



Federal Court of Australia

District Registry: Victoria Registry

Division: General

No: VID649/2018

VINCE IMPIOMBATO and another named in the schedule
Applicants

BHP GROUP LIMITED
Respondent

ORDER

JUDGE: Justice Moshinsky

DATE OF ORDER: 31 October 2025

WHERE MADE: Melbourne

THE COURT ORDERS BY CONSENT THAT:

Deemed Registration

1. Pursuant to s 33ZF of the *Federal Court of Australia Act 1976* (Cth) (the **Act**), any Group Member named in the confidential Annexure attached to the email from the applicants' solicitors to the chambers of Justice Moshinsky at 4.29 pm on 28 October 2025 be defined as a Registered Group Member as if they had registered their claim by the Class Deadline in accordance with paragraph 9 of the orders made on 13 March 2024.

Notice of Proposed Settlement and Approval Hearing

2. Pursuant to ss 33X and 33Y of the Act, the form and content of the Notice set out at Annexure A to these orders (**Settlement Notice**), giving notice of the proposed settlement of the proceeding and the Joint Applicants' intention to make an application seeking the Court's approval of the proposed settlement pursuant to s 33V of the Act and related orders (**Settlement Approval Application**), is approved.
3. Pursuant to s 33Y of the Act, the Settlement Notice be given to the Group Members on or before 3 November 2025 according to the following procedure:
 - a. by 3 November 2025, the solicitors for the Joint Applicants shall cause a copy of the Settlement Notice to be sent by email to (or if no email address is available or any email sent experiences a delivery failure, sent by post to the recorded mailing address of):



- i. each Group Member who registered or is deemed to have registered their claim in accordance with paragraphs 9 or 10 of the orders made on 13 March 2024, or paragraph 1 of the orders made on 11 July 2025, or paragraph 1 of these orders (**Registered Group Members**); and
 - ii. any other persons who have previously communicated with one or more of the solicitors for the Joint Applicants or the funder of the proceeding, G&E KTMC Funding, LLC (**G&E KTMC**) regarding group membership in the proceeding and/or their interest in participating in the proceeding;
 - b. by 3 November 2025, the District Registrar of the Victorian District Registry of the Federal Court of Australia shall cause the Notice to be posted on the website of the Federal Court of Australia, and made available for inspection at the District Registry of the Federal Court in Sydney, Melbourne, Canberra, Brisbane, Adelaide, Perth, Hobart and Darwin continuously up to and including the date of the hearing of the Settlement Approval Application; and
 - c. by 3 November 2025, the Joint Applicants shall cause a copy of the Settlement Notice and these orders to be displayed on the websites of the Joint Applicants' solicitors and on the website <https://www.bhpclassaction.com> and to remain continuously so displayed up to and including the date of hearing of the Settlement Approval Application.
4. The Settlement Notice may be amended by agreement between the parties before it is emailed, posted, displayed or published, in order to correct any website or email address or telephone number or other non-substantive error.

Notice of Estimated Distribution

5. Pursuant to ss 33X(5) and 33Y(1) of the Act, the form and content of the further notice set out in Annexure B to these orders (**Notice of Estimated Distribution**), which is to provide an indicative estimate to Registered Group Members of their individual entitlements to compensation under the proposed settlement of the proceeding, is approved.
6. Pursuant to s 33Y(2) of the Act, by 3 November 2025 the solicitors for the Joint Applicants shall cause the Notice of Estimated Distribution to be sent to each Registered Group Member:
 - a. by email to the last known email address held by the solicitors for the Joint Applicants with respect to each Registered Group Member; or
 - b. where no email address is held by the solicitors for the Joint Applicants, by post to the last known mailing address held by the solicitors for the Joint Applicants with respect to each Registered Group Member.



7. The Notice of Estimated Distribution may be amended by the Joint Applicants before it is emailed or posted (as the case may be) in order to correct any website, email address, telephone number, or other non-substantive, typesetting, or typographical error.

Costs of Giving Notice

8. The costs in connection with the giving of the Settlement Notice to Group Members in accordance with paragraphs 3(a) and (c) above and the costs of and incidental to the procedure set out in paragraphs 5 to 7 above in connection with the giving of the Notice of Estimated Distribution to Registered Group Members (including, for the avoidance of doubt, answering enquiries by Group Members and members of the public in relation to the Settlement Notice, and/or the Notice of Estimated Distribution and/or this proceeding) shall form part of the Joint Applicants' costs and shall be deducted from the settlement sum prior to any distribution of it to eligible Group Members, if the settlement is approved by the Court.

Funder Has Leave to Appear

9. The funder of the proceeding, G&E KTMC, have leave to appear in relation to the Settlement Approval Application.

Group Member Objections

10. Pursuant to s 33ZF of the Act, 4.00 pm (AEDT) on 28 November 2025 be fixed as the date by which any Group Member who wishes to object to the proposed settlement, or any aspect of it, must submit a completed Notice of Objection to Proposed Settlement in the form annexed to the Settlement Notice, together with any evidence (by way of affidavit) and written submissions upon which the Group Member relies in support of the Notice of Objection, by both sending those materials to the Victorian Registry of the Federal Court of Australia by email at vicreg@fedcourt.gov.au and by sending them to the Joint Applicants' solicitors by email at enquiries@bhpclassaction.com.
11. The Notice of Objection shall be deemed to have been received by the Court at the time it was received by the Joint Applicants' solicitors.
12. The Joint Applicants, G&E KTMC and the Respondent have leave to inspect the Court file and to copy, or to obtain from the chambers of Justice Moshinsky, any Notice of Objection filed with the Court.
13. By 4.00 pm (AEDT) on 3 December 2025, the Joint Applicants' solicitors provide to the Respondent's solicitors a copy of any documents received by them pursuant to paragraphs 10 and 12 above.



Independent Costs Referee

14. Pursuant to s 33ZF and/or s 37P(2) and/or s 54A of the Act, and Div 28.6 of the *Federal Court Rules 2011*, Ms Elizabeth Harris, appointed as the independent costs referee pursuant to paragraph 1 of the orders made on 20 September 2019 and paragraph 12 of the orders of the Full Court of the Federal Court of Australia made on 19 July 2019 in proceedings VID 58 of 2019 and VID 169 of 2019 (**Full Court Orders**), continue as the appointed independent costs referee (**Referee**) for the purpose of conducting an inquiry (**Reference**) and making a report in writing to the Court (**Report**).
15. In preparing the Report, the Referee have regard to the Referee's previous confidential written reports provided in accordance with paragraph 12(b) of the Full Court Orders, and stating, with reasons, the Referee's opinion on the following two issues:
 - a. the reasonableness of the Joint Applicants' legal costs and case disbursements incurred in relation to the proceeding and any related appeal proceedings, up to and including the hearing of the Settlement Approval Application (including costs anticipated and yet to be incurred as at the date of the Report); and
 - b. the reasonableness of the sum proposed for settlement administration costs.
16. By 21 November 2025, the Referee deliver the Report to the Court and to the Joint Applicants on a confidential basis.
17. The costs of and incidental to the appointment of the Referee and the conduct of the Reference, including the Referee's reasonable costs, shall form part of the Joint Applicants' costs and shall be deducted from the settlement sum prior to any distribution of it to eligible Group Members, if the settlement is approved by the Court.

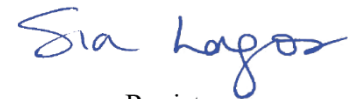
Timetable for Settlement Approval Application

18. By 4.00 pm on 26 November 2025, the Joint Applicants file and serve the Settlement Approval Application, and any affidavit evidence and written submissions on which they seek to rely in relation to the Settlement Approval Application.
19. By 4.00 pm on 28 November 2025, G&E KTMC file and serve any affidavit evidence and written submissions on which it seeks to rely in relation to the Settlement Approval Application.
20. By 4.00 pm on 2 December 2025, the Respondent file and serve any affidavit evidence and written submissions on which it seeks to rely in relation to the Settlement Approval Application.
21. By 4.00 pm on 4 December 2025, the Joint Applicants file and serve any submissions and/or evidence in reply.



22. Until further order, the Joint Applicants, G&E KTMC and the Respondents may provide by email to the chambers of Justice Moshinsky, marked in the subject line with the words "*Confidential and for the Court only*", any submissions, affidavit or annexure or part thereof in respect of which they seek confidentiality orders, and they are excused from any requirement to electronically file or serve any such documents or any part thereon that is claimed confidential.
23. The Settlement Approval Application be listed for hearing at 10.15 am (AEDT) on 5 December 2025.

Date orders authenticated: 31 October 2025


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.