

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION
MAJOR TORTS LIST

S CI 2018 01113

BETWEEN:

ANDREW JOHN FRANCIS

Plaintiff

- and -

POWERCOR AUSTRALIA LIMITED (ACN 064 651 109)

First Defendant

ELECTRIX PTY LIMITED (ACN 067 232 393)

Second Defendant

GENERAL FORM OF ORDER

JUDGE: The Honourable Justice Nichols

DATE MADE: 6 April 2020

ORIGINATING PROCESS: Writ filed 28 March 2018

HOW OBTAINED: Summons filed 23 October 2019

ATTENDANCE: Mr T P Tobin SC with M A Fraatz, for the plaintiff
No appearance for the first defendant
Mr W Newland of counsel, for the second defendant
Mr L W L Armstrong QC with Mr D Carolan, for
the insurer objectors

OTHER MATTERS: Not applicable

THE COURT ORDERS THAT:

Settlement distribution scheme

1. Pursuant to s 33V of the Act, the Court approves distribution of the Settlement Sum (as defined in the Settlement Agreement dated October 2019) among the registered group members in accordance with the Settlement Distribution Scheme at Annexure A.
2. Ms Kathryn Amy Emeny is appointed as Administrator of the Settlement Distribution Scheme.



3. By 4.00pm on 13 April 2020, a copy of the Settlement Distribution Scheme be given to all group members by the plaintiff, by his solicitors:
 - a) causing the Settlement Distribution Scheme to be sent by ordinary pre-paid post to the postal address for each person recorded on the database of RGMs maintained by Maddens Lawyers, and, where Maddens Lawyers has an email address for the person, to be sent to be sent by email to the person;
 - b) causing a copy of the Settlement Distribution Scheme to be published on Maddens Lawyers website; and
 - c) causing a copy of the Settlement Distribution Scheme to be provided to the Common Law Class Actions Coordinator to be published on the Supreme Court of Victoria's website.
4. The plaintiff's solicitors file and serve an affidavit as to compliance with paragraph 3 by 4.00pm on 20 April 2020.
5. On 6 October 2020 or upon completion of the Settlement Distribution Scheme, whichever is earlier, the Administrator file with the Court and email to the Common Law Class Actions Coordinator an affidavit reporting on the progress or, if appropriate, the completion of the administration.

Persons under disability

6. Pursuant to s 33ZF and r 2.04 of the *Rules*, compliance with r 15.08(2) of the *Rules* is dispensed with in respect of any compromise of a claim by a person under disability ('*Order 15 Group Members*').
7. The final assessed value of the claims of the Order 15 Group Members are to be included for pro rata distribution in accordance with clause 6.3 of the Settlement Distribution Scheme.

DATE AUTHENTICATED:

6 April 2020



THE HONOURABLE JUSTICE NICHOLS

