



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID213/2017

PETER ANTHONY BASIL

Applicant

BELLAMY'S AUSTRALIA LIMITED (ACN 124 272 108)

Respondent

ORDER

JUDGE: JUSTICE BEACH

DATE OF ORDER: 13 March 2020

WHERE MADE: Melbourne

THE COURT ORDERS THAT:

1. Pursuant to sections 33V and 33ZF of the *Federal Court of Australia Act 1976* (the Act), the Proposed Settlement of the proceeding be approved upon the terms set out in the:
 - (a) Settlement Agreement dated 27 November 2019 exhibited at “Confidential Exhibit BJS6-1” to the affidavit of Ben Slade affirmed on 6 March 2020 (**Settlement Agreement**); and
 - (b) Settlement Scheme, exhibited at “Exhibit BJS5-1” to the Slade affidavit and the Loss Assessment Formula exhibited at “Confidential Exhibit BJS6-2” to the Slade affidavit (together, the **Settlement Scheme**).
2. Pursuant to s 33ZF of the Act, the Applicant be authorised, *nunc pro tunc*, to enter into and give effect to the Settlement Agreement (and all transactions contemplated by it) for and on behalf of all group members, being those persons who meet the definition of group members in the Amended Originating Application and who did not file an opt out notice by 29 January 2018 or by leave of the Court before 18 December 2019 (**Group Members**).



3. Pursuant to section 33ZB and section 33ZF of the Act, the persons affected and bound by the Proposed Settlement are the Applicant, the Respondent, Group Members, Maurice Blackburn Lawyers Pty Ltd and ICP.
4. Pursuant to section 33ZF of the Act, Maurice Blackburn be appointed Administrator of the Settlement Scheme and is to act in accordance with the rules of the Settlement Scheme, subject to any direction of the Court.
5. Pursuant to ss 33V(2) and 33ZF of the Act:
 - (a) the Applicant's Reimbursement Payment, as defined in the Settlement Scheme, is approved in the amount of \$25,000;
 - (b) the Applicant's Legal Costs, as defined in the Settlement Scheme, are approved in the amount of \$3,592,118; and
 - (c) the Administration Costs, as defined in the Settlement Scheme, are approved in the amount of \$135,793 (including GST),with the above amounts to be paid in accordance with the Settlement Scheme.
6. The Applicant be granted leave, *nunc pro tunc*, to file the confidential expert report of Catherine Mary Dealehr filed 6 March 2020 in support of orders 5(b) and 5(c) above.
7. The amount of \$20,000 paid into Court by ICP as security for costs in the proceeding be returned to ICP within fourteen days.
8. Maurice Blackburn has liberty to apply for directions in connection with the Settlement Scheme.
9. Pursuant to ss 37AF and 37AG(1)(a) of the Act, until further order, in order to prevent prejudice to the proper administration of justice, the contents of:
 - (a) the exhibit marked "Confidential Exhibit BJS6" to the Slade affidavit; and
 - (b) the confidential expert report of Catherine Dealehr filed on 6 March 2020,not be disclosed to any person or entity except to the docket Judge, his or her personal staff, any officer of the Court authorised by the docket Judge, the Applicant, his legal



representatives, or ICP, such permitted disclosures to be upon terms that none of those parties or persons disclose that material or any part thereof to any person or entity.

10. The proceeding be dismissed with no orders as to costs and on the basis that all previous orders for costs be vacated with effect from the date of the completion of the administration of the Settlement Scheme, being the date on which the final distribution from the Settlement Fund is confirmed to the Court by the Applicant and Respondent.

Date that entry is stamped: 13 March 2020

Sia Lagos
Registrar