



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

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Details of Filing

File Number: P22/2023
File Title: CBI Constructors Pty Ltd & Anor v. Chevron Australia Pty Ltd
Registry: Perth
Document filed: Form 27B - Appellant's chronology
Filing party: Appellants
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Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties and whenever the document is reproduced for use by the Court.

IN THE HIGH COURT OF AUSTRALIA
PERTH REGISTRY

BETWEEN:

CBI CONSTRUCTORS PTY LTD
First Appellant

KENT PROJECTS PTY LTD
Second Appellant

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and

CHEVRON AUSTRALIA PTY LTD
Respondent

APPELLANTS’ CHRONOLOGY

Part I: Certification

1. This chronology is in a form suitable for publication on the internet.

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Part II: Chronology of Principal Events

Date	Event	Core Appeal Book Ref
14 July 2011	The Appellants (together, CKJV) enter into a contract with the Respondent (Chevron) in relation to the Gorgon Project (Contract).	J [2], [224]([2]), CAB 10, 82
10 February 2017	CKJV commences the arbitration by serving a notice of dispute.	J [7], [9], [224]([10]), CAB 11, 86 CA [15], CAB 153
9 May 2017	Tribunal issues Procedural Order 1, setting down the main substantive hearing for 5-23 November 2018 (November Hearing).	J [224]([13]), CAB 87

Date	Event	Core Appeal Book Ref
17 May 2017	CKJV files its Statement of Claim in the arbitration.	J [163]([16.9(a))), CAB 56 CA Appendix [1]-[4], CAB 205-207
16 June 2017	Chevron files particulars of its Counterclaim.	CA Appendix [5], CAB 207
28 July 2017	Chevron files its Statement of Defence and Counterclaim.	J [163]([16.9(b))), CAB 56 CA Appendix [6]-[21], CAB 207-210
1 December 2017	Chevron files its particulars to its Defence and Counterclaim.	J [163]([16.9(e))), CAB 56 CA Appendix [24]- [27], CAB 212-213
15 December 2017	CKJV files its substituted Reply to Defence.	J [163]([16.9(d))), CAB 56 CA Appendix [23], [28]-[29], CAB 211, 213-214
25 January 2018	Chevron files further and better particulars to its Counterclaim of loss and damage.	CA Appendix [30]- [31], CAB 214
16 February 2018	CKJV files its substituted Defence to Counterclaim.	CA Appendix [23], [32]-[35], CAB 211, 214-216
16 March 2018	CKJV files its first application to bifurcate the arbitration (First Bifurcation Application).	J [10], CAB 12 CA [17], Appendix[36], CAB 154, 216-217
27 March 2018	Tribunal dismisses CKJV's First Bifurcation Application.	CA [17], Appendix[37], CAB 154, 217
22 June 2018	Chevron files its Full Particulars of Counterclaim.	CA [18], Appendix[38], CAB 154, 217
16 July 2018	CKJV files its second application to bifurcate the arbitration (Second Bifurcation Application).	J [11], [163]([16.11]), CAB 12, 57

Date	Event	Core Appeal Book Ref
		CA [18], Appendix [39]-[43], CAB 154, 217-219
20 July 2018	Chevron files its submissions in opposition to CKJV’s Second Bifurcation Application.	CA Appendix [44], [49]([4(d)]), CAB 219, 222
20 July 2018	Chevron files an expert report (the Meredith Report) in respect of CKJV’s entitlement to reimbursement for Staff cost.	J [16], [163]([16.9(f)]), CAB 14, 56 CA [19], Appendix [45], [49]([4(d)]), CAB 154, 219, 222
25 July 2018	Chevron files its Amended Full Particulars of Counterclaim.	J [173], [201], [224]([13]), [246], CAB 70, 76, 87, 135 CA Appendix [46], [67]([8]), CAB 219-220, 235
26 July 2018	Oral hearing of the Second Bifurcation Application.	J [12], CAB 12-13 CA [20], Appendix[47], CAB 154, 220-221
29 July 2018	Tribunal issues Procedural Order 14 and publishes reasons, granting CKJV’s Second Bifurcation Application on terms including that the November Hearing shall be on “ <i>all issues of liability</i> ” with a second hearing of “ <i>all matters outstanding in issue between the parties including all quantum quantification issues not dealt with in the [November] Hearing</i> ”.	J [12]-[15], [163]([16.14]), [224]([14]), CAB 12-14, 57-58, 87 CA [20], Appendix [48]-[49], CAB 154, 221-224
8-17 August 2018	The parties and the Tribunal exchange correspondence on (among other things) the scope of the November Hearing.	CA Appendix [50]-[54], CAB 224-226
21 August 2018	Tribunal issues Procedural Order 15, stated to give effect to the bifurcation of the arbitration and to deal with consequential matters.	CA [21], CA Appendix [55]-[57], CAB 154-155, 226-228

Date	Event	Core Appeal Book Ref
24 August 2018	CKJV provides particulars of the legal basis on which it relies to assert a right of set-off against Chevron's Counterclaim.	J [163]([16.21]), CAB 59 CA Appendix [58], CAB 228-229
7 September 2018	Chevron files its Amended Reply to Defence to Counterclaim	J [253]([235]), CAB 131-132
10 September 2018	Tribunal issues Procedural Order 15A, giving effect to the bifurcation.	CA Appendix [59], CAB 229
12 September 2018	CKJV provides further and better particulars of its Defence to Counterclaim.	CA Appendix [60], CAB 229
14 September 2018	Chevron files a statement outlining the evidence of Mr Meredith for the November Hearing.	CA Appendix [61], CAB 229
21 September 2018	CKJV files submissions objecting to Chevron adducing Mr Meredith's evidence at the November Hearing.	J [132], CAB 43 CA Appendix [62]-[63], CAB 230-232
2 October 2018	Interlocutory hearing on the issue of whether Chevron is entitled to adduce Mr Meredith's evidence at the November Hearing.	CA Appendix [64]-[65], CAB 232-234
3 October 2018	Tribunal issues Procedural Order 17, ordering that Chevron cannot adduce Mr Meredith's evidence at the November Hearing.	J [17]-[18], [134], CAB 14-15, 44 CA [22], Appendix [66]-[67], CAB 155, 234-235
29 October 2018	CKJV filed its opening note for the November Hearing.	CA Appendix [68]-[71], CAB 236
7 November 2018	CKJV files its Amended Statement of Claim.	CA Appendix [72], CAB 236
12 November 2018	Chevron files its Amended Defence and Counterclaim.	CA Appendix [73], CAB 236-237
November 2018	The November Hearing takes place.	J [19], [224]([15]), CAB 15, 87

Date	Event	Core Appeal Book Ref
		CA [23], Appendix [74]-[77], CAB 155, 237-241
November 2018	CKJV and Chevron file statements of issues.	J[163]([16.25]), CAB 60 CA Appendix [78]-[80], CAB 241
21 November 2018	CKJV files its closing note for the November Hearing.	J [224]([15]), CAB 87 CA Appendix [75], CAB 237-238
21 November 2018	Chevron files its outline of closing submissions.	J [224]([15]), CAB 87 CA Appendix [76], CAB 238
14 December 2018	Tribunal issues the First Interim Award.	J [19], [24]-[26], [124]-[125], [130], Schedule [224]-[256], CAB 15, 16, 39-40, 41-42, 82-139 CA [5]-[6], Appendix [81]-[89], CAB 149-150, 242-246
7 May 2019	Chevron files a Further Amended Statement of Defence and Counterclaim and a Further Amended Full Particulars of Counterclaim.	J [140], CAB 44 CA [26], CAB 156
7 May 2019	CKJV files its Amended Case on Quantum.	J [163]([16.35]), CAB 62
13 May 2019	Chevron applies to the Tribunal for an order striking out CKJV's Amended Case on Quantum.	J [163]([16.39]), CAB 63
22 May 2019	Hearing of Chevron's strike out application.	J [163]([16.43]), CAB 64
24 May 2019	Tribunal issues Procedural Order 22, declining to strike out and ordering CKJV to replead its case to respond to Chevron's further amended pleadings dated 7 May 2019.	J [28], [140], [147], CAB 16-17, 44, 46 CA [26], CAB 156

Date	Event	Core Appeal Book Ref
28 May 2019	CKJV files its Amended Case on Quantum Issues.	J [29], [141]-[144], CAB 17, 44-45 CA [27], CAB 156
18 June 2019	Chevron files its First Response to Claimant's Amended Case on Quantum Issues, objecting to CKJV's Amended Case on Quantum Issues.	J [31]-[34], [146], CAB 17-18, 45-46 CA [28], CAB 156
August 2020	Second Arbitration Hearing.	J [151], CAB 47; CA [30], CAB 157
4 September 2020	Tribunal issues the Second Interim Award.	J [151]-[153], [155], [159], [163], [169]- [171], [173], [175], [177], [179], [181], [183], CAB 47-72 CA [31]-[33], CAB 157-159
2 October 2020	Chevron files originating summonses at the Supreme Court of Western Australia.	J [1], CAB 10
28 September 2021	The primary judge (Kenneth Martin J) orders that the Second Interim Award be set aside: [2021] WASC 323.	CAB 140
17 January 2023	The Court of Appeal of Western Australia (Quinlan CJ, Murphy JA and Bleby AJA) dismisses the appeal with costs: [2023] WASCA 223.	CAB 248
17 November 2023	The High Court of Australia (Gordon and Beech-Jones JJ) grants CKJV special leave to appeal.	CAB 259
30 November 2023	CKJV files its Notice of Appeal at the High Court of Australia.	CAB 261-263

Dated 19 January 2024



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