



Issued: 21 May 2024 9:11 AM

## JUDGMENT/ORDER

### COURT DETAILS

Court	Supreme Court of NSW
Division	Equity
List	Equity General
Registry	Supreme Court Sydney
Case number	2024/00187608

### TITLE OF PROCEEDINGS

First Plaintiff	Western Sydney University
First Defendant	AB
Second Defendant	CD
Number of defendants	3

Refer to Party Details at rear for full list of parties

### DATE OF JUDGMENT/ORDER

Date made or given	20 May 2024
Date entered	21 May 2024

### TERMS OF JUDGMENT/ORDER

The court orders that:

1 Upon the undertaking of the solicitor for the plaintiff to pay the filing fee, grants leave to the Plaintiff to file in Court:

- (a) the Summons dated 20 May 2024;
- (b) the affidavit of Peter Tow affirmed on 20 May 2024.

2 Orders that the Summons be made returnable instanter.

3 Upon the plaintiff, by its counsel, giving the usual undertaking as to damages, order that until 5pm on 4 June 2024;

(a) The Defendants as defined below be restrained from:

(i) transmitting, publishing or disclosing any information or material obtained from the WSU Dataset (as defined below) to any person or facilitating any such steps;

(ii) placing or publishing any information or material (or any further information or material) obtained from the WSU Dataset at any location on the internet or facilitating such steps;

(iii) promoting, or publishing any links to, locations from which information or material obtained from the WSU Dataset may be able to be accessed or downloaded; and

(iv) using (including viewing) any information or material obtained from the WSU Dataset already in their possession for any purpose, other than obtaining legal advice in connection with these orders, except with the prior written consent of the plaintiff;

(b) The Defendants take all steps to immediately:

(i) remove any information or material obtained from the WSU Dataset (or any part thereof) from all accessible internet locations; and

(ii) permanently delete or otherwise destroy any material obtained from the WSU Dataset already in their possession.

For the avoidance of doubt, nothing in these orders prevents the Defendants or any other person from publishing, communicating, or disclosing any information or material obtained from the WSU Dataset which:

(c) was already in, or thereafter comes into, the public domain (other than as a result of a breach of these orders or any other interlocutory or final orders made by the Court in these proceedings); or  
(d) is personal to them.

4 Orders that the time for service on the defendants of a sealed copy of these orders and the documents referred to in order 1 (Documents) be abridged to 5pm on 21 May 2024 and that personal service of the Documents on the defendants is to be effected by:

(a) sending an email attaching copies of the Documents to:

(i) The first defendant at [Redacted] and [Redacted] redacted so as to comply with Orders 5 and 6 below, save as to the extent that Orders 5 are for the benefit of the First Defendant;

(ii) The second defendant at [Redacted] and [Redacted] redacted so as to comply with Orders 5 and 6 below, save as to the extent that Order 5 is for the benefit of the Second Defendant;

(b) sending a sealed copy of these orders to persons with access to the Solar Car Team Laboratory by email to the Western Sydney Solar Car Team at the following e-mail: [Redacted] (redacted so as to comply with orders 5 and 6 below) together with a notice that copies of the Documents may be obtained by a person affected by these orders by contacting the plaintiff's solicitor and entry into appropriate confidentiality arrangements.

(c) publishing a sealed copy of these orders on the Western Sydney University website (redacted so as to comply with orders 5 and 6 below) together with a notice that copies of the Documents may be obtained by a person affected by these orders by contacting the plaintiff's solicitor and entry into appropriate confidentiality arrangements.

5 Order pursuant to s 7(a) of the Court Suppression and Non-publication Orders Act 2010 (NSW) (the Act) and on the grounds in s 8(1)(a) and (c) of the Act, that until 5pm on 4 June 2024:

(a) the first defendant be referred to for the purposes of these proceedings by the identifying pseudonym letters "AB";

(b) the second defendant be referred to for the purposes of these proceedings by the identifying pseudonym letters "CD";

(c) the names of the first and second defendants and any members of the Western Sydney University Solar Car Team identified in the Documents be suppressed; and

(d) there be no publication or disclosure of the names of, or any evidence, submission, document, information or other material that identifies or is likely to lead to the identification of the first and second defendants to these proceedings and any members of the Western Sydney University Solar Car Team identified in the Documents.

6 Order pursuant to s 7(b) of the Act and on the ground in s 8(1)(a) of the Act, that until 5pm on 4 June 2024 there be no publication or disclosure of:

(a) the Summons dated 20 May 2024;

(b) the affidavit and exhibits to the affidavit of Peter Tow affirmed on 20 May 2024;

(c) counsel's written submissions dated 20 May 2024; and

(d) the submissions made at the hearing on 20 May 2024.

save for disclosure by the plaintiff to the Defendants and any person affected by these orders in accordance with order 4, and disclosure by any Defendant or person affected to their legal representatives for the purpose of obtaining legal advice and/or legal representation in relation to these proceedings.

7 For the purposes of s 11 of the Act, orders (5) and (6) are to apply both within New South Wales and in all States and Territories in Australia.

8 Orders that the proceedings be returnable before the Duty Judge in Equity at 10am on 3 June 2024.

9 Liberty to apply on 24 hours' notice in relation to the operation of these orders, and otherwise on 2 days' notice.

10 These orders be entered forthwith.

In these Orders:

11 "Defendants" means:

(a) The first defendant ("AB");

(b) The second defendant ("CD"); and

(c) Persons Unknown.

12 "WSU Dataset" means any information or material obtained in an unauthorised manner by the Defendants from the plaintiff's IT network and IT systems, including any information or material obtained from:

(a) the 16.6GB of data which departed the plaintiff's IT network and IT systems through the

"shinysocks" interface between 12 October 2023 and 16 November 2023;

(b) the plaintiff's Microsoft Office 365 environment (including Microsoft Outlook, Graph API, Teams, SharePoint and OneDrive) prior to 9 January 2024, including but not limited to;

(i) any mail items contained within the user mailboxes searched by the defendants;

(ii) the WSU mailboxes on which "litigation hold" was placed by the defendants;

(iii) the internal SharePoint sites accessed by the defendants;

(iv) the "Counselling Service Team Site", "Cyber Security Strategy and Preparedness Work Plan" and "WSU SMS DBA" distribution lists;

(v) any chat or picture files accessed from the Yammer application; and

(vi) any data accessed by the defendants through eDiscovery searches;

(c) the plaintiff's Microsoft Azure environment, including but not limited to:

(i) the "Mailbox Administrators" group for both Azure tenants, the associated mailboxes and the mailboxes known to have been accessed by the defendants;

(ii) the "User Access Administrator" group and all Azure resources; and

(iii) any data accessed by the defendants as a result of their unauthorised access to subscriptions; and

(d) the plaintiff's offsite Dell EMC Isilon network storage platform, including but not limited to, that contained within the "UWS-ISILON-18", "UWS-ISILON-1" and "UWS-ISILON-2" datasets.

13 "Persons Unknown" means any person or entity who carried out, participated in or assisted with the unauthorised access to and/or exfiltration of information and/or material from the WSU Dataset.

This matter is listed for Duty (Equity) on 3 June 2024 10:00 AM before the Supreme Court - Civil at Supreme Court Sydney.  
Estimated duration: 5 Minutes

## SEAL AND SIGNATURE



Signature S. Graham (LS)  
Capacity Chief Clerk  
Date 21 May 2024

If this document was issued by means of the Electronic Case Management System (ECM), pursuant to Part 3 of the Uniform Civil Procedure Rules (UCPR), this document has taken to have been signed if the person's name is printed where his or her signature would otherwise appear.

## PARTY DETAILS

### First Claim

#### Plaintiff(s)

First Plaintiff

Western Sydney University

#### Defendant(s)

First Defendant

AB

Second Defendant

CD

Third Defendant

Persons Unknown