



Federal Court of Australia
District Registry: Victoria
Division: General

No: VID918/2018

MATTHEW HALL
Applicant

PITCHER PARTNERS (A FIRM) and others named in the schedule
Respondents

ORDER

JUDGE: JUSTICE BEACH

DATE OF ORDER: 28 October 2022

WHERE MADE: Melbourne

THE COURT ORDERS THAT:

1. Pursuant to s 33V of the *Federal Court of Australia Act 1976* (Cth) (Act), the settlement of the proceeding be approved on the terms set out in:
 - (a) the Deed of Settlement entered into between the parties and executed on 26 August 2022 (Deed); and
 - (b) the Settlement Distribution Scheme (a copy of which is annexed to the Confidential Affidavit of Lee Scott Taylor dated 26 October 2022, and a copy of which sans its confidential schedules is also annexed to the Non-Confidential Affidavit of Lee Scott Taylor dated 26 October 2022) (SDS).
2. Pursuant to s 33V and/or s 33ZF of the Act, the Court authorises the applicant, nunc pro tunc for and on behalf of persons who meet the definition of 'Group Member' in paragraph 1 of the Second Further Amended Statement of Claim dated 14 December 2020, and who did not file an opt out notice in accordance with the orders made on 20 July 2021, all such persons being Bound Group Members, to enter into and give effect to the Deed, for and on behalf of all Bound Group Members.



3. Pursuant to s 33ZB and/or s 33ZF of the Act, the persons affected and bound by the settlement of the proceeding and these orders are:
 - (a) the applicant, all Bound Group Members, the respondent, the cross-respondents, Maurice Blackburn Pty Ltd; and
 - (b) International Litigation Partners No15 Pte Ltd (the Funder).
4. Pursuant to s 22, s 23 and/or s 33ZF of the Act, rule 1.32 of the *Federal Court Rules 2011* (Cth) (Rules), and/or the Court's implied or inherent jurisdiction, the proceeding be dismissed as and from the date of completion of the administration of the SDS, being the date on which the final distribution under the SDS is confirmed to the Court by Maurice Blackburn (Completion Date).
5. Pursuant to s 33ZF of the Act, on and from the Completion Date, the respondent and its Related Parties (as defined in the Deed) are released by the applicant and each of the Bound Group Members from the applicant's and Group Members' Claims (as defined in the Deed) made by or on behalf of the applicant or any Bound Group Member in the proceeding.
6. Pursuant to s 22, s 23 or s 33ZF of the Act, rule 1.32 of the Rules, and/or the Court's implied jurisdiction:
 - (a) there be no order as to the costs of the proceeding (such that each party bear their own costs of the proceeding); and
 - (b) all previous costs orders made in the proceeding be vacated with effect from the Completion Date.
7. Pursuant to rule 2.43(1) of the Rules, all amounts paid into Court by or on behalf of the applicant as security for the respondent's costs of the proceeding, and any interest accrued on those amounts, be repaid at the direction of the applicant.



Settlement Distribution Scheme

8. Pursuant to ss 33V(2) and/or 33ZF of the Act or otherwise, Maurice Blackburn be appointed Administrator of the SDS, and is to act in accordance with the SDS, subject to any direction of the Court, and be given the powers and immunities contemplated by the SDS from the date of these orders.
9. Pursuant to s 54A(3) of the Act and rule 28.67(1) of the Rules, the report of Catherine Dealehr (appointed as referee pursuant to Order 13 made by the Court on 7 September 2022) (Referee) be adopted.
10. Pursuant to ss 33V(2) and/or 33ZF of the Act, for the purposes of the SDS the amount of the 'Applicant's Legal Costs and Disbursements' (as defined in the SDS), up to and including 28 October 2022, be approved in the amount of \$13,117,121 as being reasonable.
11. Pursuant to ss 33V(2) and/or 33ZF of the Act, for the purposes of the SDS the amount of the 'Funder's Commission' (as defined in the SDS) be approved in the amount of \$11,480,000 as being reasonable.
12. Pursuant to ss 33V(2) and/or 33ZF of the Act, for the purposes of the SDS the amount of the 'Applicant's Reimbursement Payment' (as defined in the SDS) be approved in the amount of \$16,800 as being reasonable.
13. Maurice Blackburn Lawyers (MB) have liberty to apply in relation to any matter arising under the SDS, including in relation to approval of 'Administration Costs' (as defined in the SDS).

Other orders

14. Pursuant to s 37AF(1)(b) of the Act, on the ground that the order is necessary to prevent prejudice to the proper administration of justice and until further order, the report of the Referee not be published or disclosed without the prior leave of the Court to any person or entity other than the Referee, the applicant and its legal advisors and the Court.



15. Pursuant to s 37AF(1)(b) of the Act, on the ground that the order is necessary to prevent prejudice to the proper administration of justice and until further order, the Confidential Affidavits of Lee Scott Taylor filed on 26 October 2022, Lorne Franks filed on 27 October 2022 and Paul Lindholm filed on 24 October 2022 together with the annexures and any Excel spreadsheet calculations not be published or disclosed without the prior leave of the Court to any person or entity other than the applicant, MB, the Funder and the Court.

16. Such further or other orders as the Court considers appropriate.

Date that entry is stamped: 28 October 2022

Sia Lagos
Registrar



Schedule

No: VID918/2018

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Second Respondent	ERNST & YOUNG LLP
First Cross Respondent	SLATER & GORDON LTD (ACN 097 400)
Second Cross Respondent	ANDREW ALEXANDER GRECH
Third Cross Respondent	KENNETH JOHN FOWLIE
Fourth Cross Respondent	IAN ROBERT COURT
Fifth Cross Respondent	RAYMOND JOHN SKIPPEN
Sixth Cross Respondent	ERICA MAREE LANE
Seventh Cross Respondent	RHONDA O'DONNELL
Eighth Cross Respondent	WAYNE BROWN
Ninth Cross Respondent	ERNST & YOUNG LLP