

BETWEEN:

DANIEL CHRISTIAN O'BRIEN

Plaintiff

v

**AUSTRALIA AND NEW ZEALAND BANKING GROUP
LIMITED (ACN 005 357 522)
(and another named in the Schedule attached)**

Defendants

ORDER

JUDGE: The Honourable Justice Harris

DATE MADE: 4 July 2025

ORIGINATING PROCESS: Writ filed 21 August 2020

METHOD OBTAINED: Following delivery of judgment in *O'Brien v ANZ & Anor* [2025] VSC 389 on 3 July 2025

ATTENDANCE: Mr J Stoljar SC with Mr D Fahey of counsel for the plaintiff
Ms E Dias of counsel for the defendants

OTHER MATTERS: This order is signed by the Judge pursuant to Rule 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2015*.

THE COURT ORDERS THAT:

Confidentiality

1. Pursuant to s 18(1)(a) of the *Open Courts Act 2013* (Vic) and/or the Court's inherent jurisdiction, and subject to any further order of the Court:
 - a. the documents or parts of documents identified in **Schedule A** to this Order (**Confidential Materials**) be confidential and, absent prior order of the Court, not be published or disclosed to any other person other than:
 - i. her Honour Justice Harris (**Settlement Judge**), staff of the Settlement Judge, and staff in the Court Registry necessarily involved in the filing or administration of the Confidential Materials (**Approved Persons**);
 - ii. the plaintiff's solicitors and counsel; and



- iii. representatives of Vannin Capital Investments (Australia) Pty Limited (**Vannin**) with involvement in the proceeding;
- b. the plaintiff file in the Registry unredacted copies of the documents being or containing the Confidential Materials, such documents to be marked as confidential on RedCrest;
- c. the plaintiff have leave to file, and serve on the defendants, copies of the documents being or containing the Confidential Materials, redacted to conceal the Confidential Materials; and
- d. the plaintiff be otherwise excused from any requirement to file or serve the Confidential Materials.

Settlement Approval

- 2. Pursuant to s 33V(1) and (2) of the *Supreme Court Act 1986* (Vic) (the **Act**):
 - a. the settlement of the proceeding is approved upon the terms set out in:
 - i. the Deed of Settlement and Release dated 2 December 2024 (**Settlement Deed**); and
 - ii. the Amended Settlement Distribution Scheme exhibited at pages 69 - 98 to exhibit RER-12 to the affidavit of Richard Erle Ryan dated 29 April 2025 (**SDS**);(together the **Settlement**), and
 - b. the SDS is to be given effect.
- 3. Pursuant to s 33ZB of the Act, the persons affected and bound by the Settlement are the Plaintiff, Defendants and persons described in [1] of the Second Further Amended Statement of Claim filed on 28 August 2024, other than such persons who have opted out of and have not been reinstated in the proceeding (**Group Members**).
- 4. The claims of the Plaintiff and Group Members in the proceeding be dismissed.
- 5. Pursuant to s 33V(2) the following amounts are approved for the purposes of the SDS:
 - a. the sum of \$20.825 million as the "Plaintiff's Legal Costs and Disbursements";
 - b. the sum of \$2,701,515 for "Administration Costs"; and
 - c. the sum of \$30,000 as the "Plaintiff's Reimbursement Payment".



SDS Administrator

6. Pursuant to s 33ZF of the Act, Maurice Blackburn be appointed as the administrator of the SDS (**SDS Administrator**), with the powers and immunities set out in the SDS.
7. Pursuant to s 9.06 of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic) (**Rules**), the SDS Administrator be joined as a party to the proceeding for the limited purpose of exercising the SDS Administrator's liberty to apply for the purpose of order 8 below and to give effect to orders 2(b) and 5.
8. The SDS Administrator has liberty to apply in respect of any matter arising in or in relation to the administration of the Scheme, on not less than 3 clear business days' notice to each party to the proceeding and the Court.

Scheme Administration and dismissal

9. The SDS Administrator shall provide reports to the Settlement Judge as to the performance of the settlement, including the costs incurred and distributions made, every 6 months.
10. Upon the SDS Administrator being satisfied that the implementation of the SDS has been completed:
 - a. the SDS Administrator shall deliver to the Court:
 - i. addressed to the Associate to the Settlement Judge - a report identifying (without limitation) the principal steps taken to implement the SDS and itemising the distributions made to any person pursuant to the SDS;
 - ii. proposed orders for the dismissal of the proceeding;
 - b. the SDS Administrator shall notify the Defendants that the steps in 'a' have been taken.
 - c. subject to other order of the Court - the proceeding shall be dismissed with no order as to costs.

Costs

11. There be no order as to the costs of the proceeding.
12. All inter partes costs orders in the proceeding as between the Plaintiff and the Defendants be vacated. This order does not affect the group costs order (being order 1 of the orders dated 9 March 2023 made by the Honourable Justice Nichols).

Group members (registration and reinstatement)

13. The Late Registrants listed in Schedule B be deemed to have registered to participate in this proceeding.



14. The persons listed in Schedule C be reinstated as group members in this proceeding pursuant to s 33J(6) of the *Supreme Court Act 1986* (Vic).

DATE AUTHENTICATED: 4 July 2025



THE HONOURABLE JUSTICE HARRIS



SCHEDULE A – CONFIDENTIAL MATERIALS

The following documents or parts of documents comprise the Confidential Materials referred to in Order 1(a) of these Orders:

1. the text highlighted in blue in the affidavit of Richard Erle Ryan affirmed 29 April 2025 (**Ryan Affidavit**) other than paragraphs [153], [156] and [172];
2. the text highlighted grey in exhibit RER-12 to the Ryan Affidavit;
3. the whole of confidential exhibit RER-13 to the Ryan Affidavit; and
4. the whole of the independent expert report by Kerrie-Ann Rosati dated 23 April 2025.



SCHEDULE B – LATE REGISTRANTS

Late Registrants (29 April 2025)		
#	Name	Email Address
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12	y	
13		
14		
15		
16		
17		
18		
19		

Boomerang Late Registrants (29 April 2025)		
#	Name	Email Address
1		
2		
3		
4		



SCHEDULE C – REINSTATED GROUP MEMEBERS

Reinstatement Requests (29 April 2025)			
#	Date Opt Out Received	Full Name	Email Address (on opt out form)
1	25/09/2023	[REDACTED]	[REDACTED]
2	20/09/2023	[REDACTED]	[REDACTED]
3	15/8/2023	[REDACTED]	[REDACTED]
4	26/09/2023	[REDACTED]	[REDACTED]
5	10/08/2023	[REDACTED]	[REDACTED]
6	27/09/2023	[REDACTED]	[REDACTED]



SCHEDULE OF PARTIES

BETWEEN:

DANIEL CHRISTIAN O'BRIEN

Plaintiff

AND

**AUSTRALIA AND NEW ZEALAND BANKING GROUP
LIMITED (ACN 005 357 522)**

First Defendant

MACQUARIE BANK LIMITED (ACN 008 583 542)

Second Defendant

