



FORM 46A

Rule 46.04(1)

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

Case: S ECI 2021 04440

Filed on: 09/05/2022 10:52 AM

No. S ECI 2021 04440

B E T W E E N

EDWARD JOHN NELSON

First Plaintiff

GAIL CHRISTINE NELSON

Second Plaintiff

-and-

BEACH ENERGY LIMITED (ACN 007 617 969)

Defendant

SUMMONS

Date of Document:	6 May 2022	Solicitors Code:	339
Filed on behalf of:	The Plaintiffs	DX:	229
Prepared by:	Slater and Gordon 485 La Trobe Street Melbourne VIC 3000	Tel:	(03) 9602 6866
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TO THE DEFENDANT

By their solicitors

You are summoned to attend before the Court on the hearing of an application by the plaintiffs for an order under section 33ZDA of the *Supreme Court Act 1986* (Vic) that:

1. The legal costs payable to the solicitors for the plaintiffs and group members, Slater and Gordon Limited, be calculated as a percentage of the amount of any award or settlement that may be recovered in the proceeding.
2. Subject to further order, the percentage referred to in order 1 above be 24.5% inclusive of GST.
3. Orders 1 and 2 are subject to the provision of an undertaking by the plaintiffs and the plaintiffs' solicitors, in the terms set out in Annexure A hereto.
4. Liability for payment of the legal costs pursuant to orders 1 and 2 be shared among the plaintiffs and all group members.
5. The solicitors for the plaintiffs and group members, Slater and Gordon Limited, be liable to pay any costs payable to the defendant in the proceeding.

6. The solicitors for the plaintiffs and group members, Slater and Gordon Limited, be liable to give any security for the costs of the defendant in the proceeding that the Court may order to be given.
7. Such other orders as the Court considers appropriate.
8. The costs of the application be costs in the proceeding.

The application will be heard before the Honourable Justice Nichols, Judge of the Supreme Court of Victoria, 210 William Street, Melbourne, on 19 May 2022 or so soon afterwards as the business of the Court allows.

FILED: 6 May 2022

This summons was filed by Mathew Chuk of Slater and Gordon Lawyers of 485 La Trobe street, Melbourne, solicitor for the plaintiffs.

ANNEXURE A

Form of undertaking

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

No. S ECI 2021 04440

B E T W E E N

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First Plaintiff

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Second Plaintiff

-and-

BEACH ENERGY LIMITED (ACN 007 617 969)

Defendant

The [plaintiffs]/[solicitors for the plaintiffs, Slater and Gordon Lawyers] 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 24.5% (inclusive of GST).

Signed: _____

Slater and Gordon

Date: 6 May 2022