



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID1317/2017

ZANTRAN PTY LIMITED (ACN 078 669 155)

Applicant

CROWN RESORTS LIMITED (ACN 125 709 953)

Respondent

ORDER

JUDGE: JUSTICE BEACH

DATE OF ORDER: 29 April 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 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 29 October 2021 (as varied by the Deed of Variation dated 1 December 2021) (Deed); and
 - (b) the Settlement Distribution Scheme annexed to the Affidavit of Michael Harold Donnelly affirmed on 4 April 2022 (SDS) including the Loss Assessment Formula annexed to the Confidential Affidavit of Michael Harold Donnelly affirmed on 4 April 2022.
2. 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 Further Amended Statement of Claim dated 15 March 2021, and who did not file an opt-out notice in accordance with the orders made on 30 November 2018, 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 s 33ZF of the Act, the persons affected and bound by the settlement of the proceeding are:
 - (a) the Applicant, the Respondent, the Bound Group Members, Maurice Blackburn Pty Ltd; and
 - (b) International Litigation Funding Partners Pte Ltd.
4. Pursuant to s 22, s 23 and/or s 33ZF of the Act, rule 1.32 of the *Federal Court of Australia Rules 2011* (the 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 s 33V(2) and/or s 33ZF of the Act or otherwise, Maurice Blackburn is 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 the orders of the Hon. Justice Murphy dated 23 November 2021.
9. Pursuant to s 33V(2) and/or s 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 April 2022, be approved in the amount of \$11,521,954.55 as being reasonable.
10. Pursuant to s 33V(2) and/or s 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 \$440,606 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 'Applicant's Reimbursement Payment' (as defined in the SDS) be approved in the amount of \$25,000 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 'Funder's Commission' (as defined in the SDS) be approved in the amount of \$30,200,668.80 as being reasonable.
13. Maurice Blackburn has liberty to apply in relation to any matter arising under the SDS.

Other orders

14. Pursuant to s 33ZB of the Act, the persons affected and bound by these orders are the Applicant, the Respondent and all Bound Group Members.
15. Pursuant to s 37AF(1)(b) and s 37AG(1)(a) of the Act, on the ground that the order is necessary to prevent prejudice to the proper administration of justice and until further order:



- (a) the Confidential Affidavit of Michael Harold Donnelly affirmed 4 April 2022 including the material annexed to it;
- (b) the Confidential Affidavit of Michael Harold Donnelly affirmed 26 April 2022 including the material annexed to it;
- (c) the Confidential Affidavit of Andrew John Watson sworn 26 April 2022 including the material annexed to it;

not be published or disclosed without the prior leave of the Court to any person or entity other than the Applicant and its legal representatives, and the Court.

- 16. Pursuant to s 37AF(1)(b) and s 37AG(1)(a) 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 the orders of the Hon. Justice Murphy dated 23 November 2021) 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.
- 17. Pursuant to s 37AF(1)(b) and s 37AG(1)(a) 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 supplementary submissions of counsel dated 4 April 2022 not be published or disclosed without the prior leave of the Court to any person or entity other than the Applicant and its legal representatives, and the Court.
- 18. Pursuant to s 37AF(1)(b) and s 37AG(1)(a) 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 submissions of the Objector dated 20 April 2022, including the material annexed to the submissions, not be published or disclosed without the prior leave of the Court to any person or entity other than the Applicant and its legal representatives, and the Court.
- 19. Pursuant to s 33ZF of the Act, Alchin Superannuation Fund, Andy Troung and Frances Cowie be considered to have filed an opt-out notice in accordance with the orders made on 30 November 2018.



20. Pursuant to s 33ZF of the Act, those persons identified in the Affidavit of Michael Harold Donnelly dated 4 April 2022 at paragraphs 112 and 115 be considered as Bound Group Members and Registered Group Members for the purposes of the Settlement Distribution Scheme.

Date that entry is stamped: 29 April 2022

Sia Lagos
Registrar