

**SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
GROUP PROCEEDINGS LIST**

S ECI 2020 04339

BETWEEN

PAUL ALLEN

First plaintiff

and

MONIKA ALLEN

Second plaintiff

and

G8 EDUCATION LIMITED

Defendant

ORDER

JUDGE:

The Honourable Justice Nichols

DATE MADE:

26 November 2021

ORIGINATING PROCESS:

Writ filed on 20 November 2020

HOW OBTAINED:

By the plaintiff's summons dated 20 May 2021

ATTENDANCE:

Ms F Forsyth QC with Mr D Fahey of counsel for the plaintiff

Ms C Harris QC with Mr J Page of counsel as contradictor

Mr R Craig QC with Ms J Findlay of counsel for the defendant

OTHER MATTERS:

1. The Court notes that the solicitors for the plaintiffs, Slater and Gordon Lawyers, executed a deed poll dated 15 April 2021, by which they agreed to pay any adverse costs payable by the plaintiff to the defendant in the proceeding.

2. These orders are made upon the provision by the plaintiffs of an undertaking in the terms set out in Annexure A hereto.



THE COURT ORDERS THAT:

1. Pursuant to s 33ZDA of the *Supreme Court Act 1986*:
 - (a) the legal costs payable to the solicitors for the plaintiffs and group members, Slater and Gordon Lawyers, be calculated as a percentage of the amount of any award or settlement that may be recovered in the proceeding, that percentage being 27.5% inclusive of GST (subject to further order); and
 - (b) liability for payment of the legal costs pursuant to order 1(a) be shared among the plaintiffs and all group members.

DATE AUTHENTICATED: **3 December 2021**



The Honourable Justice Nichols

ANNEXURE A

Form of plaintiff's undertaking

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The plaintiffs undertake not to apply in this proceeding for an order, under s 33ZDA of the *Supreme Court Act 1986*, setting out a percentage any greater than 27.5%.

Signed: _____
Paul Allen

Signed: _____
Monika Allen

Date: _____

