



Federal Court of Australia
District Registry: Victoria
Division: General

No: VID1139/2019

LESLEY COATMAN
Applicant

COLONIAL FIRST STATE INVESTMENTS LIMITED (ACN 002 348 352) and
another named in the schedule
Respondent

ORDER

JUDGE: JUSTICE MURPHY

DATE OF ORDER: 20 June 2022

WHERE MADE: Melbourne

THE COURT ORDERS THAT:

Settlement of proceeding

1. Pursuant to s 33V of the *Federal Court of Australia Act 1976* (Cth) (**the Act**), the settlement of this proceeding be approved on the terms set out in the Revised Settlement Deed and Revised Settlement Distribution Scheme (**Scheme**) appearing at pages 49 to 88 of Exhibit MN-9 of the non-confidential affidavit of Miranda Nagy dated 14 June 2022.
2. Pursuant to s 33ZF of the Act, the Applicant be authorised, *nunc pro tunc*, to enter into and give effect to the Settlement Deed and Revised Settlement Deed for and on behalf of all Group Members (being those persons who meet the definition of Group Members as set out in paragraph 2 of the Second Further Amended Statement of Claim and who have not previously opted out of the proceeding).
3. Pursuant to s 33ZB(a) of the Act, the persons affected and bound by the settlement are the parties to the Revised Settlement Deed and the Group Members.
4. Pursuant to s 33ZF of the Act:



- (a) Maurice Blackburn Pty Ltd is appointed as Settlement Administrator (as defined in cl 1 of the Scheme);
- (b) the First and Third Respondents are each appointed as Settlement Distributor (as defined in cl 1 of the Scheme); and
- (c) Joseph Robert Desoisa of Ernst & Young is appointed as Expert Consultant (as defined in cl 2(c) of the Scheme);

and each is to act in accordance with the Scheme, subject to any direction of the Court.

5. The Settlement Administrator and Settlement Distributor have liberty to apply in relation to any matter arising under the Scheme.
6. The Settlement Administrator is within 20 business days of the final payment to the Group Members to apply to the Court for orders dismissing the Proceeding (**Final Orders**).

Costs

7. Pursuant to ss 33V(2) and/or 33ZF of the Act, the Applicant's costs of the proceeding and the costs of the Settlement Administrator be approved in the amount of \$14,441,718.76, such amount being comprised of:
 - (a) the amount of \$14,363,530.76 for the Applicant's costs of the proceedings to the present date (including the costs of the report dated 30 May 2022 of Kerrie Rosati, the Court appointed costs referee); and
 - (b) the amount of \$78,188 for the costs of Maurice Blackburn Pty Ltd in acting as the Settlement Administrator.
8. All previous costs orders made in the proceeding prior to the date of these orders be vacated with effect from the date on which the Final Orders are made.

Reimbursement payment to Representative Applicant

9. Pursuant to ss 33V(2) and/or 33ZF of the Act, the amount of \$25,000 be approved as reasonable to be paid to the Applicant for her time and efforts providing instructions on behalf of the Group Members.



Confidentiality

10. Pursuant to s 37AI of the Act, on an interim basis until a hearing on a date to be fixed, the confidential affidavit of Miranda Nagy dated 14 June 2022 (**Nagy Confidential Affidavit**) including Exhibit MN-10, and the report (including any annexures, exhibits or appendices) of the independent costs referee Kerrie Rosati dated 30 May 2022 (**the Costs Report**), shall not be published or disclosed without prior leave of the Court to any person other than:

- (a) the Court;
- (b) the Applicant;
- (c) the Applicant's legal representatives; and
- (d) in relation to the Costs Report only, any Group Member in accordance with order 12 of the order of Justice Murphy dated 29 April 2022.

Date that entry is stamped: 20 June 2022

Sia Lagos
Registrar



Schedule

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Second Respondent LINDA MAREE ELKINS