



Issued: 28 October 2024 3:14 PM

## 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

### DATE OF JUDGMENT/ORDER

Date made or given	28 October 2024
Date entered	28 October 2024

### TERMS OF JUDGMENT/ORDER

This matter is listed for Directions on 22 November 2024 9:30 AM before the Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 5 Minutes

His Honour Justice Parker makes the following orders:

1. I make orders in accordance with the Short Minutes of Order initialled by me and dated today.

#### SHORT MINUTES OF ORDER:

1 Leave be granted to the plaintiff to file in Court the Amended Summons dated 25 October 2024.

2 The Amended Summons be made returnable instant.

3 Noting that the usual undertaking as to damages given on 20 May 2024 is continued, pursuant to r 36.16(2)(b) of the Uniform Civil Procedure Rules 2005 (NSW) (UCPR) and the Court's inherent jurisdiction, Orders 3,12 and 13 of the orders made by Williams J on 20 May 2024, as extended in relation to the third defendant (being Persons Unknown) by Order 1 of the orders made by Meek J on 18 June 2024, be amended as follows:

Order 3

(a) The third defendant as defined below be restrained from:

(i) transmitting, publishing or disclosing any information or material obtained in an unauthorised manner 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 in an unauthorised manner 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 in an unauthorised manner from the WSU Dataset may be able to be accessed or downloaded; and

- (iv) using (including viewing) any information or material obtained in an unauthorised manner 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;
- (v) any unauthorised interference, access, damage or alteration to, in any way whatsoever, the plaintiff's computer systems, IT network, internal or external servers or computer hardware, desktop computers, laptops, mobile phones or any type of equipment or device or software system owned, used or operated by the plaintiff,
- (b) The third defendant 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.

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#### Order 12

"WSU Dataset" means any information or material obtained in an unauthorised manner by the third defendant 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 third defendant;
  - (ii) the WSU mailboxes on which "litigation hold" was placed by the third defendant;
  - (iii) the internal SharePoint sites accessed by the third defendant;
  - (iv) the "Counselling Service Team Site", "Cyber Security Strategy and Preparedness Work Plan" and "WS-SMS-DBA" distribution lists;
  - (v) any chat or picture files accessed from the Yammer application; and
  - (vi) any data accessed by the third defendant 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 third defendant;
  - (ii) the "User Access Administrator" group and all Azure resources; and
  - (iii) any data accessed by the third defendant 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 within the "UWS-ISILON-18", "UWS-ISILON-1" and "UWS-ISILON-2" datasets,
- (e) the data accessed on the plaintiff's IT network and IT systems between 14 August 2024 and 12 October 2024, including but not limited to:
  - (i) the 120GB of data which departed the plaintiff's IT network and IT systems between 18 and 24 August 2024, including data sourced from the "Banner" student management system; and
  - (ii) the 169GB of data which departed the plaintiff's IT network and IT systems between 4 and 9 October 2024, including a production Domain Controller and device with identifier 'ic1nwvp02'.

#### Order 13

"Persons Unknown" means any person or entity responsible for engaging in a cyber-attack on the plaintiff from on or around April 2023 and who:

- (a) intentionally or knowingly carried out, participated in or assisted with the unauthorised access to or exfiltration of information or material from the WSU Dataset; or
- (b) is in possession of information or material derived from the WSU Dataset, who knows or ought to know that the information was accessed or exfiltrated from the WSU Dataset without the plaintiff's authority.

4 Pursuant to s 7(b) 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 further order there be no publication or disclosure of:

- a. the Amended Summons dated 25 October 2024;
- b. the affidavit of Peter Nathan Tow affirmed 25 October 2024 and confidential exhibit PNT-5 thereto;

- c. the expert report prepared by David Ulcigrai, Director of Digital Forensics and Incident Response at CyberCX dated 25 October 2024;
- d. the plaintiff's counsel's written submissions dated 25 October 2024 and accompanying confidential updated chronology.

5 For the purposes of s 11 of the Act, order 4 above is to apply both within New South Wales and in all the States and Territories in Australia.

6 Direct that any file copies of the documents specified in order 4 above (whether physical or electronic) be treated as confidential and not be released without an order from a Judge of the Court.

7 Pursuant to r 10.14 of the UCPR, the plaintiff is to take the following steps for the purpose of bringing the documents filed in the proceedings to date to the notice of the third defendant:

- a. sending a sealed copy of any orders made by the Court by email to the Western Sydney Solar Car Team at the following e-mail: [contact@solarcar.scem.westernsydney.edu.au](mailto:contact@solarcar.scem.westernsydney.edu.au); and
- b. publishing a sealed copy of any orders made by the Court on the plaintiff's website together with a notice that copies of the Amended Summons and evidence filed in the proceedings may be obtained by a person affected by the orders by contacting the plaintiff's solicitor and entry into appropriate confidentiality arrangements.

8 The hearing on final relief be adjourned sine die.

9 The proceeding be listed for directions on 22 November 2024.

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

11 These orders be entered forthwith.

## SEAL AND SIGNATURE



Signature	Rebel Kenna
Capacity	Principal Registrar
Date	28 October 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 is taken to have been signed if the person's name is printed where his or her signature would otherwise appear.

## PERSON PROVIDING DOCUMENT FOR SEALING UNDER UCPR 36.12

Name	Western Sydney University, Plaintiff 1
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Legal representative	Michael Anthony Do Rozario
Legal representative reference	
Telephone	02 9210 6500

#### **FURTHER DETAILS ABOUT Plaintiff(s)**

##### **First Plaintiff**

Name	Western Sydney University
Address	Cnr Victoria Road and James Ruse Drive RYDALMERE NSW 2116
Telephone	
Fax	
E-mail	
Client reference	

##### **Legal representative**

Name	Michael Anthony Do Rozario
Practicing certificate number	38864
Address	Corrs Chambers Westgarth 8 - 12 Chifley Square SYDNEY NSW 2000
DX address	
Telephone	02 9210 6500
Fax	02 9210 6611
Email	michael_do_rozario@corrs.com.au

#### **FURTHER DETAILS ABOUT Defendant(s)**

##### **First Defendant**

Name	AB
Address	

##### **Second Defendant**

Name	CD
Address	

##### **Third Defendant**

Name	Persons Unknown
Address	