‘AUSTRAC’ or ‘launder*’ or ‘illegal*’)))</u>	
47.	<u>[not used proposed search string withdrawn]</u>	

	Description	Comments
	<p>48. a. 'Riverbank' w/10 ('account' or 'reporting entit*' or 'AML*' or 'anti-money laundering' or 'money launder*' or 'money-launder*' or 'launder* money').</p> <p>b. 'Riverbank' and (('SYCO' or 'structuring' or 'cuckoo' or 'smurfing') or ('HSBC' and ('suspic*' or 'close*' or 'closing' or 'closure')) or ('ANZ' and ('suspic*' or 'close*' or 'closing' or 'closure')) or (('CBA' or 'Commonwealth') and ('suspic*' or 'close*' or 'closing' or 'closure'))).</p>	
	<p>49. a. 'Southbank' w/10 ('account' or 'reporting entit*' or 'AML*' or 'anti-money laundering' or 'money launder*' or 'money-launder*' or 'launder* money').</p> <p>b. 'Southbank' and (('SYCO' or 'structuring' or 'cuckoo' or 'smurfing') or ('HSBC' and ('suspic*' or 'close*' or 'closing' or 'closure')) or ('ANZ' and ('suspic*' or 'close*' or 'closing' or 'closure')) or (('CBA' or 'Commonwealth') and ('suspic*' or 'close*' or 'closing' or 'closure')) or ('ASB' and ('suspic*' or 'close*' or 'closing' or 'closure'))).</p>	
	50. [not used]	
	51. 'Promontory'	
	52. [not used proposed search string withdrawn]	
	53. [not used proposed search string withdrawn]	
	54. [not used proposed search string withdrawn]	
	55. 'City of Dreams' and (('payment*' or 'funds' or 'cash' or 'deposit' or 'account' or 'debt' or 'chips' or 'transfer' or 'Australia') and ('AML*' or 'CTF' or 'ML/TF' or 'anti-money laundering' or 'money launder*' or 'money-launder*'))	
	56. a. ('China Union Pay' or 'China UnionPay' or 'UnionPay' or 'China Union' or 'CUP') w/10 ('debit card' or 'credit card' or 'cash out' or 'withdra*' or 'transfer') <p>b. ('China Union Pay' or 'China UnionPay' or 'UnionPay' or 'China Union' or 'CUP') and ('CBA' or 'Commonwealth Bank' or 'NAB' or 'National Australia Bank')</p>	

	Description		Comments
	57.	('casino tax' or 'VCGLR') w/10 ('category 8' or 'category 5' or 'category 3' or 'bonus jackpots' or 'jackpot payments' or 'matchplay' or 'gaming machines food program' or 'sums paid out as winnings' or 'gross gaming revenue')	

Annexure B to the Further Amended Discovery Plan – Electronic Discovery Protocol

This document forms part of the Further Amended Discovery Plan but is not reproduced in these orders.

Annexure B
Further Revised TAR Protocol



Further Revised Protocol for the Use of
Technology Assisted Review
(Further Revised TAR Protocol)

Supreme Court of Victoria

S ECI 2020 04566

BETWEEN

Greg Lieberman
(Plaintiff)

AND

Crown Resorts Ltd
(Defendant)

Date: ~~1 March~~ 31 May 2024

1. Introduction

1.1 Purpose

- 1.1.1 The purpose of this document is to provide a general framework of the process and information to be recorded in respect of a Technology Assisted Review (**TAR**) by the Defendant, for the purpose of giving discovery to the Plaintiff in the proceeding of documents responsive to category 46 of the Further Amended Discovery Plan ~~(as annexed to the orders made by Judicial Registrar Gitsham on 24 August 2023).~~

1.2 Background

- 1.2.1 Pursuant to clause 3(c) of the Further Amended Discovery Plan, the Defendant has compiled a pool of documents comprising all emails (including email attachments) during the Discovery Period that were sent, received, copied or blind copied, to one or more of the persons listed in Table A of category 46 of the Further Amended Discovery Plan that contain one or more of the search terms listed in Table B of the Further Amended Discovery Plan (**Document Pool**).
- 1.2.2 Pursuant to order 1 of the orders made by Judicial Registrar Gitsham on 30 November 2023, TAR in the proceeding was to be undertaken in accordance with the Protocol for the Use of Technology Assisted Review annexed to those orders (**TAR Protocol**), which was to apply a Simple Active Learning methodology of TAR.
- 1.2.3 Subsequently, the parties agreed that TAR will instead be undertaken in the proceeding in accordance with ~~this a~~ Revised TAR Protocol, which was annexed to the orders made by Judicial Registrar Gitsham on 15 March 2024, and which will/would utilise Relativity's Continuous Active Learning (CAL) application. This Further Revised TAR Protocol replaces the Revised TAR Protocol.

2. Overview and definitions

2.1 CAL Project

- 2.1.1 A **CAL Project** refers to a predictive coding application that allows users to access continuously updated cycles of documents for review based on a single-choice field for reviewers to code **Responsiveness** (see clause 2.2 below). Coding decisions are ingested by the Active Learning model to identify and serve further documents to reviewers, and reduce the overall amount of documents that need to be manually reviewed.
- 2.1.2 Depending on the nature of review, the Defendant may use a single CAL Project or multiple CAL Projects.
- 2.1.3 The Defendant may utilise the coverage review or the prioritised review queue method when setting up the CAL Project.

2.2 Responsiveness

2.2.1 **Responsiveness** is the quality of being identified in a binary manner as positive (responsive) or negative (non-responsive) in the CAL Project in response to the parameters of the review.

2.2.2 Responsiveness in a CAL Project has a relationship with, but is not interchangeable with the concept of relevance. For example, draft documents or duplicates could be examples of responsive documents due to their content but not ultimately produced due to subsequent identification of irrelevance. Conversely, family documents requiring context of a family group could be examples of documents identified through the application of the CAL tool as non-responsive due to their content but ultimately produced due to subsequent identification of relevance.

2.2.3 For the avoidance of doubt, and subject to clause 2.2.4 below, the Defendant agrees to discover and produce for inspection:

- (a) any responsive documents relevant to a fact in issue in the proceeding (including otherwise irrelevant attachments, within a family of documents, that provide context and/or meaning to relevant documents within the same family); and
- (b) all responsive cover emails that attach a document (or documents) relevant to a fact in issue in the proceeding,

but excluding:

- (c) any irrelevant attachments, within a family of documents, that are not relevant to a fact in issue in the proceeding and do not provide context and/or meaning to relevant documents within the same family; and
- (d) any documents that are subject to a claim of legal professional privilege and/or a Secrecy Obligation (as defined at cl 4(b) of the Further Amended Discovery Plan),

in a manner otherwise consistent with the Electronic Discovery Protocol agreed between the parties (and dated 29 September 2021).

2.2.4

- (a) Notwithstanding anything to the contrary in this document or the Electronic Discovery Protocol, if a document predominantly pertains to the consideration of individual customers, identifiable groups of customers, transactions or activities and the Defendant rationally considers that the document will need to be subject to extensive redaction having regard to the Secrecy Obligation arising under s 123 of the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) (AML/CTF Act), the parties agree that these documents will be discovered by way of placeholders only and data for these documents will be treated as set out in paragraph 3.4 of the Electronic Discovery Protocol. However, any such documents that comprise information directed to any consideration, assessment and/or decision to commence, continue, cease and/or terminate, any relationship and/or engagement, with any individual customer (including, but not limited to, any consideration of the Defendant's risk appetite in respect of any individual customer), are

to be produced with any redactions required by reason of the Defendant's management of its Secrecy Obligation arising under s 123 of the AML/CTF Act.

- (b) For the avoidance of doubt, 'customer', for the purposes of this sub-clause, includes any identifiable group of customers, any junket operator or junket player, or any individual that financed, guaranteed or was otherwise associated with a junket.
- (c) For illustrative purposes, the parties agree that documents of this nature are likely to include transaction monitoring alerts, analysis of unusual activity of individual patrons by financial crime analysts in the context of suspicious matter reporting obligations, and communications about suspicions with AUSTRAC and law enforcement (and related internal communications), and will include suspicious matter reports.

2.3 Document review platform

- 2.3.1 The document review platform within which the Defendant will apply TAR is Relativity.

2.4 TAR Document Review Process

- 2.4.1 The process of reviewing documents using TAR for the purpose of discovery is referred to in this protocol as the **TAR Document Review Process**. The TAR Document Review Process will be conducted by persons who have sufficient training and experience. In particular, any person manually reviewing the documents required to set up or train the CAL algorithm or any person manually reviewing documents as part of any Validation Test will have sufficient familiarity with the facts in issue in the proceeding.
- 2.4.2 If an initial set of documents is required to set up a CAL Project (e.g. by introducing an initial set of responsive and non-responsive documents to the CAL Project), these documents will be identified by operators who have sufficient familiarity with the facts in issue in the proceeding.

2.5 TAR Pool

- 2.5.1 The **TAR Pool** is the pool of documents to be subjected to the CAL Project(s).
- 2.5.2 The Defendant is to compile the TAR Pool by removing documents from the Document Pool which have previously been produced (or withheld from production on the basis of legal professional privilege or secrecy) in the proceeding.
- 2.5.3 The Defendant may exclude documents from the TAR Pool, which are included in the Document Pool, for a technical reason (e.g. documents with very little text, image files, large files, documents with poor quality OCR, or system files).

3. CAL Project(s) completion

3.1 Documentation

- 3.1.1 The Defendant, at the commencement of the TAR Document Review Process, must advise the Plaintiff of:
- (a) the total number of documents included in the Document Pool; and
 - (b) the initial number of documents included in the TAR Pool from the Document Pool (that is, before the Defendant excludes any documents pursuant to clause 2.5.3 above).
- 3.1.2 The Defendant, at the completion of the CAL Project(s), will provide the following information to the Plaintiff:
- (a) the final number of documents included in the TAR Pool from the Document Pool (that is, after the Defendant has excluded any documents pursuant to clause 2.5.3 above);
 - (b) if applicable, the steps followed to identify documents that have been excluded pursuant to clause 2.5.3 above and otherwise addressed for the purpose of further discovery. The information will include:
 - (i) the technical reason for excluding these documents (e.g. documents with very little text, image files, large files, documents with poor quality OCR, or system files);
 - (ii) the method(s) used to identify these documents;
 - (iii) the total number of documents excluded; and
 - (iv) the total number of documents excluded, including family groups.
- 3.1.3 If multiple CAL Projects are used, the Defendant must:
- (a) document and provide the information set out in clause 3.1.2 by reference to each of the CAL Projects, to the extent that such information differs; and
 - (b) provide the Plaintiff with a description of the nature of each of the CAL Projects at their completion. For example, if the Defendant uses separate CAL Projects in relation to different issues or types of documents, the Defendant will inform the Plaintiff of the particular issues or types of documents that each CAL Project is intended to address.

3.2 Validation

- 3.2.1 Before completing the CAL Project(s), the Defendant must validate the results and the performance of each CAL Project using a Validation Test unless the Defendant has notified the Plaintiff of any alternative validation methods it intends to use instead of, or in addition to, the Validation Test.
- 3.2.2 Any validation (sampling) will be conducted with a Confidence Level of 95% and Margin of Error of + or - 2.5%.

3.3 Metrics

- 3.3.1 At the completion of the CAL Project(s), the Defendant must provide the following metrics to the Plaintiff:
- (a) the number of documents identified as:
 - (i) coded responsive (prioritised review queue); or
 - (ii) coded responsive, or unreviewed and above the cut off rank (coverage review queue);during the CAL Project(s);
 - (b) the number of documents identified as non-responsive during the CAL Project(s);
 - (c) the number of documents identified as responsive during the CAL Project(s), including their family group;
 - (d) the elusion rate achieved at the completion of the CAL Project(s);
 - (e) the cut off rank used at the completion of the CAL Project(s); and
 - (f) a screenshot of the:
 - (i) document rank distribution chart; and
 - (ii) prioritised review progress chart, in circumstances where the priorities review queue is used;at the completion of the CAL Project(s).
- 3.3.2 If multiple CAL Projects are used, the Defendant agrees to provide the information required by clause 3.3.1 by reference to each of the CAL Projects.

4. Further review

- 4.1.1 If the Defendant utilises the coverage review queue, then after the CAL Project(s) has been validated all documents that sit above the cut off rank but have not been reviewed in the CAL Project(s) will be subject to linear review for relevance (in addition to any further analysis in this section).
- 4.1.2 The Defendant may run further linear or TAR document reviews over the output of the CAL Project(s), to undertake further analysis, determine and update documents following consideration with their family documents, and assign privilege, secrecy or other coding.
- 4.1.3 To the extent that during further review documents are excluded from CAL due to coding on an individual document through human review (for example, if irrelevant, signature attachments to CAL documents were bulk-excluded from review), documentation of this process is subject to the same provisions as clause 3.1.2(b).

5. Acknowledgements

- 5.1.1 The parties acknowledge that applying TAR may not, on its own, identify all possible relevant documents, and so may not necessarily be sufficient to fully discharge the Defendant's discovery obligations. If the Defendant is already

aware of, or becomes aware of, additional relevant documents via further linear review or other processes or technological means, the Defendant will disclose those documents to the Plaintiff, to the extent that the Defendant is required to do so.

- 5.1.2 If any dispute arises between the parties in respect of any matter that is the subject of this protocol, the parties agree to use reasonable endeavours to confer and resolve that dispute.
- 5.1.3 Having regard to the Defendant's obligations to provide the information set out in clauses 3.1.2 and 3.3.1 (and to the extent required by clauses 3.1.3 and 3.3.2) to the Plaintiff at the completion of the CAL Project(s), the parties acknowledge that clause 5.1.2 continues to apply in relation to any dispute that may arise after the completion of the CAL Project(s).