



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID1010/2019

**MATTHEW HALL**

Applicant

**ARNOLD BLOCH LEIBLER**

Respondent

## ORDER

**JUDGE:** JUSTICE BEACH

**DATE OF ORDER:** 4 March 2022

**WHERE MADE:** Melbourne

### THE COURT ORDERS THAT:

1. Pursuant to ss 33V and/or 33ZF of the *Federal Court of Australia Act 1976* (Cth), 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 16 November 2021 (a copy of which is exhibited as annexure LST-109 to the confidential affidavit of Lee Scott Taylor affirmed 1 March 2022) (Deed); and
  - (b) the Settlement Distribution Scheme (a copy of which is exhibited as annexure LST-112 to the confidential affidavit of Lee Scott Taylor affirmed 1 March 2022) modified to conform with the figures for the various components set out in these orders (SDS).
2. Order 1 of the orders made on 7 December 2021 relating to the date by which group members are required to register as a participating group member be extended *nunc pro tunc* to 4.00 pm on 3 March 2022.
3. Pursuant to 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 Amended Statement of Claim dated 26 July 2021, 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.

4. Pursuant to s 33ZB and s 33ZF of the Act, the persons affected and bound by the settlement of the proceeding and the dismissal orders in order 5 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.
5. Pursuant to s 22, s 23 and/or s 33ZF of the Act, rule 1.32 of the Federal Court Rules 2011 and/or the Court's implied jurisdiction, the proceeding and all cross-claims 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).
6. 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.
7. 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.
8. 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.
9. 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.



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 4 March 2022, be approved in the amount of \$4,757,716.76.
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 \$7,840,000.
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.
13. Pursuant to ss 33V(2) and/or 33ZF of the Act, for the purposes of the SDS the amount of the 'Administration Costs (as defined in the SDS) be approved in the amount of \$400,000.
14. Maurice Blackburn have liberty to apply in relation to any matter arising under the SDS.
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 material contained in any Confidential Affidavit and/or Confidential Submissions (as defined in order 10 of the orders of Beach J made on 7 December 2022 (7 December Orders)) not be published or disclosed without the prior leave of the Court to any person or entity other than the party who filed that material, that party's legal advisers and the Court.
16. 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 (as defined in order 12 of the 7 December Orders) 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.

Date that entry is stamped: 4 March 2022

  
Registrar



**Schedule**

No: VID1010/2019

Federal Court of Australia  
District Registry: Victoria  
Division: General

Cross Respondent            SLATER & GORDON LTD (ACN 097 297 400)

Second Cross  
Respondent                    ANDREW ALEXANDER GRETCH

Third Cross  
Respondent                    WAYNE BROWN

**CROSS CLAIM**

Cross-Claimant              SLATER & GORDON LTD (ACN 097 297 400)

Second Cross-Claimant    WAYNE BROWN

Cross Respondent            MATTHEW HALL

**CROSS CLAIM**

Cross-Claimant              ANDREW ALEXANDER GRETCH

Cross Respondent            MATTHEW HALL