

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

S ECI 2021 4440

BETWEEN

**EDWARD JOHN NELSON**

First plaintiff

and

**GAIL CHRISTINE NELSON**

Second plaintiff

and

**BEACH ENERGY LIMITED (ACN 007 617 969)**

Defendant

**ORDER**

- JUDGE:** The Honourable Justice Nichols
- DATE MADE:** 11 August 2022
- ORIGINATING PROCESS:** Writ filed on 25 November 2021
- HOW OBTAINED:** By the plaintiffs' summons dated 6 May 2022
- ATTENDANCE:** Mr A Pound SC with Ms K Dovey of counsel for the plaintiffs
- Mr D Sulan SC with Ms J Williams of counsel for the plaintiff in S ECI 2022 00256
- Mr R Craig QC with Ms J Findlay of counsel for the defendant
- OTHER MATTERS:**
- A The Court has made orders to stay proceeding S ECI 2022 00256.
- B These orders are subject to the provision by each of the plaintiffs and Slater and Gordon Limited of an undertaking in the terms set out in Annexure A hereto.



## THE COURT ORDERS THAT:

### Group costs order

- 1 Pursuant to s 33ZDA of the *Supreme Court Act 1986* (Vic):
  - (a) the legal costs payable to the solicitors for the plaintiffs and group members, Slater and Gordon Limited (**Slater and Gordon**), be calculated as a percentage of the amount of any award or settlement that may be recovered in the proceeding, that percentage being 24.5% 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; and
  - (c) Slater and Gordon be liable to:
    - (i) pay any costs payable to the defendant in the proceeding; and
    - (ii) give any security for the costs of the defendant in the proceeding that the Court may order to be given.

### Pleadings

- 2 On or before 12 August 2022, pursuant to rule 36.04 (1)(b) of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic), the plaintiffs are granted leave to file and serve an Amended Statement of Claim on the defendant addressing the items set out at paragraphs 94 and 95 of the Affidavit of Mathew Glen Chuk affirmed on 18 February 2022.

### Further directions

- 3 The proceeding be listed for a case management hearing not before 12 September 2022.

DATE AUTHENTICATED:

11 August 2022

A handwritten signature in blue ink is written over a red circular seal. The seal contains the text 'THE SUPREME COURT OF VICTORIA' around the perimeter and a central emblem featuring a crown and two figures.

**The Honourable Justice Nichols**

ANNEXURE A

Form of undertaking

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



S ECI 2021 04440

BETWEEN

**EDWARD JOHN NELSON**

First plaintiff

and

**GAIL CHRISTINE NELSON**

Second plaintiff

and

**BEACH ENERGY LIMITED (ACN 007 617 969)**

Defendant

The [plaintiffs]/[solicitors for the plaintiffs, Slater and Gordon Limited] undertake not to apply in this proceeding for an order under s 33ZDA(3) of the *Supreme Court Act 1986* (Vic) to amend the group costs order made by the Honourable Justice Nichols on 11 August 2022 in such a way so as to increase the percentage set out therein (being 24.5% (inclusive of GST)).

Signed: \_\_\_\_\_

Date: \_\_\_\_\_