



IN THE SUPREME COURT OF WESTERN AUSTRALIA

CIV/2502/2025

BETWEEN:

**BILA COUNSELLING & SUPPORT
SERVICES PTY LTD (ACN 657 891 926)**

Plaintiff

AND

Jennifer MCALPINE and Ors

Defendants

**ORDERS OF THE HONOURABLE JUSTICE HOWARD
MADE ON 23 DECEMBER 2025**

UPON THE APPLICATION of the plaintiff by chamber summons dated 19 December 2025, AND UPON HEARING Mr E Fearis for the plaintiff and Mr D J Pratt for the defendants on 23 December 2025, IT IS ORDERED THAT:

1. The time for service of this summons be abridged to authorise service of it 24 hours before its return.
2. Compliance with RSC O 59 r 9(1) be waived.
3. Save for those persons who have an existing service agreement with the third defendant, until further order of the Court, the Defendants, whether by themselves their servants, agents or otherwise, be restrained and an injunction shall be, and hereby is, granted restraining the Defendants from initiating contact with any client listed in Attachment 'LST-11' of the affidavit of Leonard Swanepoel-Trollip affirmed on 19 December 2025 ('Swanepoel-Trollip Affidavit').
4. The parties have liberty to apply on 24 hours' notice.
5. The matter be admitted to the Commercial and Managed Cases List, to be case managed by the Honourable Justice Howard.
6. The application be otherwise adjourned.
7. On the basis that the Swanepoel-Trollip Affidavit contains information which is confidential to the Plaintiff (relating to the names and participants who engaged the Plaintiff and the basis for their engagement), pursuant to RSC O 67B r 5, access to the Swanepoel-Trollip Affidavit be

restricted to all persons except the Court, the Plaintiff and the Defendants and their legal representatives.

8. Subject to any further order, the restriction in Order 7 is to apply at all times, including, up to the determination of the proceeding.
9. Until further order, any application for access to any information or record in these proceedings pursuant to RSC O 67B r 11 is to be referred to the Managing Judge and will be decided on notice to the Plaintiff, by way of its solicitors.
10. The case be referred to mediation pursuant to Supreme Court Act 1935 (WA) pt VI.
11. The mediation is to occur in January or February 2026 if at all practicable.
12. By 5 January 2026, the other parties advise the plaintiff of the dates on which the advising parties are unavailable for mediation.
13. Within three (3) business days of receiving the advice referred to in the preceding order, the plaintiff file a request for appointment in the approved form completed so as to show one list of all parties' unavailable dates.
14. Without limiting the power of the Court to make any order for costs of the action or the mediation, the plaintiff pay the fee prescribed when filing the request for an appointment for mediation.
15. At least 14 days prior to the mediation conference, the solicitors for the parties give their clients a copy of the Court brochure 'Mediation - What you need to know'.
16. The following people must attend the mediation conference in person:
 - (a) each party who is a natural person;
 - (b) if a party is not a natural person, a representative of that party familiar with the substance of the litigation and with authority to compromise it;
 - (c) where the settlement negotiations are to be conducted on behalf of a party by its insurer, a representative of the insurer with authority to conduct settlement negotiations and to settle the case; and
 - (d) the solicitor or counsel, if any, representing each party.
17. At least 14 days prior to the mediation conference, the solicitors for each party give their respective clients a memorandum setting out:
 - (a) the exact legal costs and disbursements (including any expert fees) that the party has incurred to the date of the memorandum;
 - (b) the estimated future legal costs and disbursements (including any expert fees) that the party will incur up to and including a mediation conference lasting no more than one (1) day;
 - (c) the estimated future legal costs and disbursements (including any expert fees) that the party will incur to the end of trial, setting out the estimated duration of trial; and
 - (d) the estimated party and party costs recoverable by, or payable by, the party in the respective cases of success or failure at trial.

18. At least 14 days prior to the mediation conference, the solicitors for each party provide to the mediator (by email to the associate to the mediator) a copy of the memorandum provided to their client in accordance with Order 17. The memorandum is to be provided on a confidential basis, not to be placed on the court file, and at the conclusion of the mediation is to be kept confidential or returned to the solicitors for each party
19. Costs be reserved.

BY THE COURT

THE HONOURABLE JUSTICE M HOWARD

